

alleging violations of the rule's requirements.

Part B—Objectives

Based on the review described above, the Commission has determined that there may no longer be a need to continue the Extension Ladder Rule in light of the apparent changes in industry practices and the existence of standards mandating the point-of-sale disclosures required by the rule. The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Extension Ladder Rule.

Part C—Alternative Actions

The Commission is not aware of any feasible alternatives to either repealing or retaining the Extension Ladder Rule.

Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Extension Ladder Rule. Comments submitted during the regulatory review proceeding described above will be made part of the record, and need not be resubmitted. A comment that includes the reasoning or basis for a proposition will likely be more persuasive than a comment without supporting information. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies a number of issues on which it solicits public comment. The identification of issues is designed to assist the public to comment on relevant matters and should not be construed as a limitation on the issues on which public comment may be submitted.

Questions

- (1) Does the existence of the ANSI standard governing the labeling of extension ladders eliminate or greatly lessen the need for the rule?
- (2) What are the benefits to consumers from the rule?
- (3) What are the costs to industry imposed by the rule?
- (4) Is there a continuing need for the rule or should the rule be repealed?

Authority: Sec. 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

List of Subjects in 16 CFR Part 418

Advertising, Trade practices, extension ladders.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-12581 Filed 5-22-95; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

North Dakota Regulatory Program

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

SUMMARY: OSM is announcing receipt of revisions and additional explanatory information pertaining to a previously proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and additional explanatory information pertain to North Dakota's "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments." The amendment is intended to revise this document to be consistent with the Federal regulations and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., m.d.t., June 7, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the North Dakota 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 Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776

Edward J. Englerth, Director, Reclamation Division, North Dakota Public Service Commission, Capitol Building, Bismarck, ND 58505-0165, Telephone: (701) 224-4092

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. General background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the North Dakota program can be found in the December 15, 1980, **Federal Register** (45 FR 82214). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.12, 934.13, 934.15, 934.16, and 934.30.

II. Proposed Amendment

By letter dated February 17, 1994, North Dakota submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. ND-U-01). North Dakota submitted the proposed revisions to its "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments" (hereinafter, the "revegetation success document") in response to required program amendments at 30 CFR 934.16 (b) through (i), (w), and (x), and at its own initiative.

OSM announced receipt of the proposed amendment in the March 14, 1994, **Federal Register** (49 FR 11744), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. ND-U-05). Because no one requested a public hearing or meeting, none was held. The public comment period ended on April 13, 1994.

During its review of the amendment, OSM identified concerns and notified North Dakota of these concerns by letter dated September 9, 1994 (administrative record No. ND-U-10). North Dakota responded in a letter dated December 21, 1994, by submitting a revised amendment and additional explanatory information (administrative record No. ND-U-14) that addressed the concerns identified by OSM.

OSM announced receipt of the December 21, 1994, revised amendment in the January 19, 1995, **Federal Register** (60 FR 3790) and invited public comment on its adequacy (administrative record No. ND-U-15). The public comment period ended on February 3, 1995.

Subsequently, North Dakota requested a meeting with OSM to discuss its December 21, 1994, revisions that were made in response to OSM's September

9, 1994, issue letter. OSM and North Dakota met on April 11, 1995 (administrative record No. ND-U-16). North Dakota, by letter dated May 11, 1995 (administrative record No. ND-U-17), submitted, at its own initiative, additional revisions and explanatory information to its revegetation success document.

In its May 11, 1995, revised amendment, North Dakota proposes (1) A county-wide correction factor to be used with the U.S. Natural Resources Conservation Service (NRCS) yield information to adjust for climatic yield conditions on land reclaimed for use as cropland or prime farmland, (2) deletion of the allowance for "auxiliary shelterbelts" without revegetation success standards on land reclaimed for use as shelterbelts, (3) addition of the ability for North Dakota to require, by permit condition, shelterbelts as a postmining land use that meet the success standards in its revegetation success document, (4) addition of the allowance for tree and shrub stocking standards approved by the State Game and Fish Department and the State Forest Service, as well as by the U.S. NRCS, on land reclaimed for use as shelterbelts, (5) addition of the requirement that all species in the approved seed mixture must be present at the time of final bond release on land reclaimed for use as tame pastureland, (6) clarification that actual sample means must be used in formulas that determine sample size when measuring success of revegetation for bond release, (7) addition of specifications for size and location of representative strips used to demonstrate the restoration of soil productivity on land reclaimed for use as cropland and prime farmland, (8) deletion of the State wetland classification system and retention of the Stewart and Kantrud system of wetland classification for premining assessments on land to be reclaimed for use as fish and wildlife habitat, (9) clarification of the requirement that sampling techniques for measuring success of woody plant density use a 90-percent statistical confidence interval, (10) allowance as a normal conservation practice the voluntary planting of trees and shrubs on agricultural land at the request of the land owner or for fish and wildlife enhancement, and (11) clarification that a *single* reinforced interseeding may be allowed without restarting the liability period on land reclaimed for use as native grazing land.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed North Dakota program amendment to provide the

public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. 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.

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.

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 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 12550) 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: May 17, 1995.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 95-12574 Filed 5-22-95; 8:45 am]

BILLING CODE 4310-05-M

Office of the Secretary

43 CFR Part 11

RIN 1090-AA43

Natural Resource Damage Assessments; Type B—Nonuse Values

AGENCY: Department of the Interior.

ACTION: Notice of correction to semiannual regulatory agenda.

SUMMARY: On May 8, 1995, the semiannual regulatory agenda was published. The agenda incorrectly listed the Department of the Interior's Natural Resource Damage Assessments; Type B—Nonuse Values rulemaking as a completed/long-term action that had been withdrawn on March 31, 1995. 60 FR 23408, 23419. This rulemaking has neither been withdrawn nor completed. A proposed rule was issued on May 4, 1994. 59 FR 23097. The comment period closed on October 7, 1994. 59 FR 32175. The Department is currently reviewing and considering the comments received.