

Inert ingredients	Limits	Uses
Vinyl alcohol-vinyl acetate copolymer, benzaldehyde-o-sodium sulfonate condensate, minimum number average molecular weight (in amu) 20,000.	* * *	* Water soluble resin.
Vinyl pyrrolidone-acrylic, acid copolymer (CAS Reg. No. 28062-44-4), minimum number average molecular weight (in amu) 6,000.	* * *	* Adhesive, dispersion stabilizer and coating for sustained release granules.
	* * *	*

[FR Doc.97-26015 Filed 9-30-97; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 1820****[WO-350-1430-00-24 1A]****RIN 1004-AC83****Application Procedures****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to revise 43 CFR part 1820, which addresses general application procedures, to streamline, modernize and clarify the existing provisions, and remove obsolete and unnecessary requirements. The proposed rule describes how to file an application or other documents with BLM; provides guidance on how BLM determines priority for applications filed simultaneously; and contains procedures for payments and refunds, and requirements for publication and posting of notices.

DATES: *Comments:* Any comments must be received by BLM at the address below by December 1, 1997. BLM will not necessarily consider any comments received after the above date during its decisionmaking on the proposed rule.

ADDRESSES: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, D.C. 20240. You may also comment via the internet to WOCComment@wo.blm.gov. Please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "attn: AC 83" and your name and return address in your message. If you do not receive a confirmation from the system that we have received your

internet message, contact us directly at (202) 452-5030.

Finally, you may hand-deliver comments to BLM at 1620 L Street, NW, Room 401, Washington, D.C. Comments, including names and street addresses of respondents, will be available for public review at this address during regular business hours, 7:45 a.m. to 4:15 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality, which BLM will consider on a case-by-case basis. If you wish to request that BLM consider withholding your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Mary Linda Ponticelli, Telephone: (202) 452-0364, or Frances Watson, Telephone: (202) 452-5006 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

I. Public Comment Procedures*Written Comments*

Written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the commenter is addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background

Since public land records contain the basic land title information for over two-thirds of the nation's real property, BLM places great importance on providing standardized methods for processing applications for public lands to ensure that BLM processes all applications received in an equitable and efficient manner. When the public lands were open to settlement under various laws, BLM established specific procedures for filing each type of application pertaining to land use authorizations. Despite the existence of detailed application procedures for specific BLM programs, BLM recognized the need to have general procedures applicable to all BLM land use authorization programs addressed in a centralized location in the Code of Federal Regulations. Although there may be certain variances among application procedures for specific land use authorizations, for example, filing fees, the general procedures covered in these regulations have assisted BLM in determining priority among those applications (sometimes numbering in the thousands) competing for the same claim or parcel.

These general procedural regulations continue to serve important functions, such as informing members of the public of proposed BLM actions or decisions through publication and posting of notices. Thus, there is still a need for general procedural direction to ensure consistency in processing documents and uniformity in treatment of all BLM's customers.

III. Discussion of Proposed Rule

This proposed rule, which would revise the application procedures at 43 CFR part 1820, provides general information on how to file documents with BLM, such as applications for various BLM resource programs. The proposed rule will continue to provide addresses and geographical areas of jurisdiction of BLM State Offices, as well as standardized requirements for such things as application procedures, filing times and locations for filing. This proposed rule also contains guidance as

to how BLM determines "first in line" priority for applications filed simultaneously; procedures for payments and refunds; and requirements for posting and publication of notices.

Many of the changes in the proposed rule would have no substantive effect on the current regulatory framework, but rather merely rewrite the existing provisions in Plain English, and rename and renumber subparts and sections. To keep the focus of the regulations on general application procedures, we have removed certain regulatory provisions that pertain to specific BLM resource programs, for example, section 1821.5-3 (mining claims), as these provisions are addressed in program-specific regulations found in other parts and subparts of this title. (See 43 CFR 3862.1-1(c).)

The proposed rule also would remove subpart 1823 (Proofs and Testimony) and subpart 1826 (Reinstatement of Cancelled Entries) in their entirety, as their applicability is now limited to desert land entries and pertinent provisions are addressed in part 2520 of this title, Desert Land Entries. Many procedural requirements that are no longer applicable would also be removed, e.g., requirements addressed in section 1821.6, pertaining to time constraints for applications filed in BLM offices in Alaska; and requirements addressed in section 1822.3 (Act of June 16, 1880), pertaining to homesteads. Existing subpart 1822 (Payments and Repayments) would be renamed Payments and Refunds and redesignated subpart 1823, and a new subpart 1822 would be added. We have changed the general rule in § 1821.5 that applications relating to lands in more than one land district must be filed in each office having jurisdiction over the lands. Instead, proposed § 1822.16 would provide that the application could be filed with any BLM State Office having jurisdiction over the lands. This proposed change adopts as the general rule the practice now followed for right-of-way grants, as provided in 43 CFR 2802.2-1(d). We specifically invite comment on this change.

With respect to requests for refunds filed by heirs, executors, administrators, assignees, and mortgagees, we are removing from redesignated subpart 1823 listings of detailed information that adverse claimants may submit for refunds. Very rarely does BLM receive a request for a refund from anyone other than an applicant and, therefore, it is counterproductive to BLM's efforts to streamline and to clarify its regulations to list all the various types of

documentation that third parties can file with BLM as proof of entitlement for a refund. Upon request, BLM offices will provide information regarding appropriate documentation. We have deleted details of publishing a notice from subpart 1824, as those details are addressed in program-specific regulations. (See, for example, 43 CFR 2541.5(a).) We have also deleted the specific requirements in § 1824.1-1 regarding qualifications of newspapers in which notices are published.

The more notable substantive changes include proposed section 1822.13, which would allow certain applications that do not require an original signature to be filed electronically, and redesignated section 1823.10, which would provide that BLM now accept payments by Visa or Master Card in addition to more traditionally accepted forms of payment.

The most significant change is the conversion to Plain English, a process that BLM believes will significantly clarify what an applicant must do to complete a successful application. By making its procedures streamlined, modern and easier to understand, BLM can improve its relationship with its customers and use its resources more efficiently. The conversion of part 1820 is, therefore, a key step in BLM's overall regulatory reform effort.

These general regulations are supplemented by specific BLM program regulations. If there is a conflict, the specific program regulations will govern.

IV. Procedural Matters

National Environmental Policy Act

BLM has prepared an environmental assessment (EA), and has found that the proposed rule would not constitute a major Federal action significantly affecting the quality of the human environment under Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified previously. BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**), and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the *Written Comments* section above, or contact us directly.

Paperwork Reduction Act

This rule does not contain information collection requirements that the Office of Management and Budget

must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. Based on the discussion contained in this preamble above—that the proposed rule would merely convert text to Plain English, update existing provisions, and abolish unnecessary requirements—BLM anticipates that this proposed rule will have no significant impact on the public at large. Therefore, BLM has determined under the RFA that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Revising 43 CFR 1820 will not result in any unfunded mandate to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year.

Executive Order 12612

The proposed rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, in accordance with Executive Order 12612, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12630

The proposed rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the rule is the conversion to Plain English and to abolish unnecessary regulatory provisions, there will be no private property rights impaired as a result. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or

require further discussion of takings implications under this Executive Order.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the proposed rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this rule is Mary Linda Ponticelli, Planning Assessment, and Community Support Group, Telephone: 202-452-0364 (Commercial or FTS), assisted by Frances Watson, Regulatory Affairs Group, Telephone: 202-452-5006, and Ted Bingham of the Arizona State Office.

List of Subjects in 43 CFR Part 1820

Administrative practice and procedure; Archives and records; Public lands.

Dated: September 25, 1997.

Sylvia V. Baca,

Deputy Assistant Secretary—Land and Minerals Management.

Accordingly, BLM proposes to revise Part 1820 of Group 1800, subchapter A, chapter II of Title 43 of the Code of Federal Regulations as set forth below:

PART 1820—APPLICATION PROCEDURES

Subpart 1821—General Information

- 1821.10 Where are BLM offices located?
- 1821.11 During what hours may I file an application?
- 1821.12 Are these the only regulations that will apply to my application or other required document?

Subpart 1822—Filing a Document With BLM

- 1822.10 How should my name appear on applications and other required documents that I submit to BLM?
- 1822.11 What must I do to make an official filing with BLM?
- 1822.12 Where do I file my application or other required documents?
- 1822.13 May I file electronically?
- 1822.14 What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?

1822.15 If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?

1822.16 Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?

1822.17 When are documents considered filed simultaneously?

1822.18 How does BLM decide in which order to accept documents that are simultaneously filed?

Subpart 1823—Payments and Refunds

1823.10 How may I make my payments to BLM?

1823.11 What is the authority for BLM issuing a refund of payment?

1823.12 When and how may I obtain a refund?

1823.13 Is additional documentation needed when a third party requests a refund?

Subpart 1824—Publication and Posting Notices

1824.10 What is a publication?

1824.11 What does it mean to post a notice?

1824.12 Why must I post a notice?

1824.13 If I must post a notice on the land, what are the requirements?

1824.14 How does BLM choose a newspaper in which to publish a notice?

1824.15 How many times must BLM publish a notice?

1824.16 Who pays for publication?

1824.17 Does the claimant or applicant pay for an error by the printer of the paper in which the notice appears?

Subpart 1825—Relinquishments

1825.10 If I relinquish my interest (such as a claim or lease) in public land, am I relieved of all further responsibility associated with that interest?

1825.11 When are relinquishments effective?

1825.12 When does relinquished land become available again for other application or appropriation?

Authority: 5 U.S.C. 552, 43 U.S.C. 2, 1201, 1733, and 1740.

Subpart 1821—General Information

§ 1821.10 Where are BLM offices located?

(a) In addition to the national Headquarters Office in Washington, D.C. and five specialty centers, BLM operates 12 State Offices, each having several subsidiary offices called District Offices and Resource Area Offices. The addresses of the State Offices and their respective geographical areas of jurisdiction are as follows:

State Offices and Areas of Jurisdiction:

Alaska State Office, 222 West 7th Avenue, #13, Anchorage, AK 99513-7599—ALASKA

Arizona State Office, 3707 North 7th Street, Phoenix, AZ 85014-5080; Mail: P.O. Box 16563, Phoenix, AZ 85011-6563—ARIZONA

California State Office, 2135 Butano Drive, Sacramento, CA 95825—CALIFORNIA
Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215-7076—COLORADO

Eastern States Office, 7450 Boston Boulevard, Springfield, VA 22153—ARKANSAS, IOWA, LOUISIANA, MINNESOTA, MISSOURI, AND ALL STATES EAST OF THE MISSISSIPPI RIVER

Idaho State Office, 3380 Americana Terrace, Boise, ID 83706-2500—IDAHO

Montana State Office, Granite Tower, 222 North 32nd Street, Billings, MT 59101; Mail: P.O. Box 36800, Billings, MT 59107-6800—MONTANA, NORTH DAKOTA AND SOUTH DAKOTA

Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520-0006—NEVADA

New Mexico State Office, 1474 Rodeo Drive, Santa Fe, NM 87505; Mail: P.O. Box 27115, Santa Fe, NM 87502-0115—KANSAS, NEW MEXICO, OKLAHOMA AND TEXAS

Oregon State Office, 1515 S.W. 5th Avenue, P.O. Box 2965, Portland, OR 97208-2965—OREGON AND WASHINGTON

Utah State Office, CFS Financial Center, 324 South State Street, Salt Lake City, UT 84111-2303 Mail: P.O. Box 45155, Salt Lake City, UT 84145-0155—UTAH

Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82003; Mail: P.O. Box 1828, Cheyenne, WY 82003—WYOMING AND NEBRASKA

(b) A list of the names, addresses and geographical areas of jurisdiction of all District and Resource Area Offices of the Bureau of Land Management can be obtained at these addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240.

§ 1821.11 During what hours may I file an application?

You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday, excluding national holidays, at least from 9 a.m. to 3 p.m., local time.

§ 1821.12 Are these the only regulations that will apply to my application or other required document?

No. The regulations in this part are supplemented by specific program regulations. If there is a conflict, the specific program regulations will govern.

Subpart 1822—Filing a Document With BLM**§ 1822.10 How should my name appear on applications and other required documents that I submit to BLM?**

Your full name should appear on your application and other required documents.

§ 1822.11 What must I do to make an official filing with BLM?

You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through personal delivery or by mailing via the United States Postal Service or other delivery service, except for those applications that may be filed electronically under § 1822.13, or unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

§ 1822.12 Where do I file my application or other required documents?

You should file your application or other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office (such as a State Office or District Office) where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, you should contact your local BLM office for information.

§ 1822.13 May I file electronically?

For certain types of applications BLM will accept your electronic filing if an original signature is not required. If BLM requires your signature, you must file your application or document by personal delivery or by mailing. If you have any questions regarding which types of applications can be electronically filed, you should check with the BLM office where you intend to file your application.

§ 1822.14 What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?

BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

§ 1822.15 If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?

BLM can consider it timely filed if:

- (a) The law permits BLM to do so;

- (b) No intervening third party interests or rights have been created or established during the intervening period; and

- (c) BLM decides filing after the specified period would not interfere with the orderly conduct of business.

§ 1822.16 Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?

You may file your application with any BLM State Office having jurisdiction over the subject lands. You should consult the regulations of the particular BLM resource program involved for more specific information.

§ 1822.17 When are documents considered filed simultaneously?

(a) BLM considers two or more documents simultaneously filed when:

- (1) They are received at the appropriate BLM office at the same time; or
- (2) They are filed in conjunction with an order that specifies that documents received by the appropriate office during a specified period of time will be considered as simultaneously filed.

(b) An application or document that arrives at the BLM office where it is to be filed when the office is closed for the entire day will be considered as filed on the day and hour the office next officially opens.

(c) Nothing in this section will deny any preference right granted by applicable law or regulation or validate a document which is invalid under applicable law or regulation.

§ 1822.18 How does BLM decide in which order to accept documents that are simultaneously filed?

BLM makes this decision by a drawing open to public view.

Subpart 1823—Payments and Refunds**§ 1823.10 How may I make my payments to BLM?**

(a) Unless specific regulations provide otherwise, you may pay by:

- (1) United States currency; or
- (2) Checks, money orders, or bank drafts made payable to the Bureau of Land Management; or
- (3) Visa or Master Card credit charge, except as specified by pertinent regulation(s).

(b) You are responsible for BLM's costs of collecting payment if insufficient funds back your form of payment and cause BLM to institute collection procedures.

1823.11 What is the authority for BLM issuing a refund of a payment?

BLM can issue you a refund under the authority of Section 304(c) of the

Federal Land Policy and Management Act, 43 U.S.C. 1734.

§ 1823.12 When and how may I obtain a refund?

(a) In making a payment to BLM, if the funds or fees you submitted to BLM exceed the amount required or if the regulations in this part provide that fees submitted to BLM must be returned in certain situations, you may be entitled to a full or partial refund.

(b) If you believe you are due a refund, you may request it from the BLM office where you previously submitted your payment. You should state the reasons why you believe you are entitled to a refund and include a copy of the appropriate receipt, canceled check, or other relevant documents.

§ 1823.13 Is additional documentation needed when a third party requests a refund?

Yes. When refund requests are made by heirs, executors, administrators, assignees, or mortgagees, BLM may require additional documentation to establish entitlement to a refund. If you are an heir, executor, administrator, assignee or mortgagee, you should contact the BLM office where you will file your refund application for information regarding appropriate documentation.

Subpart 1824—Publication and Posting of Notices**§ 1824.10 What is publication?**

Publication means publishing a notice announcing an occurrence or a proposed action in the **Federal Register**, a local newspaper of established character and general circulation in the vicinity of the land affected or other appropriate periodical. BLM's purpose in publishing or causing the publication of such information is to advise you and other interested parties that some action will occur and that the public is invited either to participate or to comment.

§ 1824.11 What does it mean to post a notice?

Posting a notice is similar to publishing a notice except that the notice is displayed at the appropriate BLM office, local courthouse or similar prominent local government building or on a prominent fixture such as a building, tree or post located on the particular public lands involved.

§ 1824.12 Why must I post a notice?

The posting of a notice informs those persons who may be interested in the lands or resources described, who have

valid information to provide, or who may wish to oppose the proposal.

§ 1824.13 If I must post a notice on the land, what are the requirements?

The posted notice must be visible throughout the time period for posting specified in the regulations governing the relevant program. BLM or its regulations may require additional posting, such as in a post office or city hall. For any additional posting requirements, you should see applicable Federal and State law, the regulations of the particular BLM resource program and any additional BLM requirements associated with your application.

§ 1824.14 How does BLM choose a newspaper in which to publish a notice?

BLM bases its choice of newspapers on their reputation and frequency and level of circulation in the vicinity of the public lands involved.

§ 1824.15 How many times must BLM publish a notice?

The number of times that BLM will publish or cause to be published a notice depends on the publication

requirements for the particular action involved. You should see the applicable law and the regulations governing specific BLM resource programs for information on the requirements for publication for a particular action.

§ 1824.16 Who pays for publication?

The cost of publication is the responsibility of the claimant or applicant.

§ 1824.17 Does the claimant or applicant pay for an error by the printer of the paper in which the notice appears?

No, the claimant or applicant is not responsible for costs involved in correcting an error by the printer.

Subpart 1825—Relinquishments

§ 1825.10 If I relinquish my interest (such as a claim or lease) in public lands, am I relieved of all further responsibility associated with that interest?

No. You are still responsible for fulfilling regulatory, statutory, lease, permit and other contractual obligations such as performance of reclamation and payment of rentals accruing before the time of relinquishment. You should see

the regulations relating to the specific BLM resource program involved for more detailed information.

§ 1825.11 When are relinquishments effective?

Generally, BLM considers a relinquishment to be effective when it is received, along with any required fee, in the BLM office having jurisdiction of the lands being relinquished. However, the specific program regulations govern effectiveness of relinquishments.

§ 1825.12 When does relinquished land become available again for other application or appropriation?

Relinquished land does not again become available until BLM notes the filed relinquishment of an interest on the land records maintained by the BLM office having jurisdiction over the lands involved. If you have any questions regarding the availability of a particular tract of land, you should contact the BLM office having jurisdiction over the lands or records.

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