

subpoena, court order or legal process to the General Counsel.

(b) *Notification by person served.* If any current or former officer, director, employee or agent of the Corporation, or any other person who has custody of exempt records belonging to the FDIC, is served with a subpoena, court order, or other process requiring that person's attendance as a witness concerning any matter related to official duties, or the production of any exempt record of the Corporation, such person shall promptly advise the Office of the Corporation's General Counsel of such service, of the testimony and records described in the subpoena, and of all relevant facts which may be of assistance to the General Counsel in determining whether the individual in question should be authorized to testify or the records should be produced. Such person should also inform the court or tribunal which issued the process and the attorney for the party upon whose application the process was issued, if known, of the substance of this section.

(c) *Appearance by person served.* Absent the written authorization of the Corporation's General Counsel, or designee, to disclose the requested information, any current or former officer, director, employee, or agent of the Corporation, and any other person having custody of exempt records of the Corporation, who is required to respond to a subpoena, court order, or other legal process, shall attend at the time and place therein specified and respectfully decline to produce any such record or give any testimony with respect thereto, basing such refusal on this section.

By Order of the Board of Directors.

Dated at Washington, DC this 27th day of June, 1995.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 95-16329 Filed 7-5-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

14 CFR Part 234

[Docket 50053]

RIN 2137-AC67

Airline Service Quality Performance Reports

AGENCY: Department of Transportation.

ACTION: Extension of comment period.

SUMMARY: This notice announces that the Bureau of Transportation Statistics is extending from July 5 to August 5,

1995, the deadline for submitting comments to the notice of proposed rulemaking concerning reporting by air carriers concerning their on-time performance.

DATES: Comments are now due August 5, 1995.

ADDRESSES: Comments should be submitted in duplicate to the Docket Clerk, Docket 50053, room PL 401, Office of the Secretary, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bernard Stankus, Office of Airline Information, K-25, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-4387.

SUPPLEMENTARY INFORMATION: On June 5, 1995 (60 FR 29514), the Office of Airline Statistics, Research and Special Programs Administration of DOT (now the Office of Airline Information, Bureau of Transportation Statistics; see 60 FR 30195, June 8, 1995) published a notice of proposed rulemaking (NPRM) to amend the on-time flight performance reporting requirements. The central issue was whether air carriers should exclude mechanical delays from their on-time performance report. The public was given 30 days to respond to the NPRM.

On June 28, 1995, the Department received three different requests for extension of the comment period. In a letter to Secretary Peña, Senator Mark O. Hatfield asked that the comment period be extended 60 days. He noted that when DOT proposed changes to the on-time report process in the past, the docket was open for substantially longer periods of time. He further stated that the current proposal merits the same type of thoughtful and thorough review by all interested parties.

In a second letter to Secretary Peña, the National Consumers League asked that the comment period be extended for 60 days. It stated that it only recently became aware of the proposed change to exclude mechanical delays and cancellations from the carrier on-time performance ratings. Because on-time performance is now the number one concern of business travelers, the National Consumers League believes the public should be given more time to respond to the rulemaking.

American Airlines, Delta Air Lines, United Airlines and USAir filed a joint submission asking the Department to extend the comment period to September 5, 1995. The joint carriers stated that they need additional time to prepare comments that fully take into account the history of this issue, as well

as the merits of the Department's proposal. In addition, they note that we are now entering the peak vacation period and that critical personnel have not been available during the full period between issuance of the NPRM and the current comment closing date.

Two answers were filed opposing the extension. Southwest Airlines stated that the joint carriers failed to provide a credible basis for an extension and criticized the last minute nature of the filing. It stated that the "peak vacation period" argument is both unconvincing and irrelevant, and that the carriers are seeking a lengthy extension in order to delay a ruling. They concluded by stating that all parties deserve certainty on this issue instead of an unending period of further debate and skirmishing.

Northwest Airlines strongly opposed the request for extension. It stated that the Department has before it a pressing safety issue that requires immediate action, and that neither procrastination nor vacation schedules should stand in the way of the Department's resolution of this issue.

We are granting a one-month extension. This action serves to facilitate the submission of informed comments, while not unduly delaying the proceeding. DOT believes this action will not prejudice the position of any party.

Issued in Washington on June 30, 1995.

Timothy E. Carmody,

Acting Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 95-16682 Filed 7-3-95; 11:26 am]

BILLING CODE 4910-62-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Utah Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Utah regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Utah's proposed rules pertain to normal husbandry practices and Utah's "Vegetation Information Guidelines."

The amendment is intended to improve operational efficiency.

DATES: Written comments must be received by 4 p.m., m.d.t., July 21, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Richard J. Seibel at the address listed below.

Copies of the Utah 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 Western Regional Coordinating Center.

Richard J. Seibel, Regional Director,
Western Regional Coordinating
Center, Office of Surface Mining
Reclamation and Enforcement, 1999
Broadway, Suite 3320, Denver,
Colorado 80202-5733

Utah Coal Regulatory Program, Division
of Oil, Gas and Mining, 355 West
North Temple, 3 Triad Center, Suite
350, Salt Lake City, Utah 84180-1203,
Telephone: (801) 538-5340.

FOR FURTHER INFORMATION CONTACT:
Richard J. Seibel, Telephone: (303) 672-
5501.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

II. Proposed Amendment

By letter dated February 6, 1995, Utah submitted a proposed amendment to its program (administrative record No. UT-1025) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment at its own initiative.

OSM announced receipt of the proposed amendment in the March 15, 1995, **Federal Register** (60 FR 13935), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. UT-1034). Because no one requested a public hearing or meeting, none was held.

The public comment period ended on April 14, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of the Utah Coal Mining Rules at Utah Administrative Rule (Utah Admin. R.) 645-301-357.340, concerning those activities that cause the need for repair of revegetation after phase II bond release that would not restart the liability period; Utah Admin. R. 645-301-357.350, concerning clarification that the rule applies to irrigation of transplanted trees and shrubs that would not restart the liability period; and Appendix C of Utah's "Vegetation Information Guidelines," concerning references to manuals it submitted to support the reestablishment of vegetation after wildfires that would not restart the liability period proposed at Utah Admin. R. 645-301-357.340. OSM notified Utah of the concerns by letter dated May 23, 1995 (administrative record No. UT-1054).

Utah responded in a letter dated June 5, 1995, by submitting a revised amendment (administrative record No. UT-1059). Utah proposes to revise: Utah Admin. R. 645-301-357.340, to include as an activity that would not restart the liability period, repair of revegetation after phase II bond release necessitated by illegal activities, such as vandalism, which are not caused by any lack of planning, design, or implementation of the mining and reclamation plan; Utah Admin. R. 645-301-357.350, to clarify that irrigation of transplanted trees and shrubs would not restart the liability period; and Appendix C of Utah's "Vegetation Information Guidelines," to include references to manuals that support the reestablishment of vegetation after wildfires.

OSM is reopening the comment period on the proposed Utah 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 Utah 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 Western Regional Coordinating Center 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 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 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 28, 1995.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 95-16544 Filed 7-5-95; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5254-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Delete Brown Wood Preserving Site from the National Priorities List; request for comments.

SUMMARY: The U.S. Environmental Protection Agency (EPA), announces its intent to delete the Brown Wood Preserving Superfund Site (Site) in Live Oak, Suwannee County, Florida, from the National Priorities List (NPL) and requests public comment on this action. The NPL is codified as Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA and the State of Florida (State) have determined that all appropriate responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that the remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments on the Notice of Intent to Delete the Site from the NPL should be submitted on or before August 7, 1995.

ADDRESSES: Comments may be mailed to: Joe Franzmathes, Director, Waste Management Division, U.S.

Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Comprehensive information on this Site is maintained in the public docket, which is available for viewing at the information repositories in two locations. Requests for appointments or copies of the background information from the public docket should be directed to:

Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Phone: (404) 347-3555, ext. 6217, Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday—By Appointment Only.
Suwannee River Regional Library, 207 Pine Street, Live Oak, Florida 32060, Phone: (904) 362-2317, Hours: 8:30 a.m. to 8:00 p.m., Monday and Thursday; 8:30 a.m. to 5:30 p.m., Tuesday, Wednesday, and Friday; 8:30 a.m.—4:00 p.m., Saturday.

FOR FURTHER INFORMATION CONTACT:

Randall Chaffins, U.S. Environmental Protection Agency, Region IV, Waste Management Division, South Superfund Remedial Branch, 345 Courtland Street, N.E. Atlanta, GA 30365, (404) 347-2643 ext. 6260.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

EPA announces its intent to delete the Site from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this proposed deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions in the event that conditions at the site warrant such action.

EPA will accept comments concerning this Site for thirty (30) calendar days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the State, considers whether any of the following criteria have been met:

- (i) Responsible or other persons have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate; or
- (iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment; and, therefore, taking of remedial measures is not appropriate.

III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision to delete the Site. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this Site:

- (1) EPA has recommended deletion and has prepared the relevant documents.
- (2) The State of Florida has concurred with the deletion decision.
- (3) Concurrent with this Notice of Intent to Delete, a notice has been published in a local newspaper and has been distributed to appropriate Federal, State, and local officials, and other interested parties.

(4) EPA has made all relevant documents available at the information repositories.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designated primarily for information purposes and to assist EPA management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

The comments received during the public comment period will be evaluated before the final decision to delete the Site. EPA will prepare a Responsiveness Summary, if necessary, which will address the comments received during the public comment period.

A deletion occurs when the Regional Administrator of EPA places a Notice of Deletion in the **Federal Register**. Any deletions from the NPL will be reflected