(purchases only); premiums paid on purchases of primary insurance; losses recovered on purchases of primary insurance; construction, engineering, architectural, and mining services (purchases only); merchanting services (sales only); financial services (purchases only, by companies or parts of companies that are not financial service providers); advertising services; computer and data processing services; data base and other information services; telecommunications services; operational leasing services; and "other" private services. "Other" private services covers transactions in the following types of services: satellite photography services, security services, actuarial services, salvage services, oil spill and toxic waste cleanup services, language translation services, and account collection services.

[FR Doc. 97±743 Filed 1±10±97; 8:45 am]
BILLING CODE 3510±EA±M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Rules of Agency Organization

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The National Labor Relations Board (NLRB) issues a final rule which deletes all references in its rules and regulations to the "deputy" chief judge in San Francisco, California, and substitutes therefor, where appropriate, references to the "associate" chief judge in San Francisco, California, the correct title of the position.


FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW, Room 11600, Washington, DC 20570. Phone: (202) 273±1940.

SUPPLEMENTARY INFORMATION:

Regulatory Requirements

This rule merely conforms current regulations to properly reflect the Agency's current organizational structure, relates solely to agency organization, procedure and practice, and will not have a significant impact on a substantial number of small businesses or impose any information collection requirements. Accordingly, the Agency finds that prior notice and comment is not required for these rules and that good cause exists for waiving the general requirement of delaying the effective date under the Administrative Procedure Act (5 U.S.C. 553), and that the rules are not subject to the Regulatory Flexibility Act (5 U.S.C. 601), Small Business Regulatory Enforcement Act (5 U.S.C. 801), Paperwork Reduction Act (44 U.S.C. 3501), or Executive Order 12866.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

29 CFR part 102 is amended as follows:

PART 102±RULES AND REGULATIONS

1. The authority citation for 29 CFR part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under Section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143 through 102.155 also issued under Section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

§ 102.24 [Amended]

2. Section 102.24, paragraph (a) is amended by substituting "associate" for "deputy" in the third and fifth sentences.

§ 102.25 [Amended]

3. Sec. 102.25 is amended by substituting "associate" for "deputy" in the first sentence.

§ 102.30 [Amended]

4. Sec. 102.30, paragraph (c) is amended by substituting "associate" for "deputy" in the last sentence.

§ 102.34 [Amended]

5. Sec. 102.34 is amended by substituting "associate" for "deputy" in the first sentence.

6. Sec. 102.35, paragraph (b) is amended by:

A. revising the first sentence of the introductory text to read as set forth below:

B. deleting "deputy chief" in the second sentence of the introductory text, and "deputy," in (b) (1), (3) and (5).

§ 102.35 Duties and powers of administrative law judges; assignment and powers of settlement judges.

(b) Upon the request of any party or the judge assigned to hear a case, or on his or her own motion, the chief administrative law judge in Washington, D.C., the associate chief judge in San Francisco, California, the associate chief judge in Atlanta, Georgia, or the associate chief judge in New York, New York may assign a judge who shall be other than the trial judge to conduct settlement negotiations.

§ 102.36 [Amended]

7. Sec. 102.36 is amended by substituting "associate" for "deputy".

§ 102.42 [Amended]

8. Sec. 102.42 is amended by substituting "associate" for "deputy" in the third sentence.

9. Section 102.149, paragraph (b) is amended by revising the first sentence to read as follows:

§ 102.149 Filing of documents; service of documents; motions for extension of time.

(b) Motions for extensions of time to file motions, documents, or pleadings permitted by section 102.150 or by section 102.152 shall be filed with the chief administrative law judge in Washington, D.C., the associate chief judge in San Francisco, California, the associate chief judge in New York, New York, or the associate chief judge in Atlanta, Georgia, as the case may be, not later than 3 days before the due date of the document.


By direction of the Board.

John J. Toner,
Executive Secretary.

[FR Doc. 97±768 Filed 1±10±97; 8:45 am]
BILLING CODE 7545±01±P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH±204; Amendment Number 54]

Ohio Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Ohio regulatory program (hereinafter referred to as the "Ohio program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio proposed revisions pertaining to twenty-two sections of the Ohio Revised Code (ORC) to clarify those sections of State law, to conform those sections to current State practices, and to make those sections equivalent to corresponding Federal laws. The revisions concern confidential information on incidental coal
III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendments.

1. Confidential Information Regarding Exemption Requests for Incidental Coal Extraction

   ORC 1513.07 paragraph (D)(2); Ohio is revising this paragraph to specify that, for exemption requests for incidental coal extraction, confidential information includes and is limited to information concerning trade secrets or privileged commercial or financial information relating to the competitive rights of the persons intending to conduct the extraction of minerals. The corresponding Federal rule at 30 CFR 702.13 requires that the person request, in writing, that the information be kept confidential. While Ohio's proposed statute change does not include this requirement, Ohio's Administrative Code Section 1501:13-4-16(J)(1)(2) corresponds with the Federal rule at 30 CFR 702.13(b). Therefore, the proposed change to the statute in conjunction with Ohio's existing Administrative Code Section is no less effective than the corresponding Federal Regulations at 30 CFR 702.13(b).

2. Reclamation Supplemental Forfeiture Fund

   Ohio is revising ORC 1513.08 paragraph (A) and proposing a new paragraph ORC 1513.18(D) to move the current language creating the Reclamation Supplemental Forfeiture
Fund from that portion of the Ohio law dealing with performance bonds to that portion of the law dealing with reclamation by the Division. Ohio also proposed adding a new provision which would allow the Division to use funds from the Reclamation Supplemental Forfeiture Fund to reclaim areas which were affected by non-coal mining under surface mining permits issued under ORC Chapter 1514, but which the operator did not adequately reclaim. In its March 31, 1995, final version of PA 54R, Ohio is withdrawing the portion of the proposed language referring to ORC Chapter 1514 from new paragraph (D). Ohio is also removing the fund name from the heading of the section.

ORC 1514.06 paragraph (G): Ohio is proposing to revise this paragraph in lieu of the previously proposed revision discussed above which Ohio is withdrawing from ORC section 1513.18 paragraph (D). The revision to ORC section 1514.06 paragraph (G) would provide that Ohio may expend money from the Reclamation Supplemental Forfeiture Fund or from the Surface Mining Administration Fund to complete reclamation on land affected by non-coal surface mining operations on which an operator has defaulted. Ohio is also revising ORC Section 1513.18(D) to be consistent with the move of the aforementioned language to ORC Section 1513.18(D).

ORC section 1513.18 paragraph (D): Ohio is adding a statement in this paragraph concerning the State’s priority for management of the Reclamation Supplemental Forfeiture Fund, including the selection of projects and the transfer or moneys. That priority shall be to ensure that sufficient moneys are available for reclamation of areas that an operator has affected under a coal mining and reclamation permit issued after September 1, 1981, and which the operator has failed to reclaim. This statement was added in response to the director’s concerns that Reclamation Supplemental Forfeiture Fund expenditures on non-coal mining sites could compromise the Fund’s solvency as an alternative bonding system to be used for the reclamation of surface coal mining sites. The Director is now satisfied that Ohio will continue to use Fund moneys to reclaim all existing coal mining sites for which bonds have been forfeited, prior to using any such moneys to reclaim non-coal mining sites.

The proposed changes are found to be consistent with the corresponding Federal Regulations at 30 CFR 800.11(e), pertaining to alternative bonding systems.
ORC 1513.13 paragraph (E)(2): Ohio is revising this paragraph to authorize the court to award necessary and reasonably incurred costs and expenses for parties participating in the judicial review of any order issued under this section or as a result of any administrative proceeding under this chapter.

ORC 1513.15 paragraph (F): Ohio is revising this paragraph to authorize the Chief to award necessary and reasonably incurred costs of litigation, including attorney and expert witness fees, in connection with civil actions against the Division. Ohio is also revising this paragraph to delete previously proposed revision and is reinstating the court’s authority to award, to any party, costs and fees that the court determines to have been necessary and reasonably incurred, in any proceeding under ORC 1513.15 (B) (citizen suits) in accordance with ORC section 1513.13.

ORC 1513.39 paragraph (C): Ohio is revising this paragraph to incorporate by reference the proposed limit on necessary and reasonably incurred costs and expenses specified in revised ORC section 1513.13 paragraph (E)(1) and (E)(2) as also applying to cases of alleged discrimination against employees.

Except as noted below, the proposed changes are found to be consistent with the requirements of Section 525(e) of SMCRA, 30 CFR 840.15, and 43 CFR 4.1290 and 4.1294.

a. Ohio is required to amend ORC 1513.13 (E)(1)(a) to make it clear that such awards may be made in connection with any administrative review proceeding an enforcement action, permit issuance decision or employee discrimination complaint, not just those concerning enforcement actions.

b. Ohio is required to amend ORC 1513.13(E)(1)(b) and (c) to make it clear that such costs may also be assessed against persons who participate in bad faith appeals, not just those persons who initiate such bad faith appeals.

6. Reclamation Contracts With Surface Mine Operators

ORC 1513.18 paragraph (C): Under the current version of this paragraph, the Chief is authorized to enter into contracts with mine operators mining under a current, valid permit to complete reclamation on defaulted areas. Ohio is revising this paragraph to extend the Chief’s authority to enter contracts with service mine operators mining under permits issued under ORC Chapter 1514, pertaining to minerals other than coal.

While there is no Federal counterpart, the Director finds the proposed change is not inconsistent with SMCRA or the Federal regulations.

7. Reclamation of Forfeited Areas Affected Under Mining Permits Issued After April 10, 1972 But Before September 1, 1981

ORC 1513.18 paragraph (I): Ohio is adding this new paragraph to authorize the Chief to use any unspent funds in the defaulted areas fund to complete reclamation of other interim forfeited areas affected under coal mining and reclamation permits issued after April 10, 1972 but before September 1, 1981.

While there are no direct Federal counterparts to these proposed changes, they found not to be inconsistent with the requirements of SMCRA at section 408.

10. Expansion of Sites Eligible for Federally Funded AML Projects

ORC 1513.37 paragraph (C)(1): Ohio is revising this paragraph to expand the eligibility requirements for the sites of Federally funded AML reclamation projects. Ohio is adding new paragraph (C)(1)(b) to make eligible mining operations which occurred during the period beginning August 4, 1977 and ending on or before August 16, 1982 and for which sufficient reclamation funds are not available. Ohio is adding new paragraph (C)(1)(c) to make eligible mining operations which occurred during the period beginning August 4, 1977 and ending on or before November 5, 1990, for which sureties became insolvent, and for which sufficient reclamation funds are not available.

ORC 1513.37 paragraph (C)(2): Ohio is adding this new paragraph to provide that the Chief shall follow the priorities set forth at ORC 1513.37(B)(1) and (B)(2) in determining which sites to reclaim using the new authority granted under ORC 1513.37(C)(1)(b) and (c). The Chief shall ensure that priority is given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon the local community.

The proposed changes are found to be substantively identical to the requirements of SMCRA at section 402(g)(4)(B) and (C).

11. Creation of the State Acid Mine Drainage Abatement and Treatment Fund

ORC 1513.37 paragraph (E): Ohio is adding this new paragraph to create in the State treasury the Acid Mine Drainage Abatement and Treatment Fund.

This proposed change is substantively identical to language contained in SMCRA at section 408(c).
13. Lands Eligible for Remining

ORC section 1513.01 paragraph (F): Ohio is adding this paragraph to define the term "lands eligible for remining" to mean those lands that otherwise would be eligible for expenditure of AML reclamation funds under paragraph (C)(1) of ORC section 1513.37. The proposed changes are found to be substantively identical to section 408(c) of SMCRA.

14. Average Wage Rates

ORC section 1513.02 paragraph (j): Ohio is revising this paragraph to provide that the State will use information from non-coal as well as coal mining and reclamation operations in calculating average wage rates. The newly calculated average wage rates shall apply to reclamation performed for Ohio on both coal and non-coal mining sites. While there are no Federal counterparts to this revision, the Director finds that it is not inconsistent with SMCRA or its corresponding Federal regulations.

15. Deletion of Obsolete Language

ORC section 1513.07 paragraph (A)(1): Ohio is deleting obsolete language from this paragraph concerning payment of permit fees for areas covered by a permit in effect on August 16, 1982, as well as language concerning interim continuance of underground coal mine operations which were in effect prior to September 1, 1981.

The Director finds that deletion of this obsolete language does not render the Ohio program less stringent than SMCRA or less effective than the corresponding federal regulations.

16. Activities Eligible for the Small Operator’s Assistance Program (SOAP)

ORC section 1513.07 paragraph (B)(4)(a) and (b): Ohio is revising these paragraphs to expand the types of activities related to permit applications which qualified laboratories can perform for permit applicants under contracts funded by Ohio's SOAP. Qualifying activities include determination of probable hydrologic consequences, development of cross-section maps and plans, geologic drilling and reporting, collection and reporting of archaeological information, performing pre-blast surveys, and collection of information on protection of fish and wildlife habitats. The coal mine operator shall reimburse the State for the costs of SOAP-assisted services which the operator's actual and attributed coal production for all locations exceeds 300,000 tons during the 12 months immediately following the date of issuance of the mining permit.

The proposed changes are found to be substantively identical to, and therefore no less stringent than, sections 507(C)(1) and (h) of SMCRA, except Ohio is required to amend ORC 1513.07(B)(4)(a)(i) or otherwise clarify that probable hydrologic consequences determinations include the engineering analyses and designs necessary for those determinations.

17. Required Staff Training

ORC section 1513.34: Ohio is revising this section to delete the requirements for minimum hourly amounts of initial and annual follow-up training for certain staff positions. In lieu of a minimum of 80 hours of training, Ohio shall provide adequate training and education, during their probationary periods, for all persons appointed as inspection officers. In lieu of a minimum of 40 hours of annual training, Ohio shall provide, on a regular basis as funding allows, continuing education and training as necessary for all inspection officers.
district supervisors, and enforcement personnel. While there are no direct federal counterparts to these Ohio training requirements, the proposed changes are found to be not inconsistent with the requirements of SMCRA at 503(a)(3), which requires that state regulatory authorities employ sufficient administrative and technical personnel to enable the State to regulate surface coal mining and reclamation operations in accordance with SMCRA.

IV. Summary and Disposition of Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. Because no one requested an opportunity to speak at a public hearing, no hearing was held. Comments were received from the Ohio Historic Preservation Office on March 19, 1992 (Administrative Record No. OH–1671) pertaining to the expansion of sites eligible for Federally funded AML projects. The comment stated that ongoing coordination with the Ohio Historical Society is necessary to address preservation concerns, and requested notification of projects prior to initiation. The Director notes that all abandoned mine lands projects are reviewed by the State Historic Protection Officer (SHPO). Further, a statement of concurrence that no significant cultural or historic properties will be adversely affected, signed by the SHPO, is included with the National Environmental Policy Act documents submitted prior to construction.

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Ohio program. MSHA responded that it had no potential interest in the Ohio program. MSHA responded that it had no potential interest in the Ohio program. EPA submitted a comment, signed by the Environmental Protection Office on March 19, 1992 (Administrative Record No. 2113) that no environmental impact statement is required for this rule since section 3 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 such 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)).

V. Director’s Decision

Based on the above finding(s), the Director approves, with certain additional requirements, the proposed amendment as submitted by Ohio on February 7, 1992, as modified on February 27, 1992, September 2, 1992, and March 31, 1995.

The Federal regulations at 30 CFR Part 935, codifying decisions concerning the Ohio program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. 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 12988

The Department of the Interior has conducted the reviews required by section 3 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.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 13, 1996.

Allen D. Klein,
Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for Part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 et seq.

2. Section 935.15 is amended by adding paragraph (ddddd) to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(ddd) With the exceptions noted below, the amendments submitted to OSM on February 7, 1992, and revised on February 27, 1992, April 18, 1992 and March 31, 1995, are approved effective January 13, 1997.
I. Introduction

Global Package Link is a service that assists mail order companies and other customers that send merchandise to Japan, Canada, and the U.K. Presently, the Postal Service has Global Package Link processing facilities in New York City, Dallas, Miami, Chicago, San Francisco, and Seattle.

II. GPL to Canada

Description

GPL to Canada currently offers an Air Courier and a Ground Courier service. These services are offered through one of the six aforementioned processing facilities. In most cases, these facilities airlift the GPL packages to Canada. A new Ground Gateway service will become effective immediately via Seattle and on January 21, 1997 via Buffalo. This service will provide surface transportation from the mailer’s fulfillment center to one of the two Ground Gateways; Seattle or Buffalo. Those mailers within 500 miles of Buffalo will have their packages processed for ground entry into Canada via the Buffalo Center, while those mailers within 500 miles of Seattle will have their packages processed for surface entry into Canada via Seattle, which is also an air exchange office for all other GPL destination countries. Buffalo will only be a GPL ground gateway.

Packages will be transported from the Ground Gateways via Postal Service ground transportation to Toronto (from Buffalo) and to Vancouver (from Seattle). From this point the GPL delivery agent will provide expedited courier handling to the destination address.

The Ground Gateway Service to Canada will include all of the value-added services currently available with the Ground Courier service, including the recently added $100 (Canadian) insurance indemnity per shipment (Air Courier continues to be covered by $500

III. Detailed Description of Proposed Interim Rule

A. Introduction

Global Package Link is a service that assists mail order companies and other customers that send merchandise to Japan, Canada, and the U.K. Presently, the Postal Service has Global Package Link processing facilities in New York City, Dallas, Miami, Chicago, San Francisco, and Seattle.

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