

Previous Participation and Compliance Requirements set forth in 24 CFR part 200, Subpart H. HAs are still expected, however, to determine, pursuant to 24 CFR 85.36, if a contractor is responsible, based on its own records, the GSA Debarred and Suspended list, the HUD Limited Denial of Participation List, and any other information available to the HA. HUD is now issuing a final rule to complete this regulatory action.

III. Public Comment on Interim Rule

Seven written comments were received from the public on the June 20, 1994 interim rule. All were from public housing authorities. Six of the commenters strongly endorsed the rule.

One commenter (Town of Rampano Housing Authority) objected to the rule's elimination of the previous participation certificate requirement for HAs. It argued that "without the necessity of a contractor completing HUD 2530, the Authority has no way of verifying whether or not the contracting firm is both ethical and/or viable. Said unethical company might start out in Texas, however, by the time it reaches New York—other than through the use of the 2530, the Authority has no way of making the appropriate determination. Certainly, you must agree that the aforementioned will not be indicated on either the GSA Debarred list."

As noted above, HAs are required by the Department's procurement regulations at 24 CFR 85.36 to determine contractor responsibility. As a part of that determination, HAs can and should obtain a list of references indicating the contractor's past experiences. HAs should check those references to verify that the contractor's past performance was acceptable. The Department does not believe that it should continue to maintain this additional approval level which only serves to delay contract award and the completion of much needed work.

IV. Other Matters

A. Environmental Impact

The subject matter of this final rule is categorically excluded from HUD's environmental clearance procedures under 24 CFR 50.20(k). It relates to administrative procedures whose content does not constitute a development decision but only to the preparation of reports and HUD management activities.

B. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has

determined that the provisions of this final rule do not have "federalism implications" within the meaning of the Order. This final rule does not, in any substantive manner, change existing relationships between the Federal government and State and local authorities.

C. Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication and, by approving it, certifies that it will not have a significant economic impact on small entities. This final rule only directly affects PHAs and IHAs which are State and local governmental entities. The final rule should prove beneficial to PHAs and IHAs and should have no negative impact upon their contractors.

D. Executive Order 12606, The Family

The General Counsel, as the Designated Official for Executive Order 12606, The Family, has determined that the provisions of this final rule do not have the potential for significant impact on family formation, maintenance and general well-being within the meaning of the Order.

E. Regulatory Agenda

This rule was listed as item 1529 in the Department's Semiannual Agenda of Regulations published on May 8, 1995 (60 FR 23368, 23402) under Executive Order 12866 and the Regulatory Flexibility Act.

F. Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance Program number is 14.852.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 905

Aged, Energy conservation, Grant programs—housing and community development, Grant programs—Indians, Homeownership, Indians, Individuals with disabilities, Lead poisoning, Loan programs—housing and community

development, Loan programs—Indians, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs—housing and community development, Public housing.

24 CFR Part 968

Grant programs—housing and community development, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

Accordingly, parts 200, 905, 941, and 968 of title 24 of the Code of Federal Regulations are amended by adopting the interim rule published in the **Federal Register** June 20, 1994 (59 FR 31521) as final, without change.

Dated: July 3, 1995.

Henry G. Cisneros,

Secretary.

[FR Doc. 95-16935 Filed 7-10-95; 8:45 am]

BILLING CODE 4210-32-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 18, 19, 20, 22, 27, 28, 35, 36, 50, 56, 57, 70, 71, 74, 77, 90

Technical Amendments

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule; technical amendments.

SUMMARY: The Mine Safety and Health Administration (MSHA) is amending its regulations to make certain nomenclature changes and to correct addresses which have changed since the regulations were originally issued.

EFFECTIVE DATE: July 11, 1995.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA 703-235-1910.

SUPPLEMENTARY INFORMATION: MSHA has identified numerous sections with inaccurate addresses and in need of other nomenclature changes. This final rule makes technical amendments to update these sections. The address for MSHA's Approval and Certification Center is corrected; obsolete references to two specific testing laboratories are removed; references to metal and nonmetal subdistrict offices, which no longer exist, are removed; the name of the Denver Safety and Health

Technology Center is corrected; the street address for the Pittsburgh Safety and Health Technology Center is added to accommodate delivery of overnight mail; certain addresses for obtaining documents incorporated by reference are corrected. As this amendment involves nonsubstantive matters relating to agency management and organization, it is exempt from the notice and comment procedures of 5 U.S.C. 553.

List of Subjects in 30 CFR Parts 18, 19, 20, 22, 27, 28, 35, 36, 50, 56, 57, 70, 71, 74, 77, and 90

Mine safety and health.

Dated: June 30, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

Accordingly, under the authority of 30 U.S.C. 957, chapter I, title 30 of the Code of Federal Regulations is amended as follows:

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

1. The authority citation for part 18 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

2. Section 18.6 is amended by revising the third sentence of paragraph (a) to read as follows:

§ 18.6 Applications.

(a) * * * The application, all related matters, and all correspondence concerning it shall be addressed to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

3. Section 18.81 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 18.81 Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.

(a) * * * The application, together with the plans of modifications, shall be filed with Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

4. Section 18.82 is amended by revising the second sentence of paragraph (a) and the first sentence of paragraph (c) to read as follows:

§ 18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.

(a) * * * The user shall submit a written application to the Assistant Secretary of Labor for Mine Safety and

Health, 4015 Wilson Boulevard, Arlington, VA 22203, and send a copy to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

(c) *Final inspection.* Unless equipment is delivered to MSHA for investigation, the applicant shall notify Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, when and where the experimental equipment will be ready for inspection by a representative of MSHA before installing it on a trial basis. * * *

* * * * *

PART 19—ELECTRIC CAP LAMPS

5. The authority citation for part 19 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

6. Section 19.3 is amended by revising the second sentence to read as follows:

§ 19.3 Applications.

* * * This application, in duplicate, accompanied by a check, bank draft, or money order, payable to U.S. Mine Safety and Health Administration, to cover all the necessary fees, shall be sent to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, together with the required drawings, one complete lamp, and instructions for its operation.

7. Section 19.4 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 19.4 Conditions governing investigations.

(a) * * * This material should be sent prepaid to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

8. Section 19.13 is amended by revising paragraph (a) to read as follows:

§ 19.13 Instructions for handling future changes in lamp design.

* * * * *

(a) The manufacturer shall write to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, requesting an extension of the original approval and stating the change or changes desired. With this letter, the manufacturer should submit a revised drawing or drawings showing the changes in detail, and one of each of the changed lamp parts.

* * * * *

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

9. The authority citation for part 20 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

10. Section 20.3 is amended by revising the second sentence to read as follows:

§ 20.3 Applications.

* * * This application, in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Mine Safety and Health Administration, to cover all the necessary fees, shall be sent to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, together with the required drawings, one complete lamp, and instructions for its operation.

11. Section 20.5 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 20.5 Conditions governing investigations.

(a) * * * This material should be sent prepaid to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

12. Section 20.14 is amended by revising the introductory paragraph and paragraph (a) to read as follows:

§ 20.14 Instructions for handling future changes in lamp design.

All approvals are granted with the understanding that the manufacturer will make the lamp according to the drawings submitted to MSHA, which have been considered and included in the approval. Therefore, when the manufacturer desires to make any change in the design of the lamp, the manufacturer should first obtain an extension of the original approval to cover the change. The procedure is as follows:

(a) The manufacturer shall write to the Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, requesting an extension of the original approval and describing the change or changes proposed. With this letter, the manufacturer should submit a revised drawing or drawings showing the changes in detail, and one of each of the changed lamp parts.

* * * * *

PART 22—PORTABLE METHANE DETECTORS

13. The authority citation for part 22 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

14. Section 22.4 is amended by revising the second sentence to read as follows:

§ 22.4 Applications.

* * * This application, in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Mine Safety and Health Administration, to cover all the necessary fees, shall be sent to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, together with the required drawings, one complete detector, and instructions for its operation.

15. Section 22.5 is amended by revising paragraph (a) to read as follows:

§ 22.5 Conditions governing investigations.

(a) One complete detector, with assembly and detail drawings that show the construction of the device and the materials of which it is made, should be forwarded prepaid to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, at the time the application for tests is made.

* * * * *

16. Section 22.11 is amended by revising the introductory paragraph and paragraph (a) to read as follows:

§ 22.11 Instructions on handling future changes in design.

All approvals are granted with the understanding that the manufacturer will make the detector according to the drawings submitted to MSHA which have been considered and included in the approval. Therefore, when the manufacturer desires to make any changes in the design, the manufacturer should first obtain MSHA's approval of the change. The procedure is as follows:

(a) The manufacturer should write to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, requesting an extension of the original approval and stating the change or changes desired. With this request, the manufacturer should submit a revised drawing or drawings showing changes in detail, together with one of each of the parts affected.

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PART 27—METHANE-MONITORING SYSTEMS

17. The authority citation for part 27 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

18. Section 27.3 is amended by revising the first sentence to read as follows:

§ 27.3 Consultation.

By appointment, applicants or their representatives may visit Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed methane-monitoring systems to be submitted in accordance with the regulations of this part. * * *

19. Section 27.4 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 27.4 Applications.

(a) * * * The application and all related matters and correspondence concerning it shall be addressed to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

PART 28—FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

20. The authority citation for part 28 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

21. Section 28.10 is amended by revising paragraph (a) and the first sentence of paragraph (c) to read as follows:

§ 28.10 Application procedures.

(a) Each applicant seeking approval of a fuse for use with direct current in providing short-circuit protection for trailing cables shall arrange for submission, at applicant's own expense, of the number of fuses necessary for testing to a nationally recognized independent testing laboratory capable of performing the examination, inspection, and testing requirements of this part.

* * * * *

(c) Upon satisfactory completion by the independent testing laboratory of the examination, inspection, and testing requirements of this part, the data and results of such examination, inspection, and tests shall be certified by both the applicant and the laboratory and shall be sent for evaluation of such data and results to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059. * * *

* * * * *

22. Section 28.31 is amended by revising the second sentence of paragraph (b) to read as follows:

§ 28.31 Quality control plans; contents.

* * * * *

(b) * * * Military Specification MIL-F-15160D is available for examination at Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059. * * *

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23. Section 28.40 is amended by revising the second sentence of paragraph (d) to read as follows:

§ 28.40 Construction and performance requirements; general.

* * * * *

(d) * * * This document is available for examination at Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, and copies of the document are available from Underwriters Laboratories, Inc., 161 Sixth Avenue, New York, NY 10013.

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PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

24. The authority citation for part 35 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

25. Section 35.3 is amended by revising the first sentence to read as follows:

§ 35.3 Consultation.

By appointment, applicants or their representatives may visit Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed fluids to be submitted in accordance with the regulations of this part. * * *

26. Section 35.6 is amended by revising the second sentence of paragraph (a) and the third sentence of paragraph (g) to read as follows:

§ 35.6 Applications.

(a) * * * The application and all related matters and correspondence concerning it shall be sent to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

(g) * * * All samples and related materials required for testing must be delivered (charges prepaid) to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

27. The authority citation for part 36 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

28. Section 36.3 is amended by revising the first sentence to read as follows:

§ 36.3 Consultation.

By appointment, applicants or their representatives may visit Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed mobile diesel-powered transportation equipment to be submitted in accordance with the regulations of this part. * * *

29. Section 36.6 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 36.6 Applications.

(a) * * * The application and all related matters and correspondence concerning it shall be addressed to the Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

* * * * *

PART 50—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

30. The authority citation for part 50 is revised to read as follows:

Authority: 29 U.S.C. 577a; 30 U.S.C. 951, 957, 961.

31. Section 50.20 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 50.20 Preparation and submission of MSHA Report Form 7000-1—Mine Accident, Injury, and Illness Report.

(a) * * * These may be obtained from MSHA Metal and Nonmetal Mine Safety and Health District Offices and from MSHA Coal Mine Safety and Health Subdistrict Offices. * * *

* * * * *

§ 50.20-1 [Amended]

32. In § 50.20-1 remove the words “MSHA—Health and Safety Analysis Center” wherever they appear and add, in their place, the words “Denver Safety and Health Technology Center.” In addition, remove the phrase “(HSAC)” from the fifth sentence.

§ 50.30 [Amended]

33. In § 50.30 remove the words “MSHA Health and Safety Analysis Center” and add, in their place, the words “Denver Safety and Health Technology Center”; and remove the words “MSHA Metal and Nonmetallic Mine Health and Safety Subdistrict Offices” and add, in their place, the words “MSHA Metal and Nonmetal Mine Safety and Health District Offices.”

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

34. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811, 957, 961.

§ 56.2 [Amended]

35. In § 56.2, in the definitions of “Blasting agent,” “Explosive,” and “Potable water,” remove the word “Subdistrict” and add, in its place, the word “District.”

§ 56.1000 [Amended]

36. In § 56.1000 remove the word “Subdistrict” and add, in its place, the word “District.”

§§ 56.5001, 56.5005, 56.5050, and 56.12047 [Amended]

37. Remove the words “or Subdistrict” in the following places:

- a. § 56.5001(a)
- b. § 56.5005(b)
- c. § 56.5050(a)
- d. § 56.12047

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

38. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811, 957, 961.

§ 57.2 [Amended]

39. In § 57.2, in the definitions of “Blasting agent,” “Explosive,” and “Potable water,” remove the word “Subdistrict” and add, in its place, the word “District.”

§§ 57.1000, 57.5040, 57.5047 [Amended]

40. In §§ 57.1000, 57.5040(b)(4), and 57.5047(b), remove the word “Subdistrict” and add, in its place, the word “District.”

§§ 57.5001, 57.5005, 57.5050, and 57.12047 [Amended]

41. Remove the words “or Subdistrict” in the following places:

- a. § 57.5001(a)
- b. § 57.5005(b)
- c. § 57.5050

d. § 57.12047

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

42. The authority citation for part 70 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957, 961.

§ 70.209 [Amended]

43. In § 70.209(a), add the words “Cochrans Mill Road, Building 38,” after the words “Pittsburgh Safety and Health Technology Center”.

PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

44. The authority citation for part 71 is revised to read as follows:

Authority: 30 U.S.C. 811, 951, 957, 961.

§ 71.209 [Amended]

45. In § 71.209(a), add the words “Cochrans Mill Road, Building 38,” after the words “Pittsburgh Safety and Health Technology Center”.

PART 74—COAL MINE DUST PERSONAL SAMPLER UNITS

46. The authority citation for part 74 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

§ 74.6 [Amended]

47. In § 74.6(a) remove the words “Box 201 B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059” and add, in their place, the words “RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059”.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

48. The authority citation for part 77 continues to read as follows:

Authority: 30 U.S.C. 811, 957, 961.

49. Section 77.403b is amended by revising the fifth and sixth sentences to read as follows:

§ 77.403b Incorporation by reference.

* * * SAE documents are available from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. American Welding Society Structural Welding Code D1-1-73 is available from the American Welding Society, Inc., 550 N.W. LeJeune Road, Miami, FL 33126. * * *

PART 90—MANDATORY HEALTH STANDARDS—COAL MINERS WHO HAVE EVIDENCE OF THE DEVELOPMENT OF PNEUMOCOCONIOSIS

50. The authority citation for part 90 is revised to read as follows:

Authority: 30 U.S.C. 811, 813(h).

§ 90.209 [Amended]

51. In § 90.209(a), add the words "Cochrans Mill Road, Building 38," after the words "Pittsburgh Safety and Health Technology Center".

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BILLING CODE 4510-43-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[IL-090]

Illinois Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Illinois regulatory program (hereinafter referred to as the "Illinois program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Illinois proposed to merge the Illinois Department of Mines and Minerals into the newly created Illinois Department of Natural Resources. The amendment is intended to improve operational efficiency.

EFFECTIVE DATE: July 11, 1995.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Acting Director, Springfield Field Office, 511 West Capitol, Suite 202, Springfield, Illinois 62704. Telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION:

- I. Background on the Illinois Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, **Federal Register** (47

FR 23883). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

II. Submission of the Proposed Amendment

By letter dated March 3, 1995 (Administrative Record No. IL-1700), Illinois submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. Illinois proposed to merge the Illinois Department of Mines and Minerals into the new Illinois Department of Natural Resources by virtue of Executive Order Number 2 (1995) signed by the Governor of Illinois on March 1, 1995, effective July 1, 1995. Article V, Section 11 of the Constitution of the State of Illinois authorizes the Governor to reassign functions or reorganize executive agencies to simplify the organizational structure of the Executive Branch, to improve accountability, to increase accessibility, and to achieve efficiency and effectiveness in operation.

OSM announced receipt of the proposed amendment in the March 27, 1995, **Federal Register** (60 FR 15726), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on April 26, 1995.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Part I(C)—Redesignation

At Part I(C) of Executive Order Number 2, Illinois provides that the Department of Natural Resources will have within it an Office of Mines and Minerals which will be responsible for the functions previously vested in the Department of Mines and Minerals and the Abandoned Mined Lands Reclamation Council.

B. Part II(C)—Transfer of Powers

At Part II(C), Illinois is transferring the Surface-Mined Land Conservation and Reclamation Act (225 ILCS 715/1 *et seq.*) and the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720.1.01 *et seq.*) from the Department of Mines and Minerals to

the Department of Natural Resources along with the rights, powers, and duties by law incidental to these Acts.

C. Part III(A-C)—Effect of Transfer

At Part III(A), Illinois is abolishing the Department of Mines and Minerals. At Part III(B), Illinois is abolishing the office of the Director of Mines and Minerals. At Part III(C), Illinois is transferring personnel previously assigned to the Department of Mines and Minerals to the Department of Natural Resources.

D. Part IV(F)—Savings Clause

At part IV(F), Illinois states that the Executive Order will not affect the legality of any rules in the Illinois Administrative Code. It is requiring that the Department of Natural Resources (and other affected departments) propose and adopt under the Illinois Administrative Procedure Act those rules necessary to consolidate and clarify the rules that will be administered by the successor agency.

In its submittal letter dated March 3, 1995 (Administrative Record No. IL-1700), Illinois stated, "Under the planned agency reorganization, the currently approved state regulatory authority over coal mining and reclamation operations will cease to exist in name only. The Illinois Department of Mines and Minerals' (IDMM) regulatory functions, including those mandated by section 503 of SMCRA, 30 U.S.C. 1253, will continue uninterrupted. In short, the upcoming agency reorganization will not change the IDMM's authority to implement, administer or enforce the currently approved regulatory program; the IDMM will simply be known by another name."

There are no direct Federal counterparts to the revisions contained in Executive Order Number 2. Because the proposed revisions do not affect the regulatory authority's implementation of its approved program, the Director finds the revisions not inconsistent with the requirements of SMCRA and the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.