

CHRBs for monitoring and implementation of VAMA activity. The new VAMA, signed by the Secretary of HUD and the NAR President in June 1992, deletes this requirement. The VAMA provides instead that local Realtor Boards "formulate relationships with civil rights, fair housing, and other community based organizations with a substantial interest in fair housing as a conduit to meet fair housing and VAMA objectives." While some local Boards continue to work closely with established CHRBs in various fair housing activities, the Department no longer has a contractual agreement to support VAMA implementation activities through CHRBs.

Based on the foregoing, and as part of the renewed effort to eliminate duplicative and/or unnecessary programs, the Department has determined that the elimination of the CHRB Program is appropriate. To accomplish this end, this proposed rule would remove and reserve 24 CFR part 120.

Findings and Certifications

Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed rule before publication and by approving it certifies that this proposed rule does not have a significant economic impact on a substantial number of small entities. The purpose of the proposed rule is to eliminate a program determined to be duplicative and unnecessary.

Regulatory Agenda

This proposed rule was listed as Item No. 1865 in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57667) pursuant to Executive Order 12866 and the Regulatory Flexibility Act.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that because this proposed rule would eliminate a program

determined to be duplicative and unnecessary, the policies contained in this proposed rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the proposed rule is not subject to review under the order.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this proposed rule does not have the potential for direct impact on family formation, maintenance, and general well-being. The proposed rule would only eliminate a program determined to be duplicative and unnecessary, and as such, no further review is considered necessary.

List of Subjects in 24 CFR Part 120

Fair housing, Grant programs—housing and community development.

Accordingly, and under the authority of 42 U.S.C. 3535(d), chapter I of title 24 of the Code of Federal Regulations would be amended by removing and reserving part 120.

Dated: May 3, 1994.

Roberta Achtenberg,

Assistant Secretary for Fair Housing and Equal Opportunity.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. H-049]

RIN 1218-0099

Respiratory Protection; Proposed Rule

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of date for filing of comments by testifiers.

SUMMARY: By this document the Occupational Safety and Health Administration (OSHA) is extending the date for testifiers at the OSHA hearings to submit comments on the proposed rule from April 14, 1995 to May 15, 1995, in order to provide additional time for those testifiers submitting comments.

DATES: Testimony, comments and evidence to be submitted at the hearings must be postmarked on or before May 15, 1995. Notices of intention to appear at the hearing were due March 31, 1995. Comments for testifiers must be postmarked on or before May 15, 1995. The hearing will begin at 9:30 a.m., Tuesday, June 6, 1995 in Washington, DC.

ADDRESSES: Testimony and documentary evidence are to be submitted in quadruplicate to: Mr. Thomas Hall, OSHA Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219-8615. Testimony and documentary evidence will be available for inspection and copying in the Docket Office, Room N2625 at the above address.

Written comments should be submitted in quadruplicate or 1 original (hardcopy) and 1 disk (5 1/4 or 3 1/2) in WordPerfect 5.0, 5.1, 6.0 or ASCII to: Docket Office, Docket H-049, U.S. Department of Labor, Occupational Safety and Health Administration, Room N2625, 200 Constitution Avenue, N.W. Washington, D.C. 20210; (202) 219-7894. Any information not contained on disk, e.g., studies, articles, etc., must be submitted in quadruplicate.

The hearing will be held in the auditorium of the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Proposal: Mr. Richard Liblong, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3647, Washington, D.C. 20210; (202) 219-8151.

Hearings: Mr. Thomas Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219-8615.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, OSHA published a notice of proposed rulemaking on its respiratory protection standard (59 FR 58884 *et seq.*). The proposal is intended to update the current respirator standard to reflect changes in methodology, technology, and approach related to respiratory protection that have occurred since the existing respiratory protection standard was adopted in 1971.

A notice of the extension of the comment period and the rescheduling of the public hearing was published on January 20, 1995 (60 FR 4132 *et seq.*). This notice extended the public comment period for the proposal to April 14, 1995. The date for submitting a notice of intention to appear at the hearing to testify was extended to March 31, 1995. The public hearings were rescheduled to start on June 6, 1995. On March 23, 1995 (60 FR 15263) OSHA extended the period to submit testimony until May 15, 1995.

Extension of Date for Submitting Comments

Several parties who will be testifying at the OSHA hearings have requested an extension of time to file comments to May 15, 1995 because they need additional time to prepare comments. Since the period for submitting testimony has been extended this will not result in further delays. Accordingly OSHA is extending the time for testifiers to submit comments until May 15, 1995. The times to submit testimony and the start of the hearing remain unchanged. See the earlier **Federal Register** notices for the hearing procedures.

Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655).

Signed at Washington, DC., this 12th day of April, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY-208]

Kentucky Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously

proposed amendment to the Kentucky regulatory program (hereinafter, the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Kentucky's proposed rules pertain to documents, assessment of civil penalties, and revegetation for surface and underground mining. This amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., E.D.T., May 2, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Mr. William J. Kovacic at the address listed below.

Copies of the Kentucky 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 Lexington Field Office.

Mr. William J. Kovacic, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (606) 233-2896
Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

FOR FURTHER INFORMATION CONTACT:
William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233-2896.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. General background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Kentucky program can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning Kentucky's program and program amendments can be found at 30 CFR 917.11, 917.15, 917.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated July 19, 1994, Kentucky submitted a proposed amendment to its program pursuant to

SMCRA (Administrative Record No. 1304). Kentucky submitted the proposed amendment at its own initiative. The provisions of the Kentucky Administration Regulations (KAR) Kentucky proposed to amend were: 405 KAR 7:015—Documents Incorporated by Reference, 405 KAR 7:095—Assessment of Civil Penalties, 405 KAR 10:010—General Requirements for Performance Bond and Liability Insurance, 405 KAR 16:020—Contemporaneous Reclamation, 405 KAR 16:200—Revegetation for Surface Coal Mining, and 405 KAR 18:200—Revegetation for Underground Mining Operations.

OSM announced receipt of the proposed amendment in the August 9, 1994, **Federal Register** (59 FR 40503), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Administrative Record No. 1322). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 8, 1994.

On March 2, 1995, Kentucky submitted additional revisions to 405 KAR 7:095—Assessment of Civil Penalties, and 405 KAR 16:200 and 18:200—Revegetation (Administrative Record No. 1347). 405 KAR 7:095 section 5(2) is proposed to be revised to clarify that the penalty which can be assessed under this section is in addition to the civil penalty which can be assessed under section 5(1), and to add section 7 which incorporates by reference Kentucky's January 6, 1995, "Procedures for Assessment of Civil Penalties". Several revisions were made to proposed 405 KAR 16:200 and 18:200—Revegetation. Proposed section 1(4) is being revised to clarify that this section does not negate the requirement at 405 KAR 16:180 and 18:180 section 3(2) that "where cropland is intended to be the postmining land use, and where appropriate for wildlife and crop-management practices, the permittee shall intersperse the fields with tree, hedges, or fence rows throughout the harvested area to break up large blocks of monoculture and to diversify habitat types for birds and other animals." Proposed section 5(2)(b)2 is being revised to specifically identify the "Kentucky Agricultural Statistics" documents being relied upon (except for prime farmland) for average county yields of row crops. Proposed section 6 is being revised to reduce the stocking rates for trees from 450 to 300 plants per acre, and to require all permit applications submitted after February 22, 1995, which propose to plant trees and shrubs for wildlife habitat, to use species listed in Appendix A of New