

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

6. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78w, 78x, 78ll(d), 79q, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4 and 80b-11, unless otherwise noted.

* * * * *

7. By adding § 240.17a-24 to read as follows:

§ 240.17a-24 Reports of Lost Securityholders.

(a) Each recordkeeper shall file electronically with the Commission on or before May 31 of each year a list of the taxpayer identification numbers (e.g., social security number or employer identification number) of all lost securityholders for which such recordkeeper maintains records of ownership interests as of May 1 of such year. The list of lost securityholders shall include the name and telephone number of the appropriate person to contact at the recordkeeper.

(b) For purposes of this section:

(1) *Lost securityholder* means the holder of record of a security or any person from whom or on whose behalf a recordkeeper has received, has acquired, holds, or carries securities;

(i) To whom two separate items of correspondence that were sent by first class mail by the recordkeeper at least three months apart have been returned as undeliverable; and

(ii) For whom the recordkeeper has not received information regarding the securityholder's new address.

(2) *Recordkeeper* means:

(i) A member of a national securities exchange, a registered broker or dealer, or a registered municipal securities dealer which maintains records of securities received, acquired, held, or carried by or on behalf of such entity for the account of any securityholder; or

(ii) A recordkeeping transfer agent as defined in § 240.17Ad-9(h).

(c) Every recordkeeper shall maintain such records necessary to demonstrate compliance with the requirements set forth in this section. Such records shall be maintained for a period of not less than three years, the first year in an easily accessible place.

8. By amending § 240.17Ad-7 by adding paragraph (i) to read as follows:

§ 240.17Ad-7 Record retention.

* * * * *

(i) The records required by § 240.17Ad-17(c) shall be maintained for a period of not less than three years,

the first year in an easily accessible place.

9. By adding § 240.17Ad-17 to read as follows:

§ 240.17Ad-17 Transfer agents' obligation to search for lost securityholders.

(a)(1) Every recordkeeping transfer agent whose master securityholder file includes accounts of lost securityholders shall exercise reasonable care to ascertain the correct address of such securityholders. In exercising reasonable care to ascertain for its master securityholder file such lost securityholders' current address, each recordkeeping transfer agent shall conduct two database searches using at least one information database service. The transfer agent shall search by name (if reasonably likely to locate the securityholder) or taxpayer identification number (e.g., social security number or employer identification number). Such database searches must be conducted without charge to a lost securityholder and with the following frequency:

(i) Within three months of such securityholder becoming a lost securityholder; and

(ii) Between one year and eighteen months after the transfer agent's first search for such lost securityholder.

(2) A transfer agent may not use a search method or service to establish contact with lost securityholders that results in a charge to a lost securityholder prior to completing the searches set forth in paragraphs (a)(1)(i) and (a)(1)(ii) of this section.

(b) For purposes of this section:

(1) *Information database service* means any automated database service that:

(i) Contains addresses of United States residents including addresses in the geographic area in which the lost securityholder's last known address is located;

(ii) Covers a reasonably broad geographic area;

(iii) Is indexed by name or taxpayer identification number; and

(iv) Is updated at least four times a year.

(2) *Lost securityholder* means a securityholder:

(i) To whom two separate items of correspondence that were sent by first class mail at least three months apart have been returned as undeliverable; and

(ii) For whom the transfer agent has not received information regarding the securityholder's new address.

(c) Every recordkeeping transfer agent shall maintain such records necessary to demonstrate compliance with the requirements set forth in this section.

Dated: August 22, 1996.

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 96-21892 Filed 8-27-96; 8:45 am]

BILLING CODE 8010-10-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

[MD-040]

Maryland 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 Maryland regulatory program (hereinafter the "Maryland program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Maryland statutes pertaining to permit revocation, reinstatement, and reissuance. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., [e.d.t.] September 27, 1996. If requested, a public hearing on the proposed amendment will be held on September 23, 1996. Requests to speak at the hearing must be received by 4:00 p.m., [e.d.t.], on September 12, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

Copies of the Maryland 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 Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief,
Appalachian Regional Coordinating
Center, Office of Surface Mining
Reclamation and Enforcement, 3

Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937-2849. Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532. Telephone: (301) 689-4136.

FOR FURTHER INFORMATION CONTACT: George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Telephone: (412) 937-2849.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

On February 18, 1982, the Secretary of the Interior approved the Maryland program. Background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 18, 1982, Federal Register (47 FR 7214). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 920.15 and 920.16.

II. Description of the Proposed Amendment

By letter dated August 5, 1996 (Administrative Record No. MD-575-00) Maryland submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. House Bill 1124 enacted on May 14, 1996, revises the provisions of Chapter 522 of the Annotated Code of Maryland (Code) that pertain to surface coalmining. Specifically, Maryland proposes to authorize the reinstatement of a revoked permit in order to reissue all or part of the permit to another qualified operator. The new operator must submit certain information prior to obtaining a reissued permit. The operator of a revoked permit forfeits all rights and claims to the permit.

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 Maryland 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 Appalachian 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., [e.d.t.] on September 12, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

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.

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.

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**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, 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 date and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 20, 1996.

Ronald C. Recker,

Acting Regional Director, Appalachian
Regional Coordinating Center.

[FR Doc. 96-21862 Filed 8-27-96; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 943

[SPATS No. TX-017-FOR]

Texas Regulatory Program

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

ACTION: Proposed Rule; Reopening and
extension of public comment period on
proposed amendment.

SUMMARY: OSM is announcing receipt of
revisions pertaining to a previously
proposed amendment to the Texas
regulatory program (hereinafter, the
"Texas program") under the Surface
Mining Control and Reclamation Act of
1977 (SMCRA). The revisions of Texas'
proposed rules pertain to exemption for
coal extraction incidental to the
extraction of other minerals; surface
water information; protection of
hydrologic balance; permitting; siltation
structures; impoundments; revegetation;
definitions; lands unsuitable for mining;
areas designated by act of congress;
prime farmland; notices of violation,
hydrology and geology requirements;
use of explosives; bond release;
assessment of civil penalties; and
individual civil penalties. Texas also
proposed nonsubstantive changes in
wording, numbering, and punctuation
of its rules. The amendment is intended
to revise the State program to be
consistent with the corresponding
Federal regulations.

This notice sets forth the times and
locations that the Texas program and
revisions to the proposed amendment to
that program are available for public
inspection, and the reopened comment
period during which interested persons
may submit written comments on the
proposed amendment.

DATES: Written comments must be
received by 4:00 p.m., c.d.t., September
27, 1996.

ADDRESSES: Written comments should
be mailed or hand delivered to Mr. Jack
R. Carson, Acting Director, Tulsa Field
Office, at the address listed below.

Copies of the Texas program, the
proposed amendment, and all written
comments received in response to this
notice 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.

Railroad Commission of Texas, Surface
Mining and Reclamation Division,
1701 North Congress Avenue, P.O.
Box 12967, Austin, Texas, 78711-
2967, Telephone: (512) 463-6900.

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

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of
the Interior conditionally approved the
Texas program. General background
information on the Texas program,
including the Secretary's findings, the
disposition of comments, and the
conditions of approval, can be found in
the February 27, 1980, Federal Register
(45 FR 12998). Subsequent actions
concerning the Texas program and
program amendments can be found at
30 CFR 943.10, 943.15, and 943.16.

II. Proposed Amendment

By letter dated May 13, 1993
(Administrative Record No. TX-551),
Texas submitted a proposed amendment
to its program pursuant to SMCRA.
Texas submitted the proposed
amendment in response to letters dated
May 20, 1985; June 9, 1987; October 20,
1988; February 7, 1990; and February
21, 1990 (Administrative Record Nos.
TX-358, TX-388, TX-417, TX-472, and
TX-476), that OSM sent to Texas in
accordance with 30 CFR 732.17(c) and
in response to the required program
amendments at 30 CFR 943.16(k)
through (q). OSM announced receipt of
the proposed amendment in the June 21,
1993, Federal Register (58 FR 33785),
provided an opportunity for a public
hearing or meeting on its substantive
adequacy, and invited public comment
on the adequacy of the amendment
(Administrative Record No. TX-556).
The public comment period would have
closed July 21, 1993. However, by letter
dated July 16, 1993, the Texas Mining
and Reclamation Association requested
a 30-day extension of time in which to
review and provide comments on the
proposed amendment (Administrative
Record No. TX-563). OSM announced
receipt of the extension request and
reopened the comment period in the
August 16, 1993, Federal Register (58
FR 43308). The extended public
comment period ended August 20, 1993.

During its review of the May 13, 1993,
proposed amendment, OSM identified
concerns relating to several of the
proposed regulations. OSM notified
Texas of its concerns by letter dated July
25, 1994 (Administrative Record No.
TX-578). Further Clarification of OSM's
concerns were provided to Texas by
letters dated November 4, 1994,
November 21, 1994, and January 18,
1995 (Administrative Record Nos. TX-
581, TX-589, and TX-585). Texas
responded in a letter dated September
18, 1995, by submitting a revised
amendment package (Administrative
Record No. TX-598). OSM announced
receipt of the proposed amendment in
the October 25, 1995, Federal Register
(60 FR 54620) and invited public
comment on the adequacy of the
amendment. The public comment
period closed November 9, 1995.

During its review of the September 18,
1995, revised amendment, OSM
identified concerns relating to several of
the proposed regulations. OSM notified
Texas of its concerns by letter dated
June 18, 1996, (Administrative Record
No. TX-614). Texas responded in a
letter dated July 31, 1996, by submitting
a revised amendment package
(Administrative Record No. TX-621).
Texas proposed revisions to its
September 18, 1995, revised amendment
submittal; proposed to include in its
approved program new and revised
regulations that were adopted in State
rulemaking at Surface Mining and
Reclamation Division (SMRD) 1-87,
SMRD 2-87, and SMRD 2-88; and
proposed editorial corrections
throughout its regulations. The
substantive proposals are discussed
below.

A. Revisions to September 18, 1995, Revised Amendment

1. TCMR Part 709 Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

a. At TCMR 709.027(f) [originally
proposed as TCMR 702.11(f)], Texas
proposes to revise the provisions
pertaining to administrative review of
its determinations on exemptions for
coal extraction incidental to the
extraction of other minerals by deleting
paragraph (f)(2) and revising paragraph
(f)(1) as follows:

(f) Appeal and review. Any adversely
affected person may request appeal or review
of a determination under Paragraph (e) of this
Section in accordance with procedures
established under Section 787.222 of this
chapter.

b. At TCMR 709.033(c) [originally
proposed as TCMR 702.17(c)], Texas
proposes to revise the provisions
pertaining to revocation of an