

**PART 1316—[AMENDED]**

1. The authority citation for part 1316 continues to read as follows:

Authority: 21 U.S.C. 822(f), 871(b), 880, 958(f), 965.

2. Section 1316.02 is proposed to be amended by revising paragraph (g) to read as follows:

**§ 1316.02 Definitions.**

\* \* \* \* \*

(g) Any term not defined in this part shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) or part 1300 of this chapter.

3. Section 1316.13 is proposed to be amended by revising the text to read as follows:

**§ 1316.13 Frequency of administrative inspections.**

Except where circumstances otherwise dictate, it is the intent of the Administration to inspect all manufacturers of controlled substances listed in Schedules I and II and distributors of controlled substances listed in Schedule I once each year. Distributors of controlled substances listed in schedules II through V and manufacturers of controlled substances listed in Schedules III through V shall be inspected as circumstances may require, based in part on the registrant's history of compliance with the requirements of this chapter and maintenance of effective controls and procedures to guard against the diversion of controlled substances.

4. Section 1316.42 is proposed to be amended by revising paragraph (h) to read as follows:

**§ 1316.42 Definitions.**

\* \* \* \* \*

(h) Any term not defined in this part shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) or part 1300 of this chapter.

5. Section 1316.71 is proposed to be amended by revising paragraph (f) to read as follows:

**§ 1316.71 Definitions.**

\* \* \* \* \*

(f) Any term not defined in this part shall have the definition set forth in section 102 of the Act (21 U.S.C. 802) or part 1300 of this chapter.

6. In addition to the proposed amendments set forth above, DEA is proposing to amend each section indicated in the left column by removing the words indicated in the middle column and adding the words in the right column:

Section	Remove	Add
1316.03, introductory text	Adminirtrator	Administrator.
1316.05	1314.06	1316.06.
1316.05	1316.09–1316.14	1316.09–1316.13.
1316.23(b)	1405 I Street	
1316.24(c)	1316.21(b)	1316.23(b).
1316.24(c)	1316.22(b)	1316.24(b).
1316.41	1303.41–1303.47	1303.31–1303.37.
		1313.51–1313.57.
1316.46(b)(1)	1301.32(a)(3)	1301.32(a)(6).
1316.52(a)	1301.60	1301.56.
1316.77(a)	Forward	Forward.
1316.81	proceeding	proceeding.

Dated: February 26, 1996.  
 Stephen H. Greene,  
*Deputy Administrator, Drug Enforcement Administration.*  
 [FR Doc. 96-4663 Filed 3-4-96; 8:45 am]  
**BILLING CODE 4410-09-P**

**DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 906**  
**[SPATS No. CO-029-FOR]**

**Colorado 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:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of revisions pertaining to a previously proposed

amendment to the Colorado regulatory program (hereinafter, the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions of Colorado's proposed rules pertain to the definitions of "Permit area" and "Self-bonding;" permit application information concerning the legal right to enter and proposed operations in which the affected area is within 100 feet of a public road; the content of public notices in which the affected areas would be within 100 feet of a public road or operations which propose to close or relocate a public road; decisions on requests to disclose confidential information; the area of the proposed surface coal mining operation which is subject to the requirements concerning valid existing rights; the right to comment on technical revisions; approval of and conditions for self bonds; the requirements for vegetative cover at the time of release of bond coverage for liability associated with temporary drainage and sediment

control facilities; and the contents of a showing in lieu of the requirement for an engineer's certification of the construction or reconstruction of haul and access roads that were completed prior to August 1, 1995. The amendment is intended to revise the Colorado program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by the revised Federal regulations, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.s.t. March 20, 1996.

**ADDRESSES:** Written comments should be mailed or hand delivered to James F. Fulton at the address listed below. Copies of the Colorado 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 Denver Field Division.

James F. Fulton, Chief, Denver Field Division, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3300, Denver, Colorado 80202  
 Colorado Division of Minerals and Geology, Department of Natural Resources, 215 Centennial Building, 1313 Sherman Street, Denver, Colorado 80203, Telephone: (303) 866-3567

**FOR FURTHER INFORMATION CONTACT:**  
 James F. Fulton, Telephone: (303) 672-5524.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Colorado Program**

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, Federal Register (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.15, 906.16, and 906.30.

**II. Proposed Amendment**

By letter dated November 20, 1995, Colorado submitted a proposed amendment to its program (administrative record No. CO-675) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative; in partial response to May 7, 1986, and March 22, 1990, letters (administrative record No. CO-282 and CO-496) that OSM sent to Colorado in accordance with 30 CFR 732.17(c); and in response to the requirement that Colorado amend its program at 30 CFR 906.16(a).

OSM announced receipt of the proposed amendment in the December 7, 1995, Federal Register (60 FR 62789), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. CO-675-2). Because no one requested a public hearing or meeting, none was held. The public comment period ended on January 8, 1996.

During its review of the amendment, OSM identified a concern relating to Rule 3.02.4(1)(c), concerning the regulatory authority's discretionary acceptance of self bonds, in addition to apparent typographical errors. OSM

notified Colorado of the concern and typographical errors by letter dated January 25, 1996 (administrative record No. CO-675-8). Colorado responded in a letter dated February 16, 1996, by submitting a revised amendment (administrative record No. CO-675-9).

Colorado proposes revisions at: Rule 1.04(89), concerning the definition of "Permit area," to provide gender-neutral language;

Rule 1.04(116), concerning the definition of "Self-bonding," to replace the words "regulatory authority" with the word "Division;"

Rule 2.03.6(1), concerning right of entry information, to clarify that a permit application must include a legal description of the permit boundary for which the applicant has the legal right of entry;

Rule 2.07.3(2)(e), concerning permit applications for operations in which proposed affected areas would be within 100 feet of a public road, to clarify that the 100 feet is to be measured horizontally;

Rules 2.07.3(2) (e) and (f), concerning the content of a public notice for an operation in which the proposed affected area would be within 100 feet, measured horizontally, of a public road, or an operation which proposes to close or relocate a public road, to clarify that the public notice must include information regarding the availability of a public hearing;

Rule 2.07.5(2)(c), concerning confidential information for which persons have sought disclosure, to clarify that the information will be released only after Colorado has made a decision allowing such disclosure;

Rule 2.07.6(2)(d), concerning valid existing rights, to clarify that it is the affected area of the proposed surface coal mining and reclamation operation which is subject to the requirements concerning valid existing rights;

Rule 2.08.4(6)(b)(ii), concerning proposed technical revisions, to clarify that interested parties have the right to comment on the proposed revision;

Rule 3.02.4(1)(c), concerning approval of a self bond, to clarify that the decision by Colorado to accept a self bond is discretionary;

Rule 3.02.4(2)(e)(v)(B), concerning the conditions for a self bond, to clarify which corporate officers must sign an indemnity agreement;

Rule 3.03.1(5), concerning the release of bond coverage for liability associated with temporary drainage and sediment control facilities, to clarify that, at bond release, the vegetative cover must be adequate to control erosion and similar to the reclaimed area or surrounding undisturbed area; and

Rules 4.03.1(1)(d)(ii) and 4.03.2(1)(f)(ii), concerning an exemption from the requirement for an engineer's certification of the construction or reconstruction of haul and access roads that were completed prior to August 1, 1995, if the applicant provides a showing that the road meets the performance standards of Rule 4.03.2, to clarify that Colorado has the right to determine what information must be included in a relevant showing.

**III. Public Comment Procedures**

OSM is reopening the comment period on the proposed Colorado 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 revisions to the amendment satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Colorado 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 Denver Field Office 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 (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 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 27, 1996

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 96-5109 Filed 3-4-96; 8:45 am]

BILLING CODE 4310-05-M

## 30 CFR Part 936

[SPATS No. OK-017-FOR]

### Oklahoma Regulatory Program

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Oklahoma regulatory program (hereinafter referred to as the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of a revision to the Oklahoma regulations that adds a new permit condition concerning protected activity. The proposed amendment is intended to revise the Oklahoma regulations to be consistent with the Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., c.s.t. April 4, 1996. If requested, a public hearing on the proposed amendment will be held on April 1, 1996. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on March 20, 1996.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Jack R. Carson, Acting Director, Tulsa Field Office at the first address listed below.

Copies of the Oklahoma program, the proposed amendment, a listing of any scheduled public hearings, 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 Tulsa Field Office.

Jack R. Carson, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430

Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859

**FOR FURTHER INFORMATION CONTACT:** Jack R. Carson, Acting Director, Tulsa Field Office, Telephone: (918) 581-6430.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. Background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the January 19, 1981, Federal Register (46 FR 4902). Subsequent actions concerning Oklahoma's program and

program amendments can be found at 30 CFR 936.10, 936.15, and 936.16.

##### II. Discussion of the Proposed Amendment

By letter dated February 21, 1996, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record No. OK-973). Oklahoma submitted the proposed amendment at its own initiative. The provisions of the Oklahoma regulations that Oklahoma proposes to amend are at Oklahoma Administrative Code (OAC) 460:20-15-7 concerning permit conditions. Specifically, Oklahoma proposes to revise OAC 460:20-15-7 by adding a new permit condition at subsection (5) concerning protected activity that reads as follows.

(5) No person shall discharge or in any other way discriminate against or cause to be fired or discriminated against any employee or any authorized representative of employees because that employee or representative has—

(A) Filed, instituted or caused to be filed or instituted any proceedings under the Act by—

(1) Reporting alleged violations or dangers to the Secretary, the State Regulatory Authority, or the employer or his representative;

(2) Requesting an inspection or investigation; or

(3) Taking any other action which may result in a proceeding under the Act.

(B) Made statements, testified, or is about to do so—

(1) In any informal or formal adjudicatory proceeding;

(2) In any informal conference proceeding;

(3) In any rulemaking proceeding;

(4) In any investigation, inspection or other proceeding under the Act;

(5) In any judicial proceeding under the Act.

(C) Has exercised on his own behalf or on behalf of others any right granted by the Act.

(D) Each employer conducting operations which are regulated under this Act, shall within 30 days from the effective day of these regulations, provide a copy of this part to all current employees and to all new employees at the time of their hiring.

Existing subsections (5) through (8) are renumbered (6) through (9).

##### III. Public Comment Procedures

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