

inconsistency with SMCRA that was identified in a July 22, 1994, rulemaking action (59 FR 37426). The provisions of the North Dakota Century Code (NDCC) that North Dakota proposes to revise or add are: NDCC 38-14.1-37(4) [SOAP, reimbursement of costs], and NDCC 38-12.1-08 [coal exploration, civil and criminal penalties].

Specifically, North Dakota proposes to revise NDCC 38-14.1-37(4) to require an operator who has received SOAP assistance under subsection 3 of the provision (training in the preparation of permit applications and compliance with the regulatory program) to reimburse the commission for the cost of the services under certain circumstances. North Dakota also proposes to revise NDCC 38-12.1-08(2) to allow the assessment of individual civil penalties only for willful specified violations. Finally, North Dakota proposes to add at NDCC 38-12.1-08(3) a new provision that any corporation or person who controls the activity of a corporation who violates NDCC Chapter 38-12.1 or any permit condition or rule implementing that chapter is subject to a civil penalty not to exceed five thousand dollars per day of such violation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the North Dakota program.

1. Written Comments

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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t., in May 17, 1995. 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**. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one

requests an opportunity to testify at the public hearing, the hearing will not be held.

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

3. Public Meeting

If only one person requests an opportunity to testify 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 amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

1. 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).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Service Reform) and has determined that 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 promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 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.

3. 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 of 1969 (42 U.S.C. 4332(2)(C)).

4. 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.*).

5. 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 that is the subject of this rule is based upon counterpart 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 counterpart Federal regulations.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 26, 1995.

Peter A. Rutledge,

Acting Assistant Director, Western Support Center.

[FR Doc. 95-10776 Filed 5-1-95; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE**DEPARTMENT OF TRANSPORTATION****Coast Guard****DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 21****RIN 2900-AF74****Reservists Education; Commencing Date of Award of Educational Assistance**

AGENCY: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Educational Assistance Regulations pertaining to the commencing dates of awards of educational assistance for members of the Selected Reserve. It is proposed to change these regulations to provide that all commencing dates for awards or increased awards of educational assistance be on or reasonably close to the date of the first day of class. The intended effect of the amendments is to make uniform the regulations governing the dates of commencement of awards of educational assistance under the Montgomery GI Bill—Selected Reserve both for reservists pursuing a college degree and for those enrolled in courses not leading to a college degree.

DATES: Comments must be received on or before July 3, 1995.

ADDRESSES: Mail written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, or hand deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington DC 20001. Comments should indicate that they are in response to "RIN 2900-AF74." All written comments received will be available for public inspection in the Office of Regulations Management, Room 1176, 801 Eye Street, NW, Washington, DC 20001, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 273-7187.

SUPPLEMENTARY INFORMATION: In accordance with statutory authorities,

VA has established an educational assistance program for certain members of the Selected Reserve of the Ready Reserve for the purpose of encouraging membership in the Selected Reserve. The regulations established for this program are set forth at 38 CFR Subpart L, referred to below as the "Educational Assistance Regulations."

The Educational Assistance Regulations set forth criteria for determining the commencing date of an award or increased award of educational assistance. The current regulations provide that, with respect to reservists enrolled in a resident course or subject leading to a college degree, the commencing date generally is the date of registration or reporting, whichever is first. It is proposed to change these regulations, as set forth in the text portion of this document, to provide that all commencing dates for awards or increased awards of educational assistance be on or reasonably close to the date of the first day of class. It is also proposed to impose such requirements for all other reservists pursuing educational programs: i.e., those taking a course offered by independent study or correspondence. This proposal is consistent with the recommendation of the Commission to Assess Veterans' Education Policy and will help ensure that educational assistance is paid only for times close to or during the period of pursuit of the reservists' program of education.

The Secretary of Veterans Affairs, the Secretary of Defense and the Commandant of the Coast Guard have certified that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The proposed rule would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), the amended regulation is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This proposed rule has been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

There is no Catalog of Federal Domestic Assistance number for the program affected by this proposed rule.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 11, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: April 21, 1995.

Wayne W. Spruell,

Acting Deputy Assistant Secretary, Reserve Affairs (Manpower and Personnel), Department of Defense.

Approved: April 24, 1995.

R.M. Larrabee,

Chief, Office of Readiness and Reserve, Coast Guard, Department of Transportation.

For the reasons set out in the preamble, 38 CFR part 21, subpart L is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION**Subpart L—Educational Assistance for Members of the Selected Reserve**

1. The authority citation for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a).

2. In § 21.7631, paragraphs (b) and (c) and their authority citations are revised to read as follows:

§ 21.7631 Commencing dates.

* * * * *

(b) *Certification by school—the course or subject leads to a standard college degree.* (1) When a student enrolls in a course offered by independent study, the commencing date of the award or increased award of educational assistance will be the date the student began pursuit of the course according to the regularly established practices of the educational institution.

(2) When a student enrolls in a resident course or subject, the commencing date of the award will be the date of reporting provided that—

(i) The published standards of the school require the student to register before reporting.

(ii) The published standards of the school require the student to report no more than 14 days before the first scheduled date of classes for the term, quarter or semester for which the student has registered, and

(iii) The first scheduled class for the course or subject in which the student is enrolled begins during the calendar week when, according to the school's academic calendar, classes are generally scheduled to commence for the term.

(3) When a student enrolls in a resident course or subject whose first scheduled class begins after the calendar week when, according to the school's academic calendar, classes are scheduled to commence for the term, quarter, or semester, the commencing

date of the award or increased award of educational assistance allowance will be the actual date of the first class scheduled for the particular course or subject.

(4) When a student enrolls in a resident course or subject and neither the provisions of paragraph (b)(2) nor (b)(3) of this section apply to the enrollment, the commencing date of the award or increased award of educational assistance will be the first scheduled date of classes for the term, quarter or semester in which the student is enrolled.

(Authority: 10 U.S.C. 16136(b))

(c) *Certification by educational institution or training establishment—course does not lead to a standard college degree.* (1) When a reservist enrolls in a course which does not lead to a standard college degree and which is offered in residence, the commencing date of the award of educational assistance will be as stated in paragraph (b) of this section.

(2) When a reservist enrolls in a course which is offered by correspondence, the commencing date of the award of educational assistance shall be the later of—

(i) The date the first lesson was sent, or

(ii) The date of affirmance.

(3) When a reservist enrolls in a program of apprenticeship or other on-job training, the commencing date of the award of educational assistance shall be the first date of employment in the training position.

(Authority: 10 U.S.C. 16136(b))

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[FR Doc. 95-10690 Filed 5-1-95; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 42-1-6916b; FRL-5186-8]

Approval and Promulgation of State Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District; and Section 112(l) Approval of Pinal County Air Quality Control District Program for the Issuance of Permits Containing Voluntarily Accepted Federally Enforceable Conditions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the Arizona State

Implementation Plan. The revisions concern synthetic minor permit rules from the Pinal County Air Quality Control District (Pinal or District). The intended effect of approving these synthetic minor regulations is to allow facilities to voluntarily accept federally enforceable limits on their potential emissions. This approval action will incorporate these rules into the federally approved SIP. In order to extend the federal enforceability of conditions in permits to hazardous air pollutants (HAP), EPA is also proposing to approve Pinal's synthetic minor regulations pursuant to section 112 of the Act.

In the final rules section of this **Federal Register**, EPA is approving the state's SIP revision and section 112(l) submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by June 1, 1995.

ADDRESSES: Written comments on this action should be addressed to: Regina Spindler, Operating Permits Section (A-5-2), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's Technical Support Document for the synthetic minor program are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Pinal County Air Quality Control District, 457 South Central Avenue, Florence, Arizona 85232
Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, Arizona 85012

FOR FURTHER INFORMATION CONTACT: Regina Spindler, Operating Permits Section (A-5-2), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne

Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1251.

SUPPLEMENTARY INFORMATION: This document concerns Pinal County Air Quality Control District Code of Regulations Chapter 1, Article 3, section 1-3-140, Definitions, subsections 5, 15, 21, 32, 33, 35, 50, 51, 58, 59, 103, and 123; Chapter 3, Article 1, section 3-1-081, Permit conditions, subsection (A)(8)(a); Chapter 3, Article 1, section 3-1-084, Voluntarily Accepted Federally Enforceable Emissions Limitations; Applicability; Reopening; Effective Date; and Chapter 3, Article 1, section 3-1-107, Public notice and participation, submitted to EPA on August 15, 1994 by the Arizona Department of Environmental Quality for approval into the SIP and on October 25, 1994 by the Pinal County Air Quality Control District for approval under section 112(l) of the Clean Air Act. For further information, please see the information provided in the direct final action which is located in the rules section of this **Federal Register**.

Dated: March 27, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-10699 Filed 5-1-95; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 52

[MS-20-1-6562b; FRL-5174-1]

Approval and Promulgation of Implementation Plans Mississippi: Approval of Revisions to Construction and Operation Permit Regulations for Minor Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Mississippi for the purpose of establishing a Federally enforceable state operating permit (FESOP) program. In order to extend the Federal enforceability of Mississippi's FESOP to hazardous air pollutants (HAP), EPA is also proposing approval of Mississippi's FESOP regulations pursuant to section 112 of the Clean Air Act as amended in 1990 (CAA). In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no