

(1) Tells the individual that the decisionmaker was not previously involved in the issue under review, that the waiver decision is solely the decisionmaker's, and that the waiver decision is based only on the evidence or information presented or reviewed at the conference;

(2) Ascertains the role and identity of everyone present;

(3) Indicates whether or not the individual reviewed the claims file;

(4) Explains the provisions of law and regulations applicable to the issue;

(5) Briefly summarizes the evidence already in file which will be considered;

(6) Ascertains from the individual whether the information presented is correct and whether he/she fully understands it;

(7) Allows the individual and the individual's representative, if any, to present the individual's case;

(8) Secures updated financial information and verification, if necessary;

(9) Allows each witness to present information and allows the individual and the individual's representative to question each witness;

(10) Ascertains whether there is any further evidence to be presented;

(11) Reminds the individual of any evidence promised by the individual which has not been presented;

(12) Lets the individual and the individual's representative, if any, present any proposed summary or closing statement;

(13) Explains that a decision will be made and the individual will be notified in writing; and

(14) Explains repayment options and further appeal rights in the event the decision is adverse to the individual.

(g) SSA issues a written decision to the individual (and his/her representative, if any) specifying the findings of fact and conclusions in support of the decision to approve or deny waiver and advising of the individual's right to appeal the decision. If waiver is denied, adjustment or recovery of the overpayment begins even if the individual appeals.

(h) If it appears that the waiver cannot be approved, and the individual declines a personal conference or fails to appear for a second scheduled personal conference, a decision regarding the waiver will be made based on the written evidence of record. Reconsideration is then the next step in the appeals process (but see § 410.630(c)).

Subpart F—[Amended]

10. The authority citation for subpart F of part 410 is revised to read as follows:

Authority: Secs. 413(b), 426(a), 507, and 508 of the Federal Mine Health and Safety Act of 1969, as amended; 30 U.S.C. 923(b), 936(a), 956, and 957.

11. Section 410.623 is revised to read as follows:

§ 410.623 Reconsideration; right to reconsideration.

(a) We shall reconsider an initial determination if a written request for reconsideration is filed, as provided in § 410.624, by or for the party to the initial determination (see § 410.610). We shall also reconsider an initial determination if a written request for reconsideration is filed, as provided in § 410.624, by an individual as a widow, child, parent, brother, sister, or representative of a decedent's estate, who makes a showing in writing that his or her rights with respect to benefits may be prejudiced by such determination.

(b) Reconsideration is the first step in the administrative review process that we provide for an individual dissatisfied with the initial determination, except that we provide the opportunity for a hearing before an administrative law judge as the first step for those situations described in § 410.630 (b) and (c), where an individual appeals an initial determination denying waiver of adjustment or recovery of an overpayment (see § 410.561a).

12. Section 410.630 is revised to read as follows:

§ 410.630 Hearing; right to hearing.

An individual referred to in §§ 410.632 or 410.633 who has filed a written request for a hearing under the provisions in § 410.631 has a right to a hearing if:

(a) An initial determination and reconsideration of the determination have been made by the Social Security Administration concerning a matter designated in § 410.610;

(b) An initial determination denying waiver of adjustment or recovery of an overpayment based on a personal conference has been made by the Social Security Administration (see § 410.561a); or

(c) An initial determination denying waiver of adjustment or recovery of an overpayment based on a review of the written evidence of record has been made by the Social Security Administration (see § 410.561a) and the determination was made concurrent

with, or subsequent to, our reconsideration determination regarding the underlying overpayment but before an ALJ holds a hearing.

[FR Doc. 95-13453 Filed 6-1-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC59-2-6942b; NC55-1-6497b; NC54-1-6496b: FRL-5207-4]

Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Basic Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the state implementation plan (SIP) revisions submitted on May 19, 1994, January 17, 1992, September 24, 1992, and August 5, 1994, by the State of North Carolina, through the North Carolina Department of Environmental Management. This revision modifies the implementation of a basic motor vehicle inspection and maintenance (I/M) program in the areas of Charlotte, Raleigh/Durham, and Winston-Salem, North Carolina. In the final rules section of this **Federal Register**, the 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 adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed 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 document should do so at this time.

DATES: To be considered, comments must be received by July 3, 1995.

ADDRESSES: Written comments on this action should be addressed to: Benjamin Franco at the EPA Regional office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The

interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Department of Environment, Health, and Natural Resources, P.O. Box 29535, Raleigh, North Carolina, 27626-0535.

FURTHER INFORMATION CONTACT:

Benjamin Franco, Mobile Source Planning Unit, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4211.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: May 3, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-13463 Filed 6-1-95; 8:45 am]

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40 CFR Part 52

[MI42-01-702b; FRL 5213-4]

Determination of Attainment of Ozone Standard by Grand Rapids and Muskegon, MI; Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to determine that the Grand Rapids (Kent and Ottawa Counties) and Muskegon (Muskegon County) ozone nonattainment areas have attained the National Ambient Air Quality Standard (NAAQS) for ozone and that certain reasonable further progress and attainment demonstration requirements, along with certain related requirements, of part D of title I of the Clean Air Act are not applicable for so long as the area continues to attain the ozone standard. In the final rules section of this **Federal Register**, USEPA is making these

determinations without prior proposal. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, USEPA will withdraw the direct final rule and address the comments in a subsequent final rule based on this proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this action must be received by July 3, 1995.

ADDRESSES: Written comments should be mailed to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation branch (AT-18J), United States Environmental Protection Agency, 77 West Jackson boulevard, Chicago, Illinois 60604.

A copy of the air quality data and EPA's analysis are available for inspection at the following address: Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Madelin Rucker at (312) 886-0661 before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: Madelin Rucker, Telephone: (312) 886-0661.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule published in the Final Rules section of this **Federal Register**.

Dated: May 18, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95-3460 Filed 6-1-95; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 11

RIN 1090-AA23

Natural Resource Damage Assessments: Type A Procedure for Coastal and Marine Environments

AGENCY: Department of the Interior.

ACTION: Proposed rule; availability of technical reports.

SUMMARY: This document announces the availability of technical reports relating to the Department of the Interior's

December 8, 1994, notice of proposed rulemaking to revise the natural resource damage assessment regulations. 59 FR 63300. The natural resource damage assessment regulations establish procedures for assessing damages for injury to natural resources resulting from a discharge of oil or hazardous substance into navigable waters under the Clean Water Act, or a release of a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act. The December 8, 1994, document proposed revisions to a simplified "type A" procedure for assessing damages from relatively minor discharges or releases in coastal and marine environments. That proposed assessment procedure incorporates the use of a computer model named the Natural Resource Damage Assessment Model for Coastal and Marine Environments (NRDAM/CME), Version 2.2. The Department has arranged for a number of technical specialists to conduct independent reviews of the proposed NRDAM/CME, Version 2.2 and is making those technical reports available for public review.

ADDRESSES: Copies of the reports are available for inspection at the Office of Environmental Policy and Compliance, Room 2243, Department of the Interior, 1849 C Street, NW, Washington, DC 20240, tel: (202) 208-3301 (regular business hours 7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mary Morton, Office of Environmental Policy and Compliance, Department of the Interior, MS 2340, 1849 C Street, NW, Washington, DC 20240, (202), tel: 208-3301 or MMORTON@IOS.DOI.GOV on Internet.

SUPPLEMENTARY INFORMATION: The natural resource damage assessment regulations establish procedures that Federal, State, and Tribal natural resource trustees may use to obtain compensation from liable parties for natural resource injuries under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 *et seq.*) and the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*). The regulations provide an administrative process for conducting assessments as well as two types of technical procedures for the actual determination of injuries and damages. "Type A" procedures are standard procedures for simplified assessments requiring minimal field observation in cases of minor discharges or releases in certain environments. "Type B" procedures are site-specific