For further information contact:

Brent Wahlquist, Regional Director, Mid-Continent Regional Coordinating Center, Telephone: (618) 463–6460.

Supplementary information:

I. Background on the Missouri Program

On November 21, 1980, the Secretary of Interior conditionally approved the Missouri program. General background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program can be found in the November 21, 1980, Federal Register (45 FR 77017).

II. Description of the Proposed Amendment

By letter dated March 20, 1996 (Administrative Record No. MO–637), Missouri submitted a proposed amendment to its program pursuant to SMCRA. Missouri submitted the proposed amendment at its own initiative. The proposed amendment concerns changes to the Missouri Surface Coal Mining Law contained in Senate Bill No. 3. The provisions of the Revised Statutes of Missouri (RSMo) that Missouri proposes to amend are discussed below.

1. RSMo 444.800.5 Rules May Be Suspended and Reinstated

Missouri proposes to remove the provision at RSMo 444.800.5 concerning the authority of the joint committee on administrative rules to suspend and reinstate a rule based upon specified circumstances.

2. RSMo 444.810.2 Powers of Commission

Missouri proposes to remove the existing provisions at RSMo 444.810.2 through 8 concerning requirements and procedures for adoption of new or amended rules and to add the following new provision at RSMo 444.810.2.

No rule or portion of a rule promulgated under the authority of sections 444.800 to 444.970 shall become effective unless it has been promulgated pursuant to the provisions of section 336.024, RSMo.
3. RSMo 444.950.2 Phase I
Reclamation Bond Requirement
Missouri proposes to remove the
existing provisions at RSMo 444.950.2 through 8 concerning requirements and procedures for adoption of new or
amended rules; to add the following new provision at RSMo 444.950.2; and to redesignate RSMo 444.950.9 through 11 as RSMo 444.950.3 through 5.
No rule or portion of a rule promulgated under the authority of sections 444.800 to
444.970 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.
Missouri also submitted a copy of
Chapter 536 of RSMo, Administrative Procedure and Review, which is referenced in the proposed revisions to
RSMo 444.810 and 444.950.

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 732.15. If the amendment is deemed adequate, it will become part of the Missouri program.

Written Comments
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 Mid-Continent Regional Coordinating Center will not necessarily be considered in the final rulemaking or
included in the Administrative Record.

Public Hearing
Persons wishing to speak at the public hearing should contact the person listed under FOR FURTHER INFORMATION CONTACT by 4:00 p.m., c.d.t., on April 17, 1996. If no one requests an
opportunity to speak at the public hearing, the hearing will not be held.

The location and time of the hearing will be arranged with those persons
requesting the hearing. Filing of a
written statement at the time of the hearing is requested as it will greatly
assist the transcriber. Submission of
written statements in advance of the hearing will allow OSM officials to
prepare adequate responses and
appropriate questions. Any disabled
individual who has need for a special
accommodation to attend a public
hearing should contact the individual listed under FOR FURTHER INFORMATION CONTACT.

The public hearing will continue on
the specified date until all persons
scheduled to speak have been heard.
Persons in the audience who have not
been scheduled to speak, and who wish
to do so, will be heard following those
who have been scheduled. The hearing
will end after all persons scheduled to
speak and persons present in the audience who wish to speak have been heard.

Public Meeting
If only one person requests an
opportunity to speak at a hearing, a
public hearing, rather than a public
meeting, may be held. Persons wishing
to meet with OSM representatives to
discuss the proposed amendment may request a meeting by contacting the person listed under FOR FURTHER
INFORMATION CONTACT. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under
ADDRESSES. A written summary of each meeting will be made a part of the
Administrative Record.

IV. 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
Paperwork 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 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 925
Intergovernmental relations, Surface
mining, Underground mining.

Dated: March 26, 1996.
Charles E. Sandberg,
Acting Regional Director, Mid-Continent
Regional Coordinating Center.
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