

the Department of the Interior is deleting three systems of records managed by the U.S. Geological Survey. The three systems of records are deleted because the information is no longer used by the U.S. Geological Survey.

DATES: These actions will be effective upon publication in the **Federal Register** (May 18, 1999).

FOR FURTHER INFORMATION CONTACT: Maureen Ackerman, U.S. Geological Survey Privacy Act Officer, at (703) 648-7311.

SUPPLEMENTARY INFORMATION:

Three systems of records being deleted and the reasons for deletion are listed below:

1. Interior/USGS-09, "National Research Council Grants Program," previously published in the **Federal Register** on August 1, 1991 (56 FR 36822). The USGS no longer maintains any information covered by the Privacy Act and relating to this program. Status of the records: Disposition instructions for Privacy Act records relating to rejected grant proposals are "Destroy 3 years after investigation is completed." All these records have been destroyed. For Grant and Cooperative Agreement Case Files it is "Destroy 6 years after case is closed." Following these disposition instructions some of the records have already been destroyed and the last of the records will be destroyed in December 1999.

2. Interior/USGS-25, "Water Data Sources Directory," previously published in the **Federal Register** on August 1, 1991 (56 FR 36823). This system is no longer operational since the National Water Data Exchange Program Office and its network of Assistance Centers were closed in 1997. Status of the records: The disposition instructions for these records states "Destroy after 3 or more update cycles or when data elements are superseded." The system was phased out, the Directory is no longer in use, and records subject to the Privacy Act were destroyed in July 1998 according to the system manager.

3. Interior/USGS-26, "National Water Data Exchange (NAWDEX) User Accounting System," previously published in the **Federal Register** on January 7, 1982 (47 FR 869). NAWDEX and its network of Assistance Centers are closed. As a result, there is no longer any need to maintain information on individuals. Status of the records: The Privacy Act records associated with this

System were destroyed in July 1998 according to the system manager.

Maureen K. Ackerman,
Geological Survey Privacy Act Officer.
[FR Doc. 99-12448 Filed 5-17-99; 8:45 am]
BILLING CODE 4310-31-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Operation and Maintenance Rate Adjustment: Crow Irrigation Project, Montana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Operation and Maintenance (O&M) Rate Adjustment.

SUMMARY: The Bureau of Indian Affairs (BIA) is adjusting the assessment rates for operating and maintaining the Crow Irrigation Project (Project), Montana for the years 1998, 1999, 2000, and 2001.

DATES: The adjusted irrigation rates are effective for each irrigation season as indicated in the table.

FOR FURTHER INFORMATION CONTACT: Keith Beartusk, Area Director, Bureau of Indian Affairs, Billings Area Office, 316 North 26th Street, Billings, Montana 59101-1362, telephone (406) 247-7998.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs pursuant to part 209 Departmental Manual, Chapter 8.1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

This notice is given in accordance with § 171.1(e) of part 171, subchapter H, chapter I, of title 25 of the Code of Federal Regulations, which provides for the fixing and announcing the rates for annual operation and maintenance assessments and related information of the Crow Irrigation Project for Calendar Year 1998 and subsequent years.

The assessment rates are based on a prepared estimate of the cost of normal operation and maintenance of the irrigation project. Normal operation and maintenance means the expenses we incur to provide direct support or benefit to the project's activities for administration, operation, maintenance, and rehabilitation. We must include at least:

(a) Personnel salary and benefits for the project engineer/manager and our

employees under his management/control;

- (b) Materials and supplies;
- (c) Major and minor vehicle and equipment repairs;
- (d) Equipment, including transportation, fuel, oil, grease, lease and replacement;
- (d) Capitalization expenses;
- (e) Acquisition expenses; and
- (f) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

Payments

The irrigation operation and maintenance assessments become due based on locally established payment requirements. No water shall be delivered to any of these lands until all irrigation charges have been paid.

Interest and Penalty Fees

Interest, penalty, and administrative fees will be assessed, where required by law, on all delinquent operation and maintenance assessment charges as prescribed in the Code of Federal Regulations, title 4, part 102, Federal Claims Collection Standards, and 42 BIAM Supplement 3, part 3.8 Debt Collection Procedures. Beginning 30 days after the due date, interest will be assessed at the rate of the current value of funds to the U.S. Treasury. An administrative fee of \$12.50 will be assessed each time an effort is made to collect a delinquent debt; a penalty charge of 6 percent per year will be charged on delinquent debts over 90 days old and will accrue from the date the debt became delinquent. No water shall be delivered to any farm unit until all irrigation charges have been paid. After 180 days, a delinquent debt will be forwarded to the United States Treasury for further action in accordance with the Debt Collection Improvement Act of 1996 (Pub. L. 104-134).

Comments

On August 25, 1997, the BIA provided a notice in the **Federal Register**, 62 FR 44991, proposing to adjust the assessment rates for operating and maintaining the Project for 1998, 1999, 2000, 2001, and subsequent years. The notice of proposed rate adjustment provided a 30-day public comment period. Comments were received, the record was reviewed, and the following is in response to those comments.

Response to Comments: On August 25, 1997, the Assistant Secretary—Indian Affairs published in the **Federal Register** (62 FR 44991) a Notice of Proposed Irrigation Operation and

Maintenance (O&M) Rate Adjustment for the Project. The BIA sought comments to the proposed adjustments to the 1997 assessment rate of \$11.60 per acre. For 1998, the rate was proposed to increase by \$2.90, or 25 percent, to \$14.50 per assessable acre, and additional increases of 50 cents per assessable acre were proposed for the succeeding three years. In the notice, the BIA indicated that the proposed rates were based upon a prepared estimate of the costs of normal operation and maintenance of the Project. These costs included the expenses incurred by the BIA to provide direct support or benefit to the Project's activities, including salaries and benefits for Project personnel, materials and supplies, major and minor vehicle repairs, equipment, and other necessary expenses. The public was provided 30 days in which to comment on the proposed rate adjustment.

The BIA posted notices of the proposed rate adjustment at federal government facilities at the following towns in Montana: Hardin, Wyola, Saint Xavier, Garryowen, Crow Agency, and at the Billings Area Office, Billings, Montana. In addition, the notice was published in the "Big Horn County News, Hardin, Montana." The notice identified the proposed rate adjustment along with the date and location of a public meeting to be held to discuss the proposed rate adjustment. The public meeting took place on September 12, 1997, and was held at the BIA's Forestry Building, Crow Agency, Montana. At the public meeting, the Billings Area Office Irrigation Engineer and the Project Manager presented the budget for the 1998 rate. The proposed budget indicated that to meet projected operation and maintenance expenses, the Project would need to increase its annual rate for 1998, 1999, 2000, and 2001.

Comments were received from three individuals: Rodney Jabs of Hardin, MT; Reiny Jabs, Chairman, Big Horn District Water Users; and Lee Roy Schanaman, Big Horn District Director. Comments and objections were also filed by Douglas Y. Freeman, Secretary of the Big Horn Irrigation Users, attaching a Petition signed by 92 entities (including one duplicate and three corporations also represented by individual signers). The comments that were received opposed the proposed rate adjustment. The BIA has reviewed the comments to the proposed rate adjustment and the record compiled by the Project. Review of the proposed budget indicates that, in comparison to 1997, the proposed adjustments are in the areas of salaries, supplies and materials, and equipment.

Other expense categories propose only slight adjustments to reflect the annual increased costs of operating the Project.

Based upon this review and following due consideration of the comments received, the BIA concludes that the proposed rate adjustment is reasonable and necessary to ensure the continued operation and maintenance of the Project.

Comments regarding equipment, materials and personnel: Comments that were received stated concerns that the proposed rate adjustment will include an increase to support the acquisition of new equipment. The comments stated the belief that the Project presently has the appropriate equipment, materials and personnel to perform operation and maintenance of the system.

Response: Upon review of the Project's record, the BIA finds that, while existing equipment and personnel are adequate to perform minimal operation and maintenance functions, the Project does propose to accelerate its maintenance program to meet the demands of the water users, and to prevent future canal and lateral blowouts, such as the blowout that occurred in 1997 at the Soap Creek flume.

The unexpected cost of repairing the Soap Creek flume at the beginning of the irrigation season, reduced the Project's available funds. This required the Project to cut back its maintenance program and service to the water users. The proposed acceleration and expansion of the Project's preventive maintenance program to reduce the potential of future blowouts would increase the annual expenses of salaries, supplies, materials, and the maintenance and repair/replacement of existing heavy equipment.

The Project does anticipate replacing existing older heavy equipment that is reaching the end of its economical life. Moreover, increased expenditures to fund such necessary supplies as culverts, headgates, and concrete will benefit project operations. The Project does not propose expanding its current personnel allotment, but does anticipate filling currently vacant positions. The Project's allotted personnel roster consists of 1 project manager, 2 accounting technicians, 1 secretary, 1 supervisory civil engineer technician, 4 equipment operators, 2 lead irrigation system operators, and 6 irrigation system operators, for a total of 17 positions. Currently, the Project is operating with 1 project manager, 2 accounting technicians, 1 supervisory civil engineer technician, 3 equipment operators, 2 lead irrigation system operators, and 4 irrigation system

operators, for a total of 13 positions, a 24 percent vacancy rate. The Project personnel provide water to 36,965 irrigated acres, maintain and operate 346 miles of irrigation delivery system that contains 3,040 structures. The BIA thus finds the increase based upon equipment and personnel expenditures to be justified.

Comments regarding salary: The proposed salary budget constitutes two-thirds of the budget.

Response: The Project is composed of nine individual irrigation units within three water sheds. Those are the Big Horn, Little Big Horn, and Prior Creek water sheds. Project personnel provide water to 36,965 irrigated acres, and maintain and operate 346 miles of irrigation delivery system that contains 3,040 structures. The delivery of water requires that personnel traverse an area 70 miles one way.

A large percentage of the Project budget is required to meet salaries, due to the labor intensive nature of this Project. The project personnel who deliver water within the Big Horn and Prior Creek drainage, provide water to 24,582 acres, and maintain and operate 197 miles of irrigation delivery system and 1,514 structures. The personnel who deliver water to the Little Big Horn drainage, provide water to 12,383 acres, and maintain and operate 149 miles of irrigation delivery system and 1,526 structures. Delivering water and meeting the demands of the water users requires travel and constant monitoring and regulating over a large service area which requires a full work force of 17 personnel. These personnel are all paid from the O&M budget. To implement the proposed higher level of maintenance to reduce a rehabilitation backlog will require additional workforce expenditures. The BIA finds that the proposed budget for salaries to accomplish this is reasonable.

Comments regarding the percentage of the rate increase in one year: Comments complained of the 25 percent increase in one year with an overall increase of 38 percent.

Response: A review of the budget indicates that the proposed increases were based upon the previous six years of project expenses coupled with a stable O&M rate, and the expected inflation over the next four years. The future costs were determined by using the Bureau of Reclamation's "Construction Cost Trends" report, specifically the "Composite Trend," "machinery and equipment" and "Federal Salary" data. Six years without an O&M rate adjustment, and the lack of adequate rate relief in earlier years have resulted in a serious shortage of

adequate funding for preventive and repair maintenance in accordance with industry standards. During the six years of stable rates, there was a 17 percent increase in Project operation costs to include cost of living increases for salaries. Two-thirds of the proposed O&M rate adjustment would be to meet inflation; the remaining one-third is to fund the preventive maintenance program of the irrigation system. The \$2.90 increase for 1998 will help offset the lack of adequate rate relief for previous years, and thus enable the Project to meet demonstrated maintenance needs. The increase over subsequent years will only compensate for expected inflation each year. The percentage increases are 3.4 percent, 3.3 percent, 3.2 percent for 1999, 2000, and 2001, respectively. Given these circumstances and the resulting project needs, the BIA finds the magnitude of the increase to be reasonable.

Comments regarding access to budget: The water users request access to the Project's budget and to have input into what needs to be done and where the money is going.

Response: The Project annually mails over 1,100 O&M bills to all of the Project's water users. The cost to mail a copy of the budget to each water user is not cost effective due to reproduction and postal costs. Therefore, the annual budget for O&M is available at the Project Office, Crow Agency, Montana for review by the water users and the general public. For this proposed rate adjustment, the Project held a public meeting on September 12, 1997, to discuss the proposed rate adjustment and to present the Project budget. The participants at the meeting were provided copies of the proposed rate adjustment and the Project budget.

Prior to the above-mentioned public meeting, the Project met with the three irrigation districts associated with the Project on January 3, 1997. At this annual district meeting, the Project presented its 1998 budget. This meeting provided attendees to provide comment on the Project's budget and the need for a rate adjustment for the 1998 irrigation season.

Comments regarding the efficiency of the Project operation: The Project needs to develop plans for a systematic cleaning of canals and laterals, removal of unwanted pond weed, increase its efficiency, as present funds are underutilized.

Response: Maximizing the Project's efficiency is certainly a goal of the Project, and the Project will continue its efforts toward improving efficiency in its operations. However, to keep water moving through an irrigation delivery

system effectively and reliably requires that the canals and laterals be continually re-sloped, excess vegetation removed, structures repaired or replaced, and aquatic weed controlled. To accomplish this the Project requires that heavy equipment operators travel along the canal or lateral and re-slope and remove excessive vegetation with an excavator. The heavy equipment used to accomplish this also requires continual maintenance and repair. To accomplish aquatic weed control, the Project is restricted by environmental and public safety requirements. Chemicals used for these purposes must be approved. In recent years, these costs have increased both due to the increased cost of the chemicals and the manner in which they are applied.

The Project has maintained an O&M rate of \$11.60 per acre since 1992. The Project over the years has had to cut back on maintenance programs to keep the O&M costs within the \$11.60 per acre assessment. To continue operating the project at a \$11.60 per acre assessment would require further cuts of maintenance, further jeopardizing the operation of the Project. The proposed rate adjustments will provide the Project with adequate revenue to increase the maintenance program from the present level of 30 to 40 of the 3040 structures per year up to 50 to 60 structures per year, increase canal maintenance from its current level of 30 to 35 miles per year to 50 to 55 per year, and replace worn-out heavy equipment. The BIA finds that the proposed rate will help improve project efficiency.

Comments regarding the supervision of Project personnel: Comments stated concerns that field project personnel are unsupervised, unproductive, lack the knowledge of structures, maintenance, etc.

Response: The supervision of field irrigation personnel rests with the Project Manager. To assist the manager, there are one supervisory civil engineer technician, three equipment operators, two lead irrigation system operators, and four irrigation system operators. Any complaints a water user may have with any of the irrigation personnel should be reported in writing to the Project Manager, Crow Agency Superintendent or the Area Director, Billings Area Office. Any written complaints should contain information that identifies a situation in sufficient detail so that an inquiry may be conducted. In addition, the complaint must include the complainant's name, address, and telephone number.

The responsibility for the repair and/or replacement of the water delivery system structures lies with the Project

Manager and Supervisory Civil Engineer Technician. They have the required experience and expertise to effect repairs or replacement of Project structures. They also can rely on the BIA's Billings Area Office staff or the Bureau of Reclamation Regional Office staff for additional technical assistance that may be needed to accomplish the Project's maintenance program. The BIA finds that any complaints with Project personnel should be raised to the Project Manager or the Area Director; and do not form the basis here for contesting the rate adjustment.

Comments regarding the publication of the proposed rate increase:

Comments expressed concerns that the publication of the proposed rate adjustment should have been before or after a harvest season.

Response: The Project operates on a fiscal year cycle from October 1 through September 30 of each year and is required to submit a proposed budget for any given year to the Billings Area Office during the previous fiscal year. The Project submitted its request for a proposed rate adjustment for 1998 to the Billings Area Office in May 1997. The Billings Area Office approved the proposed rate adjustment and submitted it to the BIA Central Office, Washington, D.C., for final approval and publication in the **Federal Register**. On August 25, 1997 (62 FR 44991), the **Federal Register** published the proposed O&M rate. All interested parties were given 30 days to submit written comments.

To ensure the water users were aware, the Project was proposing an O&M rate adjustment. The Project posted copies of the **Federal Register** Notice at all federal facilities within its area. In addition to this posting, the Project also announced a public meeting to solicit comments from the public regarding the proposed O&M rate adjustment. This meeting was held on September 12, 1997.

The BIA will review its process for notifying the public for proposed rate adjustments, and will strive to avoid the harvest season in future rate adjustments.

Conclusion

Following review of the Project record and the comments received, the BIA determined that the overall and compelling need for the Project to bring its budget to current financial levels; thus, properly maintaining the Project facilities and rendering the proposed rate adjustment both necessary and reasonable. While we have considered the objections of the water users, we affirm the Project's proposed budgets and issue this final rate notice. Specific concerns expressed by the water users

as to the time of the proposed rate adjustments and requesting access to and input in the budgetary process, will be accommodated more fully in future rate adjustment situations.

Executive Order 12988

The Department has certified to the Office of Management and Budget (OMB) that this rate adjustment meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866

This rate adjustment is not a significant regulatory action and has been reviewed by the Office of

Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

Executive Order 12630

The Department has determined that this rate adjustment does not have significant "takings" implications.

Executive Order 12612

The Department has determined that this rate adjustment does not have

significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

Unfunded Mandates Act of 1995

This rate adjustment imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Rate Adjustment

The following table illustrates the impact of the rate adjustment:

CROW IRRIGATION PROJECT—IRRIGATION RATE PER ASSESSABLE ACRE

Year	1997	1998	1999	2000	2001
Rate	\$11.60	\$14.50	\$15.00	\$15.50	\$16.00

Dated: May 11, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99-12387 Filed 5-17-99; 8:45 am]

BILLING CODE 4310-02-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-066-1430-01; CACA-12720]

Opening Order

AGENCY: Bureau of Land Management.
ACTION: Termination of Recreation and Public Purposes Classification and Opening Order, San Diego County, California.

SUMMARY: This notice terminates the existing Recreation and Public Purposes Classification and opens the affected lands to disposal by exchange.

EFFECTIVE DATE: Immediately upon publication.

FOR FURTHER INFORMATION CONTACT: Diane Gomez, Palm Springs-South Coast Field Office, BLM, P.O. Box 1260, North Palm Springs, CA 92258-1260, (760) 251-4852.

SUPPLEMENTAL INFORMATION: On April 28, 1983, the land described below was classified as suitable for lease or sale pursuant to the Recreation and Public Purposes (R&PP). No R&PP development has occurred, therefore the R&PP classification is hereby terminated to allow other uses consistent with planning and current land classification. The lands are opened only to disposal by exchange pursuant to section 206 of the Federal Land Policy and

Management Act of 1976 (43 U.S.C. 1716):

San Bernardino Meridian, California

T. 13 S., R. 3 W., Sec: 23, SW¹/₄SW¹/₄NE¹/₄, NW¹/₄NW¹/₄SE¹/₄, S¹/₂NW¹/₄SE¹/₄, Containing 40.00 acres.

Dated: May 12, 1999.

James G. Kenna,

Field Office Manager.

[FR Doc. 99-12444 Filed 5-17-99; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-050-99-1430-01; AZA 25991]

Arizona: Notice of Realty Action; Bureau Motion Recreation and Public Purposes Classification; La Paz County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public land in the Town of Quartzsite, Arizona, has been examined and found suitable for classification for lease or conveyance under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*):

Gila and Salt River Meridian, Arizona

T. 4 N., R. 19 W.,

Sec. 15, E¹/₂, N¹/₂NW¹/₄, N¹/₂S¹/₂NW¹/₄, N¹/₂SW¹/₄SW¹/₄NW¹/₄, SE¹/₄SE¹/₄NW¹/₄, NE¹/₄NE¹/₄SW¹/₄, S¹/₂N¹/₄SW¹/₄, N¹/₂SW¹/₄SW¹/₄, SE¹/₄SW¹/₄;

Sec. 17, all;

Sec. 20, N¹/₂, SW¹/₄, N¹/₂SE¹/₄, SW¹/₄SE¹/₄, N¹/₂SE¹/₄SE¹/₄, SW¹/₄SE¹/₄SE¹/₄, S¹/₂SE¹/₄SE¹/₄SE¹/₄;

Sec. 21, W¹/₂NE¹/₄, N¹/₂NW¹/₄, N¹/₂SW¹/₄NW¹/₄, NE¹/₄SE¹/₄NW¹/₄, S¹/₂S¹/₂NW¹/₄ excluding 23.969 acres under Recreation and Public Purposes classification and lease AZA 22501;

Sec. 22, lot 1, N¹/₂NE¹/₄, N¹/₂SW¹/₄NE¹/₄, SE¹/₄SW¹/₄NE¹/₄, SE¹/₄NE¹/₄, SE¹/₄SE¹/₄;

Sec. 23, N¹/₂, SE¹/₄SW¹/₄SW¹/₄, N¹/₂SE¹/₄, N¹/₂S¹/₂SE¹/₄, N¹/₂SW¹/₄SW¹/₄SE¹/₄, SE¹/₄SW¹/₄SW¹/₄SE¹/₄, SE¹/₄SE¹/₄SW¹/₄SE¹/₄, E¹/₂SW¹/₄SE¹/₄SE¹/₄, W¹/₂SE¹/₄SE¹/₄SE¹/₄;

Sec. 26, S¹/₂NE¹/₄NE¹/₄NE¹/₄NE¹/₄, W¹/₂NE¹/₄NE¹/₄NE¹/₄, SE¹/₄NE¹/₄NE¹/₄NE¹/₄, E¹/₂NW¹/₄NE¹/₄NE¹/₄, S¹/₂NW¹/₄NW¹/₄NE¹/₄NE¹/₄, SW¹/₄NW¹/₄NE¹/₄NE¹/₄, NE¹/₄NE¹/₄NW¹/₄NE¹/₄, S¹/₂NE¹/₄NW¹/₄NE¹/₄, NE¹/₄NW¹/₄NW¹/₄NE¹/₄, S¹/₄NW¹/₄NW¹/₄NE¹/₄, S¹/₂N¹/₂NE¹/₄, S¹/₂NE¹/₄, S¹/₂NE¹/₄NE¹/₄NW¹/₄, W¹/₂NE¹/₄NW¹/₄, SE¹/₄NE¹/₄NW¹/₄, SE¹/₄NW¹/₄;

Sec. 28, E¹/₂NW¹/₄SE¹/₄, S¹/₂NW¹/₄NW¹/₄SE¹/₄, SW¹/₄NW¹/₄SE¹/₄;

Sec. 29, W¹/₂SW¹/₄NE¹/₄NE¹/₄.

The areas described aggregate 3,023.05 acres, more or less.

SUPPLEMENTARY INFORMATION: This action is a motion by the Bureau of Land Management to make available land to support community expansion. This land is identified in the Yuma District Resource Management Plan, as amended, as having potential for disposal. Lease or conveyance of the land for recreational or public purposes would be in the public interest.

Lease or conveyance of the land will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.