

(1) *OAC section 1501:13-1-02 paragraph (K)*: Ohio is revising the definition of "auger mining" to mean drilling holes or cutting into an exposed coal seam at a highwall and transporting the coal to the surface along an auger bit, by conveyor, or by other means.

(2) *OAC section 1501:13-4-05 paragraph (A)(2)(a)(i)*: Ohio is further revising this new paragraph to require that permit applications identify the mining method as area mining, contour mining, another named mining method, or a combination of methods to be identified by name.

(3) *OAC section 1501:13-4-05 paragraph (A)(2)(a)(ii)*: Ohio is further revising this new paragraph to clarify that the description of the mining operation in the permit application shall include the location where the mining will begin.

III. Public Comment Procedures

Written Comments

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio programs.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. [e.s.t.], on March 24, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in

the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National

Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 10, 1995.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 95-6592 Filed 3-16-95; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 935

[OH-233; Amendment Number 69R]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of public comment period.

SUMMARY: OSM is reopening the public comment period for a revised amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977. This revised amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning filing of financial interest statements, acceptance of gifts and gratuities, and appeal procedures for

remedial actions regarding prohibited financial interests.

This document sets forth the times and locations that the Ohio program and the proposed amendment to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m. [E.S.T.], on April 3, 1995. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. [E.S.T.], on March 27, 1995. Requests to present oral testimony at the hearing must be received by 4 p.m. [E.S.T.], on March 24, 1995.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert H. Mooney, Acting Director, Columbus Field Office, at the address listed below.

Copies of the Ohio program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 866-0578

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Mooney, Acting Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. General background information on the Ohio program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning Ohio's program and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Proposed Amendment

The Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 69 (PA 69) by letter dated September 22, 1994 (Administrative Record No. OH-2059). In this amendment, Ohio proposed to revise two rules at Ohio Administrative Code (OAC) sections 1501:13-1-03 and 13-7-05 to make the Ohio program as effective as the corresponding Federal regulations concerning financial interest statements, appeal procedures for remedial actions regarding prohibited financial interests, and yield data for pasture or grazing land.

OSM announced receipt of PA 69 in the October 21, 1994, **Federal Register** (59 FR 53122), and, in the same document, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on November 21, 1994.

OSM and Ohio staff met on February 6, 1995, to discuss OSM's questions and concerns about PA 69 (Administrative Record No. OH-2098). In response to OSM's February 6, 1995, questions and comments, Ohio provided Revised Program Amendment Number 69 (PA 69R) by letter dated March 8, 1995 (Administrative Record No. OH-2099). In PA 69R, Ohio is proposing further revisions to one rule at OAC section 1501:13-1-03 as described below:

(1) *Ohio Reclamation Board of Review Hearing Officers Included Under Definition of "Employee"*: Ohio is further revising paragraph (D)(2) to include hearing officers of the Ohio Reclamation Board of Review under the definition of "employee." Ohio is also revising paragraphs (F)(1), (G)(1), (H), and (L)(3) to delete previously proposed separate references to these hearing officers because Ohio is now proposing that those hearing officers be included under the definition of "employee" in this rule.

(2) *Use of Financial Interest Statement Form by Members of the Ohio Reclamation Board of Review*: Ohio is revising paragraph (I)(1) to require members of the Ohio Reclamation Board of Review to report all required information concerning employment and financial interests on Form OSM-23.

(3) *Acceptance of Gifts and Gratuities by Members of the Ohio Reclamation Board of Review*: Ohio is revising paragraph (J)(1) to prohibit the solicitation or acceptance of gifts and gratuities by members of the Ohio Reclamation Board of Review from coal

companies which are conducting or seeking to conduct regulated activities or which have an interest that may be substantially affected by the performance of the Board members' official duty.

III. Public Comment Procedures

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U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernment relations, Surface mining, Underground mining.

Dated: March 10, 1995.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720-AA28

[DOD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Transplants

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This rule proposes to establish coverage for heart-lung, single or double lung, and combined liver-kidney transplantation for those patients who meet specific patient selection criteria; establish preauthorization requirements for heart, liver, heart-lung, single or double lung, combined liver-kidney transplantation, high dose chemotherapy and stem cell transplantation, and air ambulance (in conjunction with lung or heart-lung transplantation preauthorizations); extend coverage of cardiac rehabilitation to those patients who have had heart valve surgery, heart or heart-lung transplantation, authorize an exception to the ambulance benefit to allow organ transplantation candidates to be transported to a certified CHAMPUS organ transplant center instead of the closest appropriate facility, and authorize pulmonary rehabilitation for beneficiaries whose conditions are

considered appropriate for pulmonary rehabilitation according to guidelines adopted by the Director, OCHAMPUS, or a designee, recognize certain transplant centers that meet specific criteria as an authorized CHAMPUS institutional provider, and clarify the CHAMPUS position on consortium programs for organ transplantation to allow individual hospitals which are members of a consortium to use the combined (pooled) experience and survival data of the consortium team to meet CHAMPUS requirements for authorization as a certified CHAMPUS organ transplant center.

DATES: Comments must be received on or before May 16, 1995.

ADDRESSES: All comments concerning this proposed rule should be addressed to the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Marty Maxey, OCHAMPUS, Program Development Branch, telephone (303) 361-1227.

SUPPLEMENTARY INFORMATION:

OCHAMPUS has been actively following the development of organ transplantation for the past 10 years to define an established method of treatment for patients who have exhausted more conservative medical and surgical treatments. Following is an overview of the events which have led to the decision to allow CHAMPUS coverage for heart-lung, single or double lung, and combined liver-kidney transplantation:

- In November 1990, OCHAMPUS requested the Agency for Health Care Policy and Research (AHCPR) to conduct a technology assessment on the safety and efficacy of heart-lung and single or double lung transplantation. In response to our request, AHCPR informed OCHAMPUS that an assessment was already in progress as a result of a request by the Health Care Financing Administration (HCFA).

Because of an increase in demand for heart-lung and single or double lung transplantation by the CHAMPUS beneficiary population, OCHAMPUS urged AHCPR to provide preliminary interim guidelines for heart-lung and single or double lung transplantation which could be used until finalization of their formal technology assessment. In response to this request, AHCPR asked the National Heart Lung and Blood Institute (NHLBI) to assist in the development of interim guidelines. On February 28, 1991, NHLBI completed the AHCPR request for preliminary