

40-10-11(5)(a)	Remining Operation Violations Resulting From Unanticipated Events or Conditions.
40-10-5 (b) and (c)	Division Action on Permit Applications and Requirements for Approval.
40-10-12(3)	Revisions or Modifications of Permit Provisions.
40-10-13(2)(b)	Location of Informal Conferences.
40-10-14 (2) and (3)	Notice to Applicant of Approval or Disapproval of Application and Hearings.
40-10-14(6)	Appeals to District Court and Further Review.
40-10-15(1)	Performance Bonds.
40-10-16 (1), (3), and (6)(a)	Release of the Performance Bond, Surety, or Deposit, Action on Application for Relief of Bond, and Formal Hearings or Informal Conferences.
40-10-16(6) (b) through (d)	Information Conferences or Formal Hearings Pertaining to Performance Bond Release Decisions.
40-10-17(2) (g), (2)(j)(i) (B) and (ii)(A) and (B), (2)(m), (2) (o), and (o)(i), (iv), and (v), (2)(p) (i)(F), (ii), and (iii), (2)(t)(i), (2) (v)(viii), (3) (b) and (b)(ii), (3)(c), (4) (a) and (d), and (5).	Performance Standards for All Coal Mining and Reclamation Operations, Additional Standards for Steep-Slope Surface Coal Mining, and Variances.
40-10-17(2)(t)(ii)	Performance Standards for All Coal Mining and Reclamation Operations.
40-10-18 (1), (2)(i)(i)(B), (2)(j), and (5)	Underground Coal Mining, Rules Regarding Surface Effects, Operator Requirements for Underground Coal Mining, and Applicability of Other Chapter Provisions.
40-10-18(4) (a) through (c)	Damage Resulting From Underground Coal Mining Subsidence.
40-10-19 (1) and (2)(a)	Information Provided by Permittee to Division and Inspections by Division.
40-10-20(2)(e)(ii)	Contest of the Violation or the Amount of the Civil Penalty.
40-10-21 (1)(a) (i) and (ii), (2)(a)(ii), and (5)	Civil Action to Compel Compliance with Chapter, Jurisdiction, and Other Rights Not Affected.
40-10-22 (1)(c) and (2)(a)(i)	Violations of Chapter or Permit Conditions and Inspections.
40-10-22 (1)(d) and (3) (a), (b), (d), and (f)	Violations of Chapter or Permit Conditions, Cessation Orders, Abatement Notices, or Show Cause Orders, and Suspensions or Revocations of Permit.
40-10-22(2)(b)	Cessation Orders, Abatement Notices, and Show Cause Orders.
40-10-22(3)(e)	Costs Assessed Against Either Party.
40-10-24(1)(c)(i) (A), (B), (C), and (D), and (ii), (e) (i), (ii), and (iii), and (2) (a) and (b).	Determination of Unsuitability of Lands for Surface Coal Mining, Petitions, and Public Hearings.
40-10-30	Judicial Review of Rules or Orders.
Utah Admin. R. 641-100-100	Administrative Procedures.

3. Section 944.16 is amended by removing and reserving paragraph (b) and adding paragraphs (e) through (i) to read as follows:

§ 944.16 Required program amendments.
* * * * *

- (e) By March 1, 1996, Utah shall revise its definition of "adjudicative proceeding" at UCA 40-10-3(1) to include judicial review of agency actions.
- (f) By March 1, 1996, Utah shall revise UCA 40-10-11(3) to require that (1) the schedule of the applicant's mining law violations required in connection with a permit application includes violations of SMCRA and the implementing Federal regulations and (2) the pattern of violations determination discussed therein includes violations of SMCRA, the implementing Federal regulations, any State or Federal programs enacted under SMCRA, and other provisions of the approved Utah program.
- (g) By March 1, 1996, Utah shall revise UCA 40-10-11(5)(a) to reflect an effective date of "after October 24, 1992."
- (h) By March 1, 1996, Utah shall revise UCA 40-10-13(2)(b) to change the word "may" to "shall" in the

sentence that begins "[t]he conference may be held in the locality of the coal mining and reclamation operation * * *."

(i) By March 1, 1996, Utah shall revise UCA 40-10-20(2)(e)(ii) to provide for a waiver of the operator's right to contest the amount of the civil penalty when the operator fails to forward the amount of the penalty to the regulatory authority within 30 days of receipt of the results of the informal conference.

4. Section 944.25 is amended by adding paragraph (c) to read as follows:

§ 944.25 Approval of amendments to State abandoned mine plan.
* * * * *

- (c) The following sections of the Utah Code Annotated 1953 (UCA), Title 40, pertaining to the Utah abandoned mine plan, as submitted to OSM on April 14, 1994, and revised on December 7, 1994, are approved effective July 19, 1995. 40-10-25(2)(d), Deletion of Research and Demonstration Projects. 40-10-25(2) (d) and (e), Recodification of Expenditure Priorities. 40-10-25 (3), (3)(a), (3)(b), (4), (5), and (6), Eligible Lands and Water. 40-10-27 (5)(a) and (12)(b), Entry Upon Land Adversely Affected by Past Coal

Mining Practices and State Acquisition of Lands. 40-10-28 (1)(a)(ii) and (2)(a), Recovery of Reclamation Costs and Liens Against Reclaimed Lands.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AG86

Chronic Fatigue Syndrome

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document adopts as a final rule without change an interim rule adding a diagnostic code and evaluation criteria for chronic fatigue syndrome to the VA Schedule for Rating Disabilities. The intended effect of this rule is to insure that veterans diagnosed with this condition meet uniform criteria and receive consistent evaluations.

EFFECTIVE DATE: This final rule is effective July 19, 1995. The interim rule was effective November 29, 1994.

FOR FURTHER INFORMATION CONTACT: Caroll McBrine, M.D., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington DC 20420, (202) 273-7210.

SUPPLEMENTARY INFORMATION: On November 29, 1994, VA published in the **Federal Register** an interim rule with request for comments (59 FR 60901). The rule added a diagnostic code (DC 6354) and evaluation criteria for chronic fatigue syndrome to the section of the VA Schedule for Rating Disabilities (38 CFR Part 4) on systemic diseases (38 CFR 4.88b). A 60-day comment period ended January 30, 1995, and no comments were received.

Based on the rationale set forth in the interim rule document, we are adopting the provisions of the interim rule as a final rule without change. This final rule also affirms the information in the interim rule document concerning Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Individuals with disability, Pensions, Veterans.

Approved: July 10, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

[FR Doc. 95-17659 Filed 7-18-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI42-02-7122; FRL-5259-7]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 2, 1995, the EPA published a proposed rule (60 FR 28773) and a direct final rule (60 FR 28729) determining that the Grand Rapids (Kent and Ottawa Counties) and Muskegon (Muskegon County), Michigan ozone nonattainment areas

have attained the National Ambient Air Quality Standard (NAAQS) for ozone. Based on that determination, the EPA also determined that requirements of section 182(b)(1) of the Clean Air Act (Act) concerning the submission of the 15 percent plan and ozone attainment demonstration and the requirements of section 172(c)(9) of the Act concerning contingency measures are not applicable to the areas so long as the areas do not violate the ozone standard. The EPA is removing the final rule due to adverse comments and will summarize and address all public comments received in a subsequent final rule (based upon the proposed rule cited above).

EFFECTIVE DATE: This withdrawal of the direct final action will be effective July 19, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Madelin Rucker, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 886-0661.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 11, 1995.

Valdas V. Adamkus,
Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart X—Michigan

2. Section 52.1174(k) is removed.

[FR Doc. 95-17672 Filed 7-18-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[OR45-1-6762a; FRL-5251-4]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves a revision to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations). Specifically EPA approves a revision to Section 2.2—Legal Authority, of the State's Implementation Plan (SIP) and a revision to Chapters 468 and 468A of the Oregon Revised Statutes (ORS). The SIP revision was submitted to address section 110(a)(2)(E) of the Clean Air Act, as amended (CAA).

DATES: This action will be effective on September 18, 1995 unless adverse or critical comments are received by August 18, 1995.

If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air & Radiation Branch (AT-082), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, EPA, 401 M Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and the ODEQ, 811 SW., Sixth Avenue, Portland, Oregon 97204-1390.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos, Air & Radiation Branch (AT-082), EPA, Seattle, Washington 98101, (206) 553-6510.

SUPPLEMENTARY INFORMATION.

I. Background

On July 29, 1992, the Oregon Department of Environmental Quality (ODEQ) submitted to EPA a revision to Chapter 468 of the Oregon Revised Statutes (ORS), a new ORS Chapter 468A, and a revised Section 2.2—Legal Authority, to the federally approved SIP. This submittal contained statutes amended or adopted through July, 1991. In addition, some of the statutes previously contained in Chapter 468 were renumbered and moved into the