

**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".

[FR Doc. 95-16849 Filed 7-10-95; 8:45 am]

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**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.

### Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Illinois program. No comments were received.

### Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Illinois proposed to make in this amendment pertain to air or water quality standards. However, by letter dated March 22, 1995 (Administrative Record No. IL-1704), the EPA concurred without comment.

### V. Director's Decision

Based on the above finding(s), the Director approves the proposed amendment as submitted by Illinois on March 3, 1995.

The Federal regulations at 30 CFR part 913, codifying decisions concerning the Illinois program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

### VI. 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 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 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 Paper 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 of 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 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 corresponding Federal regulations.

### List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 30, 1995.

**Ronald C. Recker,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

### PART 913—ILLINOIS

1. The authority citation for part 913 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 913.15 is amended by adding paragraph (r) to read as follows:

### § 913.15 Approval of regulatory program amendments.

\* \* \* \* \*

(r) The following amendment, as submitted to OSM on March 3, 1995, is approved effective July 11, 1995.

Executive Order Number 2, Sections I(C), II(C), III, IV(F)—Reorganization  
[FR Doc. 95-16887 Filed 7-10-95; 8:45 am]  
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### 30 CFR Part 913

[IL-091]

### Illinois Abandoned Mine Land Reclamation Plan

**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 abandoned mine land reclamation plan (hereinafter referred to as the "Illinois plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Illinois proposed to merge the Abandoned Mined Lands Reclamation Council (Council) into the newly created Department of Natural Resources, Office of Mines and Minerals. The amendment is intended to improve operational efficiency and provide formal notification of this pending reorganization.

**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 Plan
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#### I. Background on the Illinois Plan

On June 1, 1982, the Secretary of the Interior approved the Illinois plan. Background information on the Illinois plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the June 1, 1982, **Federal Register** (47 FR 23886). Subsequent actions concerning the conditions of approval and amendments to the plan can be found at 30 CFR 913.25.