

TABLE I
[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i ₁	i ₂	i ₃	n ₁	n ₂
20	6-1-95	7-1-95	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in §2676.13(b)(1)) for purposes of applying the formulas set forth in §2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of i_t prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2, \dots , and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II
[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
June 1995	.0680	1-20	.0575	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of May 1995.
Martin Slate,
Executive Director, Pension Benefit Guaranty Corporation.
 [FR Doc. 95-11896 Filed 5-12-95; 8:45 am]
 BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
30 CFR Part 906
Colorado Regulatory Program

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Colorado regulatory program (hereinafter referred to as the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Colorado proposed revisions to a memorandum of understanding (MOU) between the Division of Minerals and Geology (DMG) of the Colorado Department of Natural Resources and the Water Quality Control Division (WQCD) of the Colorado Department of Health for water quality management at coal mines. The amendment revises the Colorado program to be consistent with

SMCRA and the implementing Federal regulations.
EFFECTIVE DATE: May 15, 1995.
FOR FURTHER INFORMATION CONTACT: Thomas E. Ehmert, Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION:
I. Background on the Colorado Program

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, **Federal Register** (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.11, 906.15, 906.16, and 906.30.

II. Proposed Amendment

By letter dated March 18, 1994, Colorado submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. CO-604). Colorado submitted the proposed amendment in response to a letter dated April 7, 1993 (administrative record No. CO-539), that OSM sent to Colorado in accordance with 30 CFR 732.17(c). The amendment consisted of a MOU dated February 9, 1994, between DMG and WQCD for water quality management at

coal mines. Colorado proposed that this MOU would replace a January 21, 1985, MOU.

OSM announced receipt of the proposed MOU in the April 7, 1994, **Federal Register** (59 FR 16578), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. CO-606). Because no one requested a public hearing or meeting, none was held. The public comment period ended on May 9, 1994.

During its review of the proposed MOU, OSM identified concerns relating to certain provisions of item No. 2 of the "Enforcement" section of the proposed MOU. These concerns pertain to Colorado's reliance on referenced 2 Code of Colorado Regulations (CCR) 407.2, Rule 4.05, which provides general authority for the enforcement of Federal and State water quality laws, but does not provide specific enforcement authority for effluent limitation violations under 40 CFR Part 434. OSM notified Colorado of the concerns by letter dated June 16, 1994 (administrative record No. CO-627).

Colorado responded to OSM's concerns in a letter dated June 23, 1994, by submitting additional explanatory information (administrative record No. CO-629). Based upon the additional explanatory information for the proposed MOU submitted by Colorado,

OSM reopened the public comment period in the July 29, 1994, **Federal Register** (59 FR 38575, administrative record No. CO-637). The public comment period ended on August 15, 1994.

During its review of the additional information submitted by Colorado, OSM identified concerns pertaining to the enforcement of effluent standards and the actual standards for effluent limits. OSM notified Colorado of the concerns by letter dated September 16, 1994 (administrative record No. CO-646).

Colorado responded to OSM's concerns in a letter dated December 7, 1994, by submitting additional explanatory information (administrative record No. CO-651). Based upon the additional explanatory information for the proposed MOU submitted by Colorado, OSM reopened the public comment period in the December 30, 1994, **Federal Register** (59 FR 67690, administrative record No. CO-654). The public comment period ended on January 17, 1994.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed MOU submitted by Colorado on March 18, 1994, and as supplemented with additional explanatory information on June 23 and December 7, 1994, is no less effective than the requirements of the corresponding Federal regulations and no less stringent than SMCRA. Accordingly, the director approves the proposed MOU.

1. Purpose, Understanding, and Understanding Between the Parties

Colorado entitled the introductory sections of the proposed MOU as "Purpose," "Understanding," and "Understanding Between the Parties."

In the "Purpose" section of the proposed MOU, Colorado states that the MOU defines the respective responsibilities of DMG and WQCD regarding coal mining activities as they impact the hydrologic balance. This section of the MOU indicates that the purpose of the MOU is to (1) ensure that appropriate corrective actions are applied to minimize the period of noncomplaint discharge; (2) ensure that noncomplaint discharges are appropriately cited in a timely manner and do not receive an economic benefit over other facilities as a result of noncompliance; (3) provide for coordination of enforcement actions in order to minimize dual enforcement to the extent possible, while maintaining

the integrity of the programs implemented by DMG and WQCD; and (4) foster enhanced communications and working relationships between DMG and WQCD.

The "Understanding" section of the proposed MOU provides recognition of the specific and separate statutory responsibilities of DMG and WQCD to review permit applications, monitor and inspect field sites, and take enforcement action. It also provides recognition of the potential for duplication and inconsistent actions by DMG and WQCD in the management of the hydrologic balance and water quality issues with respect to the responsibilities of each party and provides that the MOU will address each area of responsibility separately.

These "Purpose" and "Understanding" sections provide clarity and detail that are not inconsistent with the hydrologic protection provisions of section 515(b)(10) of SMCRA and the implementing Federal regulations at 30 CFR 816.41 through 816.57, and the inspection and monitoring provisions of section 517 of SMCRA and the implementing Federal regulations at 30 CFR Part 840.

The "Understanding Between the Parties" section of the proposed MOU indicates that DMG and WQCD may modify the MOU by written concurrence of both parties, that the MOU replaces a previous MOU entered into by DMG and WQCD on January 21, 1985, that nothing in the MOU shall be construed to preempt or alter the statutory or regulatory responsibilities and authorities of DMG and WQCD, and that the MOU shall remain in effect until either party decides to terminate it.

For the purposes of this document, the Director wishes to clarify that this proposed MOU replaces not only the 1985 MOU, which OSM had not reviewed and approved as part of the Colorado program, but it also replaces a December 15, 1980, MOU that OSM had approved (December 15, 1980, 45 FR 82173, 82211). With respect to the statement that the MOU will remain in effect until either DMG or WQCD terminates it, the Director wishes to clarify that any revision or termination of this MOU, which is a part of the Colorado program, must be approved by OSM in accordance with 30 CFR 732.17. As required by 30 CFR 732.17(b)(5), Colorado must notify OSM of any changes in this agreement. Based upon this understanding, the "Understanding Between the Parties" section of the proposed MOU is not inconsistent with 30 CFR 732.17(b)(5).

For the above-stated reasons, the Director finds that the "Purpose," "Understanding," and "Understanding Between the Parties" sections of the proposed MOU are not inconsistent with sections 515(b)(10) and 517 of SMCRA and 30 CFR 816.41 through 816.57, Part 840, and 732.17(b)(5). Therefore, the Director approves these sections of the proposed MOU.

2. Review of Permit Applications

In the "Review of Permit Applications" section of the proposed MOU, Colorado provides that DMG and WQCD will coordinate the review of hydrologic information submitted with a coal mining permit application with respect to information relevant to the Colorado Discharge Permit System (CDPS) permits for process/mine water and stormwater point source discharges. Such coordination includes (1) DMG and WQCD advising potential coal mine permit applicants during pre-application meetings of the need to contact the other party to the MOU; (2) DMG reviewing coal permit applications to determine whether sediment control structures are designed to meet technology-based effluent limitations and to ensure that any stormwater control technologies are in conformance with the Rules and Regulations for Coal Mining and Colorado Revised Statutes 34-33-101 *et seq.*, the Colorado Surface Coal Mining Reclamation Act; (3) DMG and WQCD conferring, as appropriate, during the course of permit review and drafting, to coordinate where there may be duplication of effort or potential conflict between DMG and WQCD, and to keep each other apprised of the technical developments of the other Division; and (4) WQCD providing copies to DMG of all final CDPS permit actions for coal mines at the time of issuance and DMG providing copies to WQCD of all notices of final action on coal mining permits.

The "Review of Permit Applications" section of the proposed MOU is not inconsistent with the permit approval or denial requirements of section 510 of SMCRA and the Federal regulation requirements for permit processing at 30 CFR Part 773. Therefore, the Director approves this section of the proposed MOU.

3. Training

In the "Training" section of the proposed MOU, Colorado provides that WQCD will provide water quality sample collection training to DMG staff upon the request of DMG and that each party will provide general inspection training upon the request of the other party to the MOU.

There is no section of SMCRA or the Federal regulations that corresponds to this section of the proposed MOU. However, this section is not inconsistent with SMCRA and the implementing Federal regulations. Therefore, the Director approves the "Training" section of the proposed MOU.

4. Inspections, Monitoring, and Sample Analysis

In the "Inspections, Monitoring and Sample Analysis" section of the proposed MOU, Colorado provides that DMG and WQCD will coordinate inspections, monitoring, and sample analysis. Such coordination includes (1) DMG, at item 1 of this section, collecting, in those instances where effluent violations are suspected, water quality samples at CDPS discharge points during the course of conducting normal site inspection obligations, and, in those instances where an unpermitted discharge is suspected, DMG collecting a water quality sample for analysis; (2) DMG including, in its inspection reports which accompany a sample result specified in item 1, a detailed description of site conditions and a discussion as to whether a precipitation event has occurred at the site within the preceding 24 hours; (3) WQCD paying, to the extent funds allow, for the cost of analysis for samples collected pursuant to item 1, and then delivering such samples to the Laboratory Division of the Colorado Department of Health for analysis, with DMG absorbing the cost of obtaining the samples and transmitting them to the lab; and (4) DMG following, for its sample collections, all chain-of-custody and other normal enforcement procedures to ensure sample integrity.

The "Inspections, Monitoring and Sample Analysis" section of the proposed MOU is not inconsistent with the inspection and monitoring requirements of section 517 of SMCRA and the Federal regulation requirements for inspection and enforcement at 30 CFR Part 840. Therefore, the Director approves this section of the proposed MOU.

5. Enforcement

As discussed below, Colorado proposed several MOU provisions concerning enforcement.

a. *Enforcement of effluent limitations.* In its April 7, 1993, 30 CFR Part 732 letter requiring Colorado to revise its program, OSM cited the January 21, 1985, MOU which stated that "as a matter of general practice, the Department of Natural Resources (DNR) [of which DMG is a part], will be responsible for enforcing water quality

protection pertaining to the requirements for design and maintenance of structures and the requirements to minimize disturbance to the hydrologic balance from sources other than the point of discharge," and the Department of Health (DOH) [of which WQCD is a part], "will be responsible for enforcing water quality control standards at the point of discharge." OSM concluded that DNR had ceded its authority to enforce effluent limitations to DOH, which was a significant change from the December 15, 1980, MOU approved by OSM as a part of the Colorado program.

In response to the 30 CFR part 732 letter, Colorado proposed, in the introductory paragraph of the "Enforcement" section of the proposed MOU, that "[a]s a matter of general practice, DMG will be responsible for enforcing the requirements for design and maintenance of water quality protection structures and the requirements to minimize the disturbance to the hydrologic balance in accordance with the Rules for Coal Mining at section 4.05," and "WQCD will be responsible for enforcing CDPS permit conditions, including effluent limitations, and provisions of site specific stormwater management plans that are unique to the CDPS permit."

Colorado also proposed in the "Enforcement" section of the proposed MOU at item No. 1, that WQCD is solely responsible for enforcement of the CDPS permit program against point source discharges of pollutants into the State's surface waters that are conducted without an effective CDPS permit and for the enforcement of CDPS permit conditions; at item No. 2, that DMG shall, upon receipt of the completed analysis, determine whether a violation of the Rules for Coal Mining at section 4.05 has occurred, as determined by comparison with the Federal effluent limitation guidelines found at 40 CFR part 434, and if DMG determines a violation has occurred, it shall issue a notice of violation within 3 days of receipt of the completed analysis, and it will provide a copy of the NOV and all other pertinent information to WQCD; and at item No. 7, that, if an incident other than those described in items 1 and 2 above occurs and such incident is a violation of requirements under the jurisdiction of both DMG and WQCD, then the two Divisions shall meet to coordinate enforcement proceedings and minimize, to the maximum extent possible, dual enforcement.

The introductory paragraph and item Nos. 1 and 2 of this section of the proposed MOU state, and Colorado has affirmed (administrative record No. CO-

629), that WQCD is solely responsible for enforcement of the CDPS program relating to mine water and stormwater point source discharges and DMG is responsible for enforcement of Federal water quality standards at 40 CFR Part 434. Through these provisions, Colorado has clarified that DMG retains its responsibility to enforce effluent limitations that are part of its coal mining program pursuant to SMCRA. Through these clarifications, Colorado has satisfied the concerns raised by OSM in its April 7, 1993, 30 CFR Part 732 letter. DMG's enforcement of the effluent limitations at 40 CFR Part 434 is consistent with section 515 of SMCRA and with the Federal regulation at 30 CFR 816.42, which specifically requires that discharges of water from areas disturbed by surface mining activities shall be in compliance with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 434.

However, OSM expressed a concern about the introductory paragraph and item No. 2 of this section of the proposed MOU that both cite Rule 4.05 as a basis for DMG enforcing the Federal effluent limitations at 40 CFR Part 434 (administrative record No. CO-627). OSM was concerned that, since this rule does not explicitly incorporate the Federal effluent limitations at 40 CFR Part 434, it might not serve as an adequate legal authority for Colorado to indicate in the MOU that DMG will enforce the effluent limitations at 40 CFR Part 434 by issuing a notice of violation if an exceedance of these limitations has occurred.

In response to this concern, Colorado provided in its December 7, 1994, letter to OSM an Attorney General's opinion that the general language of the water quality protection provisions of CRS 34-33-120(2)(b) and (j)(ii)(a) and Rules 4.05(1)(b) and 4.05.2(8), which require compliance with applicable Federal laws and regulations, serve as adequate legal authority for Colorado's enforcement of the effluent limitations at 40 CFR Part 434 (administrative record No. CO-651). Nevertheless, Colorado has agreed to revise Rule 4.05 to explicitly incorporate the 40 CFR Part 434 effluent limitations by reference (administrative record No. CO-629).

Item No. 7 of the "Enforcement" section of the proposed MOU provides that if an incident occurs that is a violation of requirements under the jurisdiction of both DMG and WQCD, then the two Divisions will coordinate enforcement proceedings and minimize, to the maximum extent possible, dual enforcement. This provision is not inconsistent with section 515 of SMCRA

and with the Federal regulations at 30 CFR 816.42. However, the Director wishes to emphasize that DMG is the designated regulatory authority for Colorado's SMCRA-approved program under the documentation it provided to OSM in accordance with the requirements of 30 CFR 731.14(d), and as the designated regulatory authority, it must ensure that the State program is properly implemented, administered, and enforced. When situations arise in which the enforcement responsibilities of DMG and WQCD are not clearly defined by the MOU, DMG must ensure that the enforcement requirements of the approved program are fully and completely met.

In conclusion, the introductory paragraph and item Nos. 1, 2, and 7 of the "Enforcement" section of the proposed MOU satisfy the concerns raised by OSM in its 30 CFR Part 732 letter and are no less stringent than the corresponding Federal provisions of section 515 of SMCRA and no less effective than the Federal regulations at 30 CFR 816.42. Therefore, the Director approves these parts of the proposed MOU.

b. *Pattern-of-violations and show-cause processes.* Colorado proposed at item No. 5 of the "Enforcement" section of the proposed MOU, that DMG shall, within 90 days of execution of the proposed MOU, initiate rulemaking so that the notices of violation issued by WQCD that cite a 1-day exceedance shall be incorporated into DMG's processes for patterns of violations and show-cause orders. These processes are those addressed in Rules 5.03.3 (1) and (2) that require Colorado to issue an order to a permittee to show cause why his or her permit and right to mine should not be suspended or revoked because of a pattern of violations caused by the permittee's willful or unwarranted noncompliance with Colorado's coal mining program or permit requirements.

Colorado has informally submitted to OSM for review an amendment to these rules. In accordance with 30 CFR 732.17(f)(2), OSM has requested a timetable for Colorado's enactment of these rules in its formal State rulemaking process and a timetable for submission of a formal amendment to OSM.

Based on the foregoing discussion, and Colorado's steps to amend its program to make it consistent with this portion of the MOU, the Director finds that item No. 5 of the "Enforcement" section of the proposed MOU is not inconsistent with the pattern-of-violation and show-cause order processes at section 521 of SMCRA and

30 CFR Parts 840 and 843. Therefore, the Director approves this part of the proposed MOU.

c. *Other enforcement provisions.* Colorado stated in the "Enforcement" section of the proposed MOU (1) At item No. 3, that, when WQCD pursues a violation based upon evidence collected by a DMG inspector, the DMG inspector will be available to present testimony and expertise to WQCD, and WQCD staff will be available to assist DMG in any enforcement action in which WQCD has knowledge and may be of assistance; (2) at item No. 4, that DMG shall not issue notices of violation for self-reported exceedances as submitted on WQCD Discharge Monitoring Report forms; (3) at item No. 6, that, for other violations at coal mining sites identified by WQCD, compliance and enforcement activities will be consistent with the procedures and time frames provided in Colorado's Enforcement Management System guidance document; and (4) at item No. 8, that, if during a coal mine inspection DMG determines that there is imminent danger to the health or safety of the public or significant environmental harm to land, air, or water resources, DMG shall issue a cessation order pursuant to the Rules for Coal Mining at 5.03.2.

Item Nos. 3, 4, 6, and 8 of the "Enforcement" section of the proposed MOU are not inconsistent with the inspection and monitoring requirements of section 517 of SMCRA, the enforcement requirements of section 521 of SMCRA, and the inspection and enforcement requirements of 30 CFR Parts 840, 842, and 843. Therefore, the Director approves these parts of the proposed MOU.

6. *Coordination*

In the "Coordination" section of the proposed MOU, Colorado provides that in the event that a conflict develops regarding the issuance of a notice of violation or other permit matters, DMG and WQCD will, as soon as practical, meet to resolve any differences. This section also provides for quarterly or more frequent meetings between DMG and WQCD for the purposes of enhancing each Division's knowledge of the respective priorities, issues, and administrative procedures of the other Division.

There is no section of SMCRA or the Federal regulations that corresponds to this section of the proposed MOU. However, this section is not inconsistent with SMCRA and the implementing Federal regulations. Therefore, the Director approves the "Coordination" section of the proposed MOU.

IV. Summary and Disposition of Comments

Following are summaries of all substantive oral and written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. *Public Comments*

OSM invited public comments on the proposed amendment, but none were received.

2. *Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Colorado program.

In a letter dated April 12, 1994, the Soil Conservation Service stated that it did not have any comment at that time (administrative record No. CO-608). However, in a subsequent letter dated August 2, 1994, the Soil Conservation Service stated that it would recommend no changes in the current provisions of item No. 1 of the proposed MOU, but it felt that with regard to item No. 2, it was extremely important that the permitting procedures associated with mine discharges and effluent limitations, as described in 40 CFR Part 434, be made as specific and understandable as possible (administrative record No. CO-638). It also stated that Colorado should incorporate at the soonest possible date a reference to 40 CFR Part 434 in its rules. OSM acknowledges the Soil Conservation Service's concerns. As discussed in finding No. 5a, Colorado has agreed to submit a proposed amendment to its rules at 2 CCR 407.2 Rule 4.05 to require compliance with the effluent limits at 40 CFR Part 434. OSM is engaged in conversations with Colorado to encourage it to submit the proposed amendment in a timely manner.

In separate telephone conversations on April 19 and July 29, 1994, and January 18, 1995, the Bureau of Mines stated it had no comments on the proposed MOU (administrative record Nos. CO-610, CO-636, and CO-656).

The U.S. Army Corps of Engineers responded on April 28 and August 10, 1994, and January 31, 1995, that it found the changes to be satisfactory (administrative record Nos. CO-613, CO-639, and CO-660).

By letters dated July 21 and September 8, 1994, the Mine Safety and Health Administration (MSHA) stated that the amendment had been reviewed by MSHA personnel and that it appeared there were no conflicts with

the requirements of 30 CFR as they pertain to mine safety (administrative record Nos. CO-633 and CO-645).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

On April 6, 1994, OSM solicited EPA's concurrence with the proposed MOU (administrative record No. CO-605). By letters dated May 9 and July 28, 1994, and February 1, 1995 (administrative record Nos. CO-616, CO-634, and CO-659), EPA stated that it believed that the proposed MOU would have no impact on water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*).

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed MOU from the SHPO and ACHP (administrative record No. CO-605). Neither the SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, the Director approves Colorado's proposed MOU as submitted on March 18, 1994, and as supplemented with additional explanatory information on June 23 and December 7, 1994.

Specifically, the Director approves the following portions of the MOU, as discussed in: Finding No. 1, concerning purpose, understanding, and understanding between the parties; finding No. 2, concerning review of permit applications; finding No. 3, concerning training; finding No. 4, concerning inspections, monitoring, and sample analysis; finding No. 5a, concerning enforcement of effluent limitations; finding No. 5b, concerning pattern-of-violation and show-cause processes; finding No. 5c, concerning other enforcement provisions, and finding No. 6, concerning coordination.

The Federal regulations at 30 CFR 906, codifying decisions concerning the Colorado program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the

Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

This rule is exempt 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 Justice 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 and 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 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 9, 1995.

Charles E. Sandberg,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 906—COLORADO

1. The authority citation for Part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 906.15 is amended by adding paragraph (r) to read as follows:

§ 906.15 Approval of regulatory program amendments.

* * * * *

(r) The proposed February 9, 1994, memorandum of understanding (MOU) between the Division of Minerals and Geology of the Colorado Department of Natural Resources and the Water Quality Control Division of the Colorado Department of Health for water quality management at coal mines, as submitted to OSM on March 18, 1994, and as supplemented with explanatory information on June 23 and December 7, 1994, is approved effective May 15, 1995.

[FR Doc. 95-11887 Filed 5-12-95; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 20

RIN 2900-AH47

Rules of Practice: Waiver of Consideration of Evidence by Agency of Original Jurisdiction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Rules of Practice of the Board of