Act (85 Stat. 688) and recognized by the federal government as eligible for services from the Bureau of Indian Affairs.

We, us, or our mean the Secretary of the Interior or the official in the Bureau of Indian Affairs to whom the Secretary has delegated authority.

§ 286.2 What is the purpose of these regulations?

This part prescribes regulations and procedures pertaining to the Indian Business Development Program which has provided grants to further economic development on Indian reservations. It gives requirements you must follow on reporting the status of grants and complying with grant conditions. It also establishes the circumstances under which you must return grant funds.

§ 286.3 Information collection.

(a) The Office of Management and Budget has approved our collection of information under 44 U.S.C. 3501 et seq. under clearance number 1076–0093. The collection of information helps the BIA to provide assistance to failing businesses funded with grants and to compile reports on the program's effectiveness.

(b) We estimate the public reporting for this information to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. These may be copies of financial statements required by and furnished to the lender which provided the loan portion of the total financing required. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Director of Management and Administration, Bureau of Indian Affairs, 1849 C Street, N.W., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1076–0093), Washington, DC 20503.

§ 286.4 What are the grant limitations and requirements that apply?

An Indian tribe cannot receive over $250,000 in grants from this program. The total of grants to an individual or any other non-tribal business entity cannot exceed $100,000. Grantees must have obtained at least 75 percent of the necessary financing from sources other than the direct and guaranteed loan programs.

§ 286.5 Do I need to return unused funds?

(a) You must return all or a portion of the funds in the following circumstances:

§ 286.6 What reports must I submit?

(a) After receiving a grant, you must furnish us the following information:

<table>
<thead>
<tr>
<th>You must submit</th>
<th>Semiannually during</th>
<th>And annually during</th>
</tr>
</thead>
<tbody>
<tr>
<td>comparative balance sheets.</td>
<td>the first two years of operation.</td>
<td>years three through five of operation.</td>
</tr>
<tr>
<td>profit and loss statements.</td>
<td>the first two years of operation.</td>
<td>years three through five of operation.</td>
</tr>
</tbody>
</table>

(b) You may use copies of financial statements which you furnish to the lender who provides partial financing.

(c) If you fail to provide the necessary reports, we will require repayment of grant funds. Grant funds owed will be deemed debt owed to the United States.


Ada E. Deer,
Assistant Secretary—Indian Affairs.

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BILLING CODE 4310–22–P

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR–027–FOR]

Arkansas Regulatory Program and Abandoned Mine Land Reclamation Plan

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 Arkansas regulatory program and abandoned mine land reclamation plan (hereinafter referred to as the “Arkansas program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Arkansas’ proposed amendment pertain to the definition for “unanticipated event or condition”; procedures for challenging ownership and control links shown in AVS; and applicant liability under the Small Operator Assistance Program. Arkansas also proposed to correct typographical errors and a number of incorrect reference citations. The amendment is intended to incorporate the additional flexibility afforded by the revised Federal regulations and to enhance the enforcement of the State program.

DATES: Written comments must be received by 4:00 p.m., c.s.t., February 14, 1997.
ADDRESSES: Written comments should be mailed or hand delivered to A. Dwight Thomas, Acting Director, Tulsa Field Office at the address listed below. Copies of the Arkansas 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 Tulsa Field Office.

Arkansas Department of Pollution Control and Ecology, Surface Mining and Reclamation Division, 8001 National Drive, Little Rock, Arkansas 72219–8913, Telephone (501) 682–0744.

FOR FURTHER INFORMATION CONTACT:
A. Dwight Thomas, Acting Director, Tulsa Field Office, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:
I. Background on the Arkansas Program

On November 21, 1980, the Secretary of the Interior conditionally approved the Arkansas program. Background information on the Arkansas program, including the Secretary’s findings, the disposition of comments, and the conditions of approval can be found in the November 21, 1980, Federal Register (45 FR 77003). Arkansas amended its program by submitting provisions that satisfied all of the conditions of the Secretary’s approval of November 21, 1980. Effective January 22, 1982, OSM removed the conditions of the approval of the Arkansas permanent regulatory program. Information on the removal of the conditions can be found in the January 22, 1982, Federal Register (47 FR 3108). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 904.12, 904.15, and 904.16.

II. Discussion of the Proposed Amendment

By letter dated April 2, 1996 (Administrative Record No. AR–557), Arkansas submitted a proposed amendment to its program pursuant to SMCRA. Arkansas submitted the proposed amendment at its own initiative. The provisions of the Arkansas Surface Coal Mining and Reclamation Code (ASCMRC) that Arkansas proposes to amend are:

ASCMRC Section 700.10(b), Termination of Jurisdiction; ASCMRC Section 701.5, Definitions for “drinking, domestic or residential water supply,” “land eligible for remining,” “material damage,” “non-commercial building,” “occupied residential dwelling and structures related thereto,” “previously mined area,” “replacement of water supply,” and “unanticipated event or condition”; ASCMRC Section 761.12(h), Procedures; ASCMRC Section 771.25(b), Permit Fees; ASCMRC Section 778.14(c), Compliance Information; ASCMRC Section 778.18, Personal Injury and Property Insurance Information; ASCMRC Section 779.19(b), Vegetation Information; ASCMRC Section 779.22, Land Use Information; ASCMRC Section 779.25(k), Cross-sections, Maps, and Plans; ASCMRC Section 780.21 and 784.14, Hydrologic Information; ASCMRC Section 780.23 and 784.15, Land Use Information; ASCMRC Section 780.25 and 784.16, Ponds, Impoundments, Banks, Dams and Embankments; ASCMRC Section 783.22, Land Use Information; ASCMRC Section 784.20, Subsidence Control; ASCMRC Section 784.25(a), Return of Coal Processing Waste to Abandoned Underground Workings; ASCMRC Section 785.25, Lands Eligible for Remining; ASCMRC Section 786.5(b), Definitions for Violator system or AVS; “‘‘false violation notice,'’ ‘‘ownership or control link,'’ ‘‘state violation notice,’’ and ‘‘violation notice’'; ASCMRC Section 786.11(c)(2), Public Notices of Filing of Permit Applications; ASCMRC Section 786.17(c), Review of Violations; ASCMRC Section 786.19(g)–(r), Criteria for Permit Approval or Denial; ASCMRC Section 786.30, Improvidently Issued Permits; General Procedures; ASCMRC Section 786.31, Improvidently Issued Permits: General Procedures; ASCMRC Section 786.32, Verification of Ownership or Control Application Information; ASCMRC Section 786.33, Review of Ownership or Control Violation Information; ASCMRC Section 786.34, Procedures for Challenging Ownership or Control Links Shown in AVS; ASCMRC Section 786.35, Standards for Challenging Ownership or Control Links and the Status of Violations; ASCMRC Section 786.14(a)(3), Permit Renewals; Complete Application; ASCMRC Section 795.12, Program Services; ASCMRC Section 795.13(a)(2), Eligibility for Assistance; ASCMRC Section 795.16, Data Requirements; ASCMRC Section 795.17, Qualified Laboratories; ASCMRC Section 795.19, Applicant Liability; ASCMRC Part 800, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under the State Program; ASCMRC Section 816.41, Hydrologic Balance Protection; ASCMRC Section 816.46, Hydrologic Balance: Siltation Structures; ASCMRC Section 816.49, Impoundments; ASCMRC Section 816.81, Coal Mine Waste: General Requirements; ASCMRC Section 816.82, Coal Processing Waste Banks: Site Inspection; ASCMRC Section 816.85, Coal Processing Waste Banks: Construction Requirements; ASCMRC Section 816.86, Coal Processing Waste: Burning; ASCMRC Section 816.88, Coal Processing Waste: Return to Underground Workings; ASCMRC Section 816.89, Disposal of Noncoal Mine Wastes; ASCMRC Section 816.91–93, Coal Processing Waste: Dams and Embankments; ASCMRC Section 816.112, Revegetation: Use of Introduced Species; ASCMRC Section 816.116, Revegetation: Standards for Success; ASCMRC Section 816.121–U, Subsidence Control: General Requirements; ASCMRC Section 816.122–U, Subsidence Control: Public Notice; ASCMRC Section 816.124–U, Subsidence Control: Surface Owner Protection; ASCMRC Section 816.126–U, Subsidence Control: Buffer Zones; ASCMRC Section 827.12, Coal Processing Plants: Performance Standards; ASCMRC Section 842.11, Inspections; ASCMRC Section 842.14, Review of Adequacy and Completeness of Inspections; ASCMRC Section 874.5, Definition for “left or abandoned in either an unreclaimed or inadequately reclaimed condition”; and ASCMRC Section 874.12, Eligible Lands and Water.

OSM announced receipt of the proposed amendment in the May 3, 1996, Federal Register (61 FR 19881) and invited public comment on its adequacy. The public comment period ended June 3, 1996.

During its review of the amendment, OSM identified concerns relating to ASCMRC Section 701.5, Definition for “unanticipated event or condition”; ASCMRC Section 786.34, Procedures for Challenging Ownership or Control Links Shown in AVS; ASCMRC Section 816.49, Impoundments; ASCMRC Section 816.19, Applicant Liability under the Small Operator Assistance Program; typographical error; and a number of incorrect reference citations. OSM notified Arkansas of the concerns by E-
Arkansas proposes to amend (a) by deleting the term "unanticipated event or condition." 

Arkansas proposes to correct a reference citation for the definition of "unanticipated event or condition." 

Arkansas proposes to correct a reference citation in paragraph (a) by deleting the term "laboratory" thereby making applicants liable for all services allowed under the Small Operator Assistance Program and not just those relating to laboratory service. 

Arkansas proposes to amend paragraph (a) by deleting the term "laboratory" thereby making applicants liable for all services allowed under the Small Operator Assistance Program and not just those relating to laboratory service. 

Arkansas proposes to amend this section by redesignating existing paragraphs (a)(1) through (a)(7) as paragraphs (a)(2) through (a)(8), respectively, and by redesignating existing paragraphs (a)(9) through (a)(12) as paragraphs (a)(11) through (a)(14), respectively; by adding new paragraphs (a)(15) and (a)(16); by revising newly redesignated paragraphs (a)(2), (a)(4), (a)(5), (a)(6), (a)(9), and (a)(12); and by inserting references to the SCS criteria for dam classification. 

Arkansas proposes to amend (a)(3) and (a)(4) by revising paragraphs (b) and (c) regarding procedures an applicant or other person must follow in order to challenge the status of a State violator. 

Arkansas proposes to correct a reference citation in paragraph (a). 

Arkansas proposes to correct reference citations in paragraphs (a)(1) and (a)(3), and to revise paragraphs (b) through (d) regarding procedures an applicant or other person must follow in order to challenge the status of a State violator. 

Arkansas proposes to amplify the proposed Arkansas 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 amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Arkansas program. 

Written Comments 

Written comments should be specific, certain 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 Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record. 

IV. Procedural Determinations 

Executive Order 12866 

This proposed 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 12988 (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. 

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 913 

Intergovernmental relations, Surface mining, Underground mining.