

Proposed Rules

Federal Register

Vol. 60, No. 103

Tuesday, May 30, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR-95-1]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received July 31, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202)

267-3132. Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraph (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC on May 23, 1995.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Petitions For Rulemaking

Docket No.: 28050
Petitioner: Mr. Richard D. Henry
Regulations Affected: 14 CFR 121.305(f)
Description of Rulechange Sought: To delete paragraph (f) of § 121.305 and replace it with a new paragraph (f), to read as follows: A gyroscopic rate of turn indicator combined with an integral slip-skid indicator (turn and bank indicator).

Petitioner's Reason for the Request: The petitioner feels that such a change reflects several things: Graveyard spirals, spins, rolls, and split "S" upsets continue to plague the industry; reliable means for the stopping of the turn is essential; turn needle is still the most trustworthy gyro to guarantee that the turn is stopped; new laser gyro's on occasion do tumble, notwithstanding the fact that they are rate gyro driven; turn needle is the only gyro that is sage for use following an in-flight power restoration during dynamic gravity influence, the only one to guarantee proper erection.

Docket No.: 28111
Petitioner: Mr. Alankar Gupta
Sections of the FAR Affected: 14 CFR parts 121 and 135
Description of Rulechange Sought: To prevent any person from transporting, storing, displaying, or using, on the flight deck, any visual or audible material that is unnecessary for safe operation of the airplane or is offensive to any crewmember.

Petitioner's Reason for the Request: The petitioner feels that such material has caused a number of instances of unpleasant, tense, stressful, or confusing situations within the

cockpits aboard commercial aircraft. Such conditions can lead to reduced crew performance capabilities. Also, tense, stressful, unpleasant, or bewildering conditions can cause the crew to respond slowly (or wrongly) during emergency situations. This can lead to accidents.

Dispositions of Petitions

Docket No.: 25063
Petitioner: Air Line Pilots Association
Sections of FAR Affected: 14 FR 121.437
Description of Rulechange Sought: To increase the basic flight time and experience requirements for persons acting as pilots in command of air carrier aircraft having a passenger seating capacity, excluding any pilot seat, of more than 30 seats or a payload capacity of more than 7500 pounds. It would also increase the basic flight time and experience requirements of persons acting as second in command of large aircraft or turbojet-powered multiengine aircraft type certificated for more than one required flight crewmember.
Petitioner's Reason for the Request: The petitioner feels that because of the growing complexity and changes in operations within commercial aviation a continually escalating need for new pilots has meant rapid pilot progression from the position of second in command to pilot in command.

Denial, March 22, 1995.

[FR Doc. 95-13133 Filed 5-26-95; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[IN-122, IN-123, IN-124]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of three proposed amendments to the Indiana regulatory program (hereinafter

referred to as the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). All three proposed amendment packages revise the Indiana Administrative Code (IAC) regulations. The first amendment package amends the Indiana program at both 310 IAC 0.6 and 310 IAC 12 by revising the response to petitions for review and the suspension or revocation of permits under Indiana law at IC 13-4.1. The second amendment revises revegetation standards for success for nonprime farmland for surface and underground coal mining and reclamation operations under IC 13-4.1. The third amendment revises the Small Operator Assistance Program (SOAP) regulations. The proposed amendments are intended to revise the Indiana program to be consistent with the corresponding Federal regulations. The amendments also incorporate changes desired by the State that address various parts of the State regulations.

DATES: Written comments must be received by 4 p.m., E.D.T., June 29, 1995. If requested, a public hearing on the proposed amendment will be held on June 26, 1995. Requests to speak at the hearing must be received by 4 p.m., E.D.T. on June 14, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis Field Office at the first address listed below.

Copies of the Indiana program, the proposed amendments, a listing of any scheduled public hearings, 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 amendments by contacting OSM's Indianapolis Field Office.

Roger W. Calhoun, Director,
Indianapolis Field Office, Office of
Surface Mining Reclamation and
Enforcement, Minton-Capehart
Federal Building, Room 301,
Indianapolis, Indiana 46204,
telephone: (317) 226-6166.

Indiana Department of Natural
Resources, 402 West Washington
Street, Room C256, Indianapolis,
Indiana 46204, telephone: (317) 232-
1547.

FOR FURTHER INFORMATION CONTACT:

Roger W. Calhoun, Director,
Indianapolis Field Office, Telephone:
(317) 226-6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of the Proposed Amendments

A. Indiana Program Amendment Number 95-1

By letter dated May 3, 1995 (Administrative Record No. IND-1459), the Indiana Department of Natural Resources (IDNR) submitted to OSM State program amendment number 95-1 consisting of revisions to 310 IAC 0.6-1-5 and 310 IAC 12-6-6.5 concerning the response to petitions for review and the suspension or revocation of permits under IC 13-4.1.

310 IAC 0.6-1-5 Petition for Review; Response

Indiana proposes several nonsubstantive wording changes, subsection and regulation reference changes, and paragraph notation changes to reflect the organizational changes made throughout this section.

Indiana is proposing to amend subsection (c) to require the director of IDNR or a delegate to issue an order "of permit suspension or revocation pursuant to IC 13.4.1-11-6" in place of an order "to show cause why the permit should not be revoked or suspended." In conjunction with this proposed change, Indiana proposes to amend subsections (c), (c)(2), (d), (e), (e)(1)(A), (e)(4), (f), and existing (g)(2) [proposed (h)(2)] by changing existing language from "an order to show cause" to "an order of permit suspension or revocation."

At subsection (d), Indiana is clarifying that an order of permit suspension or revocation is governed by IC 4-21.5-3-6.

Indiana is proposing to amend the language of subsection (e) to allow a permittee who desires to contest an order of permit suspension or revocation to file "a petition for review pursuant to IC 4-21.5-3-7" rather than filing "an answer specifically denying those allegations of the order to show cause which the permittee desires to contest." In conjunction with this proposed revision, Indiana proposes to

amend subsections (f), (g)(1), existing (g)(3) [proposed (i)(2)], and existing (h)(3) [proposed (k)(2)] by changing the existing language from "an answer" to "a petition for review."

Indiana is proposing to revise subsection (f) to read as follows:

If a petition for review is not filed by the permittee under subsection (e), the order of permit suspension or revocation shall become an effective and final order of the commission without a proceeding pursuant to IC 13-4.1-11-6(b).

Indiana is proposing to revise the existing language at subsection (g)(1) and to add new provisions at subsections (g)(1)(A), (g)(1)(B), (g)(1)(B)(A) and (B), and new (g)(2) as follows:

(g)(1) If a petition for review is filed by the permittee under subsection (e), and a hearing on the order is desired by the permittee, the matter shall be assigned to an administrative law judge for a proceeding under IC 4-21.5-3. The proceeding is commenced when the permittee files a petition for review under subsection (e). In a hearing conducted under this section, the director has the burden of going forward with evidence demonstrating that the permit in question should be suspended or revoked. This burden shall be satisfied if the director establishes a prima facie case that: (A) A pattern of violations of any requirements of IC 13-4.1, 310 IAC 12, or any permit conditions required under IC 13-4.1 or 310 IAC 12 exists or has existed; and (B) the violations were: (A) willfully caused by the permittee; or (B) caused by the unwarranted failure of the permittee to comply with any requirements of IC 13-4.1, 310 IAC 12, or any permit conditions required under IC 13-4.1 or 310 IAC 12. For the purposes of this subsection, the unwarranted failure of the permittee to pay any fee required under IC 13-4.1 or 310 IAC 12 constitutes a pattern of violations and requires the issuance of an order of permit suspension or revocation. (2) If the director demonstrates that the permit in question should be suspended or revoked, the permittee has the ultimate burden of persuasion to show cause why the permit should not be suspended or revoked. A permittee may not challenge the fact of any violation that is the subject of a final order of the director.

Indiana is proposing to relocate the provisions of existing subsections (g)(2) and (g)(2) (A) through (D) to new subsections (h) and (h) (1) through (4); to amend the provisions of new subsection (h) by requiring the administrative law judge to issue

findings and a written recommendation to the commission "to affirm, modify, or vacate the order of permit suspension or revocation"; and to relocate the reference to "the administrative law judge" to the last sentence in new subsection (h) and to delete this reference from new subsections (h)(1) through (4).

Indiana is proposing to move the provisions of subsection (g)(3) to new subsection (i).

Indiana is proposing to relocate the provisions of existing subsection (g)(4) to new subsection (j) and to amend the provisions by deleting the first sentence.

In response to a required amendment at 30 CFR 914.16(ff), Indiana proposes the deletion of the provision immediately following existing subsection (g)(4)(B). This provision allows issuance of the administrative law judge's findings and nonfinal order within sixty (60) days after conclusion of a permit suspension or revocation hearing.

Existing subsection (h) is proposed to be moved to new subsection (k) and the following revisions are proposed. At new subsection (k), the language "the director issues a recommended order under subsection (f) or" is deleted; the final order of the commission shall be entered within "forty-five (45)" days rather than "fifty (50)" days; and the language "director's recommended order or the" is deleted. The language in existing subsection (h)(1) "ninety (90) days following receipt of the order to show cause by the permittee, where the permittee does not comply with the requirements of subsection (c)" is deleted.

310 IAC 12-6-6.5 Suspension or Revocation of Permits

Indiana is proposing to amend the language of subsection (a) to require the director of IDNR to issue "to the permittee an order of permit suspension or revocation" in place of "an order to the permittee requiring the permittee to show cause why the permit and a right to mine under IC 13-4.1 should not be suspended or revoked."

At subsection (c), Indiana is proposing to revise the language which requires the director to issue "a show cause order as provided in 310 IAC 0.6-1-5(c)" by replacing it with language which requires the director to issue "an order of permit suspension or revocation as provided in 310 IAC 0.6-1-5. In conjunction with the above revisions, Indiana is proposing to amend subsections (d), (e), and (g) by changing the type of order from "show cause order" to "order of permit

suspension or revocation" and by revising regulation references.

At subsection (f), Indiana is changing the phrase "[i]f the committee suspends or revokes a permit" to "[i]f a permit is suspended or revoked."

B. Indiana Program Amendment Number 95-2

By letter dated May 3, 1995 (Administrative Record Number IND-1460), the IDNR submitted program amendment number 95-2. This amendment revises 310 IAC 12-5-64.1 and 310 IAC 12-5-128.1 pertaining to revegetation standards for success for nonprime farmland for surface and underground coal mining operations under IC 13-4.1.

310 IAC 12-5-64.1+ (Surface Mining) and 12-5-128.1 (Underground Mining) Revegetation; Standards for Success for Nonprime Farmland

Since the revisions being proposed for surface mining at § 12-5-64.1 are identical to those being proposed for underground mining at § 12-5-128.1, they will be combined for ease of discussion.

Indiana proposes paragraph notation changes to reflect the organizational changes made throughout subsections (c).

Indiana is, also, proposing to revise subsections (c) by correcting its reference to the "Soil Conservation Service" to the "Natural Resources Conservation Service" throughout.

Subsections (c)(3) concern the production success standards for revegetated pastureland areas. Indiana is proposing to relocate the provision in existing subsections (c)(4), which requires that if the current Natural Resources Conservation Service predicted yield by soil map units is used to determine production of living plants then the standard for success shall be a weighted average of the predicted yields for each unmined soil type which existed on the permit areas at the time the permit was issued, to subsections (c)(3)(B).

Indiana is proposing to delete the existing provision in subsections (c)(3)(C) for determining production of living plants on pastureland and is proposing to add the following provision.

(C) A target yield determined by the following formula: Target Yield=NRCSP Target Yield \times (CCA/10 Year CA) where: NRCSP Target Yield=the average yield per acre, as predicted by the Natural Resources Conservation Service, for the crop and the soil map units being evaluated. The most current yield information at the time of permit

issuance shall be used, and shall be contained in the appropriate sections of the permit application. CCA=the county average for the crop for the year being evaluated as reported by the United States Department of Agriculture crop reporting service, the Indiana Agricultural Statistics Service. 10 Year CA=the ten (1) Year Indiana Agricultural Statistics Service county average, consisting of the year being evaluated and the nine (9) preceding years.

Indiana is proposing to add new subsections (c)(3)(D) which allow other methods approved by the director of IDNR to be used in determining success of production of living plants on the revegetated area.

Existing subsections (c)(6) are redesignated subsections (c)(5). These subsections concern the success standards for production on revegetated cropland areas. Indiana is proposing to relocate the provision in existing subsections (c)(7), which requires that if the current Natural Resources Conservation Service predicted yield by soil map units is used to determine production of living plants then the standard for success shall be a weighted average of the predicted yields for each unmined soil type which existed on the permit areas at the time the permit was issued, to redesignated subsections (c)(5)(B).

Indiana is proposing to delete the provision in existing subsections (c)(6)(C) for determining production of living plants on cropland and is proposing to add the following provision to redesignated subsections (c)(5)(C).

(C) A target yield determined by the following formula: Target Yield=CCA \times (NRCSP/NRCSC) where; CCA=the county average for the crop for the year being evaluated as reported by the United States Department of Agriculture crop reporting service, the Indiana Agricultural Statistics Service. NRCSP=the weighted average of the current Natural Resources Conservation Service predicted yield for each croppable, unmined soil which existed on the permit at the time the permit was issued. NRCSC=the weighted average of the current Natural Resources Conservation Service predicted yield for each croppable, unmined soil which is shown to exist in the county on the most current county soil survey. A croppable soil is any soil which the Natural Resources Conservation Services has defined as being in capability class I, II, III, or IV.

Indiana is proposing to add new subsections (c)(5)(D) which would allow other methods approved by the director

of IDNR to be used in determining success of production of living plants on revegetated areas.

Indiana is proposing to move from existing subsections (c)(7) to new subsections (c)(5)(E) the provision which requires that once the method for establishing the standards has been selected, it may not be modified without the approval of the director.

C. Indiana Program Amendment Number 95-3

By letter dated May 3, 1995 (Administrative Record Number IND-1461), Indiana submitted State program amendment number 95-3. This amendment revises the SOAP regulations at 310 IAC 12-3 to more closely reflect the latest changes to 30 CFR Part 795.

310 IAC 12-3-130 Small Operator Assistance; Definitions

Indiana proposes to add two new definitions to this section as follows:

Program administrator means the state or federal official within the regulatory authority who has the authority and responsibility for overall management of the Small Operator Assistance Program; and

Qualified laboratory means a designated public agency, private firm, institution, or analytical laboratory that can provide the required determination of probable hydrologic consequences or statement of results of test boring or core samplings or other services as specified at 30 IAC 12-3-133 under the Small Operator Assistance Program and that meets the standards of 310 IAC 12-3-134.

310 IAC 12-3-131 Small Operator Assistance; Eligibility for Assistance

Indiana is proposing the following revisions to its regulations pertaining to eligibility for assistance.

In the introductory sentence of § 12-3-131, the language "who establishes the following" is replaced with the language "if he or she."

At § 12-3-131(1), the language "[a]n intention" is replaced by the word "intends."

At § 12-3-131(2), the criteria for eligibility for assistance is revised by providing that the probable total attributed annual production for all locations will not exceed three hundred thousand (300,000) tons.

At § 12-3-131(2)(B) and (C), the percentage of ownership of applicant is changed from five percent to ten percent with respect to the pro rata share which ownership will play in determining attributed coal production.

310 IAC 12-3-132.5 Small Operator Assistance; Application Approval and Notice

Indiana is proposing to add the following new § 12-3-132.5 pertaining to application approval and notice.

(a) If the program administrator finds the applicant eligible, he or she shall inform the applicant in writing that the application is approved. (b) If the program administrator finds the applicant ineligible, he or she shall inform the applicant in writing that the application is denied and shall state the reasons for denial.

310 IAC 12-3-133 Small Operator Assistance; Program Services and Data Requirements

Indiana is proposing to amend 310 IAC 12-3-133 as follows:

At subsection (a), the existing language is deleted and the following language is added.

(a) To the extent possible with available funds, the program administrator shall select and pay a qualified laboratory to make the determination and statement and provide other services referenced in paragraph (b) of this section for eligible operators who request assistance. Data collection and analysis may proceed concurrently with the development of mining and reclamation plans by the operator.

At subsection (b), the existing language is revised to read as follows:

(b) The program administrator shall determine the data needed for each applicant or group of applicants. Data collected and the results provided to the program administrator shall be sufficient to satisfy the requirements for: (1) The determination of the probable hydrologic consequences of the surface mining and reclamation operation in the proposed permit area and adjacent areas, including the engineering analyses and designs necessary for the determination in accordance with 310 IAC 12-3-29, 310 IAC 12-3-81, and any other applicable provisions of the Act; (2) the drilling and statement of the results of test borings or core samplings from the proposed permit area, in accordance with 310 IAC 12-331 and 310 IAC 12-369 and any other applicable provisions of the Act; (3) the development of cross-section maps and plans required by 310 IAC 12-3-39 and 310 IAC 12-3-76; (4) the collection of archaeological and historic information and related plans required by 310 IAC 12-3-29, 310 IAC 12-3-67, 310 IAC 12-3-38, 310 IAC 12-3-75, and any other archaeological and historic information required by the regulatory authority; (5)

pre-blast surveys required by 310 IAC 12-3-43; and (6) the collection of site-specific resources information, the production of protection and enhancement plans for fish and wildlife habitats required by 310 IAC 12-3-46.5 and 310 IAC 12-3-68.5 and information and plans for any other environmental values required by the regulatory authority under the Act.

310 IAC 12-3-134 Small Operator Assistance; Qualified Laboratories

Indiana proposed several revisions to subsections (a) and (b). These subsections, as revised, read as follows:

(a) To be designated a qualified laboratory, a firm shall demonstrate that it—(1) Is staffed with experienced, professional personnel in the fields applicable to the work to be performed; (2) has adequate space for material preparation, cleaning, and sterilizing equipment, and has stationary equipment, storage, and space to accommodate work loads during peak periods; (3) meets applicable federal or state safety and health requirements; (4) has analytical, monitoring and measuring equipment capable of meeting the applicable standards; (5) has the capability of collecting necessary field samples and making hydrologic field measurements and analytical laboratory determinations by acceptable hydrologic, geologic, or analytical methods in accordance with the requirements of 310 IAC 12-3-30 through 310 IAC 12-3-33, 310 IAC 12-3-47, 310 IAC 12-3-68 through 310 IAC 12-3-71, and any other applicable provisions of the ACT. Other appropriate methods or guidelines for data acquisition may be approved by the program administrator; and (6) has the capability of performing services for either the determination or statement referenced in 310 IAC 12-3-133.

(b) Subcontractors may be used to provide some of the required services provided their use is identified at the time a determination is made that a firm is qualified and they meet requirements specified by the program administrator.

310 IAC 12-3-135 Small Operator Assistance; Applicant Liability

Indiana is proposing to redesignate the introductory paragraph of § 12-3-135 as subsection (a), to revise the existing applicant reimbursement requirements in subdivisions (1) through (4), and to add a waiver of reimbursement provision at subsection (b). Revised subdivisions (1) through (4) and new subsection (b) reads as follows:

(a)(1) submits information, fails to submit a permit application within one (1) year from the date of receipt of the

approved laboratory report, or fails to mine after obtaining a permit; (2) the program administrator finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand (300,000) tons during the twelve (12) months immediately following the date on which the operator is issued the surface coal mining and reclamation permit; (3) the permit is sold, transferred, or assigned to another person and the transferee's total actual and attributed production exceeds the three hundred thousand (300,000) ton production limit during the twelve (12) months immediately following the date on which the permit was originally issued. Under this subdivision, the applicant and its successor are jointly and severally obligated to reimburse the regulatory authority; or (4) the applicant does not begin mining within six (6) months after obtaining the permit.

(b) The program administrator may waive the reimbursement obligation if he or she finds that the applicant at all times acted in good faith.

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 Indiana program.

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 Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on June 14, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests and 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

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**.

Public Meeting

If only one person requests an opportunity to speak 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

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 or 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 to 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 OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relief upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 23, 1995.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 95-13157 Filed 5-26-95; 8:45 am]

BILLING CODE 4310-05-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[IN-126; Amendment Number 95-9]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.