

that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

II. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

Electronic comments may be sent directly to EPA at:
opp-docket@epamail.epa.gov.

Electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Objections and hearing requests will also be accepted on disks in WordPerfect 51/6.1 or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300616]. No CBI should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

III. Regulatory Assessment Requirements

This final rule extends a time-limited tolerance that was previously extended by EPA under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive

Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). In addition, this final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

Since this extension of an existing time-limited tolerance does not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 3, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 180.425 [Amended]

2. In § 180.425, by amending paragraph (b) in the table, for the commodity "watermelons" by removing the date "May 30, 1998" and by adding in its place "5/30/99."

[FR Doc. 98-6385 Filed 3-17-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5040

[WO-130-1820-0024 1A]

RIN 1004-AC93

Sustained-Yield Forest Units

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: BLM is revising the regulations on sustained yield forest units to remove obsolete or unnecessary sections and update the remaining regulations that are still necessary for the administration of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon (referred to in this rule as O. and C. lands).

EFFECTIVE DATE: April 17, 1998.

ADDRESSES: You may send inquiries or suggestions to: Director (630), Bureau of Land Management, 1849 C Street, N.W., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lyndon Werner, telephone: 503-952-6071; or Erica Petacchi, telephone: 202-452-5084.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Final Rule as Adopted
- III. Responses to Comments
- IV. Procedural Matters

I. Background

The final rule published today is a stage of a rulemaking process that revises the regulations in 43 CFR part 5040. This rule was preceded by a proposed rule published on November 15, 1996 in the **Federal Register** at 61 FR 58501. The proposed rule provided for a comment period of 60 days, and BLM received no public comments.

The final rule is part of BLM's initiative to streamline its regulations in the Code of Federal Regulations (CFR). BLM is removing unnecessary or obsolete regulations, and making the remainder of the regulations more understandable and relevant. BLM has determined that the existing regulations on master units and cooperative sustained-yield units are obsolete and will be removed from the CFR. The regulations on establishing sustained-yield forest units are still necessary, and BLM is rewriting this section to remove references to master units and cooperative sustained-yield units. The section on exchanges is still relevant, but is merely a restatement of the statutory language, and will be removed.

II. Final Rule as Adopted

The final rule removes obsolete requirements from the CFR and duplicative provisions that can be found in the underlying statutes. This rule will allow BLM to dissolve the existing master units and establish more appropriately configured sustained-yield forest units.

Subpart 5040—Sustained-Yield Unit and Cooperative Agreements

This subpart is removed in its entirety. These regulations merely restate the language in the Act of August 28, 1937 (50 Stat. 874, 43 U.S.C. 1181) ("the Act").

Subpart 5041—Annual Productive Capacity

This subpart is rewritten for clarity but not changed in any substantial way. BLM will continue to declare the annual productive capacity of the O. and C. lands under the principle of sustained-yield.

Subpart 5042—Master Units

This subpart is removed in its entirety. For the reasons presented in the Background section of the proposed rule (61 FR 58501–58504, November 15, 1996), BLM does not need to designate master units as an interim step to designating sustained-yield forest units and cooperative agreements. The currently designated master units will remain in effect until the final rule is effective and BLM completes the

process for the designation of sustained-yield forest units.

Subpart 5043—Sustained-Yield Forest Units

This subpart is revised to improve clarity and consistency with the removal of subpart 5042—Master Units. The revision has no effect on BLM's customers because it does not diminish the level of public involvement in BLM's determination of sustained-yield forest units.

Subpart 5044—Cooperative Sustained-Yield Agreements

This subpart is removed in its entirety. There are currently no cooperative sustained-yield agreements or any apparent interest in their designation. If this changes, the O. and C. Lands Act provides for their designation and regulations governing their designation can again be published.

Subpart 5045—Exchanges

This subpart is removed in its entirety. This removal has no effect on BLM's operations, because BLM will still have the authority to exchange O. and C. lands under the Act of July 31, 1939.

The remaining sections of part 5040 are rewritten and renumbered in a new part 5040.

III. Responses to Comments

BLM received no comments from the public. In developing this final rule, however, BLM identified several issues that needed minor clarifications:

1. Section 5040.5(a) needs clarifying language to explain that until BLM follows the process of designating Sustained Yield Units, the Master Units remain in effect and section 5040.5(a) does not apply.

2. In the proposed rule, BLM referred to the lands affected by the regulations in two different ways: "the lands it manages in western Oregon" and "the O. and C. lands." Reviewers suggested that BLM should be consistent by referring to the lands affected as "the O. and C. lands."

In the final rule, we have corrected these minor inconsistencies, by:

1. Adding the following statement to section 5040.4: "Until new sustained-yield forest units are designated for the first time in accordance with 43 CFR 5040, the current master unit designations will continue to be in effect"; and

2. Adding the following to section 5040.1, after the first sentence: "These lands are hereafter referred to as 'the O. and C. lands.'"

IV. Procedural Matters

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and has found that the 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, 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**).

Paperwork Reduction Act

This rule contains no information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

Congress enacted The Regulatory Flexibility Act of 1980, 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. This rule will not have a significant economic impact on a substantial number of small entities. The rule provides for a new process by which BLM may establish sustained-yield forest units. Before BLM can establish units, we must hold public hearings in the areas affected by the proposed units. This gives any potentially affected small entity the chance to provide input to BLM that could influence the outcome of the proposals. In addition, the O. and C. Lands Act provides that when BLM establishes sustained-yield forest units, the units must provide a permanent source of raw materials to support local communities and industries, giving due consideration to established forest products operations. For these reasons, BLM has determined that there is no need to prepare a regulatory flexibility analysis.

Unfunded Mandates Reform Act

Revision of 43 CFR part 5040 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 final 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 the various levels of government. Therefore, in accordance with Executive Order 12612, BLM has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12630

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. The final rule will allow BLM to establish new sustained-yield forest units, and will remove several obsolete provisions in the part 5040 regulations, but there will be no private property rights impaired as a result. Therefore, BLM 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 final rule is not a significant regulatory action. As such, the final 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 Lyndon Werner, Oregon State Office, Bureau of Land Management, 1849 C Street NW., Room 401LS, Washington DC 20240; Telephone: 202-452-5042 (Commercial or FTS).

List of Subjects for 43 CFR Part 5040

Forests and forest products, Public lands.

Dated: February 18, 1998.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

For the reasons stated above, and under the authority of 43 U.S.C. 1740, subchapter B, BLM is revising Part 5040, Group 5000, Subchapter E, Chapter II of Title 43 of the Code of Federal Regulations to read as follows:

PART 5040—SUSTAINED-YIELD FOREST UNITS**Sec.**

- 5040.1 Under what authority does BLM establish sustained-yield forest units?
- 5040.2 What will BLM do before it establishes sustained-yield forest units?
- 5040.3 How does BLM establish sustained-yield forest units?
- 5040.4 What is the effect of designating sustained-yield forest units?
- 5040.5 How does BLM determine and declare the annual productive capacity?

Authority: 43 U.S.C. 1181e; 43 U.S.C. 1740.

§ 5040.1 Under what authority does BLM establish sustained-yield forest units?

BLM is authorized, under the O. and C. Lands Act (43 U.S.C. 1181a *et seq.*) and the Federal Land Policy and Management Act, to divide the lands it manages in western Oregon into sustained-yield forest units. These lands are hereafter referred to as "the O. and C. lands." BLM establishes units that contain enough forest land to provide, insofar as practicable, a permanent source of raw materials to support local communities and industries, giving due consideration to established forest products operations.

§ 5040.2 What will BLM do before it establishes sustained-yield forest units?

Before BLM designates sustained-yield forest units, it will:

- (a) Hold a public hearing in the area where it proposes to designate the units. BLM will provide notice, approved by the BLM Director, to the public of any hearing concerning sustained-yield forest units. This notice must be published once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the forest units are situated. BLM may also publish the notice in a trade publication; and
- (b) Forward the minutes or meeting records to the BLM Director, along with an appropriate recommendation concerning the establishment of the units.

§ 5040.3 How does BLM establish sustained-yield forest units?

After a public hearing, BLM will publish a notice in a newspaper of general circulation in the county or counties affected by the proposed units, stating whether or not the BLM Director has decided to establish the units. If the BLM Director determines that the units should be established, BLM will include in its notice information on the geographical description of the sustained-yield forest units, how the public may review the BLM document that will establish the units, and the date the units will become effective.

BLM will publish the notice before the units are established.

§ 5040.4 What is the effect of designating sustained-yield units?

Designating new sustained-yield forest units abolishes previous O. and C. master unit or sustained-yield forest unit designations. Until new sustained-yield forest units are designated for the first time in accordance with 43 CFR part 5040, the current master unit designations will continue to be in effect.

§ 5040.5 How does BLM determine and declare the annual productive capacity?

(a) If BLM has not established sustained-yield forest units under part 5040, then BLM will determine and declare the annual productive capacity by applying the sustained-yield principle to the O. and C. lands, treating them as a single unit.

(b) If BLM has established sustained-yield forest units under part 5040, then BLM will determine and declare the annual productive capacity by applying the sustained-yield principle to each separate forest unit.

(c) If it occurs that BLM has established sustained-yield forest units for less than all of the O. and C. lands, then BLM will determine and declare the annual productive capacity as follows:

(1) BLM will treat sustained-yield forest units as in paragraph (b) of this section; and

(2) BLM will treat any O. and C. lands not located within sustained-yield forest units as a single unit.

[FR Doc. 98-6896 Filed 3-17-98; 8:45 am]

BILLING CODE 4310-84-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 61**

[CC Docket No. 96-187; FCC 97-23]

Implementation of Section 402(b)(1)(a) of the Telecommunications Act of 1996 (Tariff Streamlining Provisions for Local Exchange Carriers)*CFR Correction*

In title 47 of the Code of Federal Regulations, parts 40 to 69, revised as of October 1, 1997, on pages 131 and 132, paragraphs (e), (1), and (2) should be redesignated to paragraphs (f), (1), and (2), and paragraph (e) redesignated from paragraph (d) at 62 FR 5778, Feb. 7, 1997, should be reinstated to read as follows: