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, 77ee, 77gg, 77nnn, 77ss, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78q, 78r, 78v, 78w, 78x, 78y, 78z, 80a±20, 80a±20, 80a±23, 80a±29, 80a±37, 80b±3, 80b±4 and 80b±7.

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;

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

(ii) 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) A 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;

(ii) Every recordkeeping transfer agent as defined in § 240.17d-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 § 240.17a-7 by adding paragraph (i) to read as follows:

§ 240.17a-7 Record retention.

(i) The records required by § 240.17d-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 § 240.17d-17 to read as follows:

§ 240.17d-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.

(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.
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).

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 coal mining. 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 specific 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 individualism (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.
Each requester may receive one free
through Friday, excluding holidays.
during normal business hours, Monday
review at the addresses listed below
notice will be available for public
ADDRESSES :
DATES :
proposed amendment.
may submit written comments on the
period during which interested persons
that program are available for public
revisions to the proposed amendment to
locations that the Texas program and
Federal regulations.
proposed rules pertain to exemption for
water information; protection of
hydrologic balance; permitting; siltation
areas designated by act of congress;
prime farmland; notices of violation,
hydrology and geology requirements;
coal extraction incidental to the
proposed rules pertain to exemption for

Texas Regulatory Program
AGENCY: Office of Surface Mining
Reclamation and Enforcement (OSM),
Interior.
ACTION: Proposed Rule; Reopening and
duration 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

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
response to letters dated July 31, 1996,
(Administrative Record No. TX±614). Texas responded in a
letter dated July 31, 1996, by submitting

a. At TCMR 709.027(f) [originally
proposed as TCMR 702.17(c)], Texas
proposes to revise the provisions
pertainning to revocation of an
extraction of other minerals]

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