

made to better define the size of businesses in this industry that SBA believes should be eligible for Federal small business assistance programs. The proposed rule was published on April 9, 2002, 67 FR 17020. The comment period closed on June 10, 2002. We are reopening the comment period until September 30, 2002, because the SBA believes that affected businesses need more time to adequately respond.

**DATES:** The comment date for the proposed rule on the Testing Laboratories industry size standard is reopened through September 30, 2002.

**ADDRESSES:** Send comments to Gary M. Jackson, Assistant Administrator for Size Standards, U.S. Small Business Administration, 409 Third St., SW., Mail Code 6530, Washington, DC 20416; via e-mail to [SIZESTANDARDS@sba.gov](mailto:SIZESTANDARDS@sba.gov); or via facsimile at (202) 205-6390. Upon request, SBA will make all public comments available.

Dated: August 27, 2002.

**Fred C. Armendariz,**

*Associate Deputy Administrator for Government Contracting and Business Development.*

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BILLING CODE 8025-01-P

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 924

[SPATS No. MS-017-FOR]

#### Mississippi Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; reopening and extension of public comment period on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of revisions to a previously proposed amendment to the Mississippi regulatory program (Mississippi program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions pertain to the definition of "immediate mining area" and provisions concerning limited use vehicular pathways. Mississippi intends to revise its program to be consistent with the corresponding Federal regulations and to improve operational efficiency.

**DATES:** We will accept written comments until 4 p.m., c.d.t., September 23, 2002.

**ADDRESSES:** You should mail or hand deliver written comments to Arthur W. Abbs, Director, Birmingham Field Office at the address listed below.

You may review copies of the Mississippi program, the amendment, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Birmingham Field Office.

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290-7282.  
Department of Environmental Quality, Office of Geology, 2380 Highway 80 West, P.O. Box 20307, Jackson, Mississippi 39289-1307, Telephone: (601) 961-5500.

**FOR FURTHER INFORMATION CONTACT:**

Arthur W. Abbs, Director, Birmingham Field Office. Telephone: (205) 290-7282. Internet: [aabbs@osmre.gov](mailto:aabbs@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background on the Mississippi Program

Section 503(a) of the Act permits a state to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a state law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Mississippi program on September 4, 1980. You can find background information on the Mississippi program, including the Secretary's findings and the disposition of comments, in the September 4, 1980, **Federal Register** (45 FR 58520). You can find later actions on the program at 30 CFR 924.10, 924.15, 924.16, and 924.17.

#### II. Discussion of the Proposed Amendment

By letter dated September 28, 2001 (Administrative Record No. MS-0388), Mississippi sent us an amendment to its program under SMCRA and the Federal regulations at 30 CFR 732.17(b).

Mississippi sent the amendment in response to our letters dated August 17, 2000, and August 23, 2000 (Administrative Record Nos. MS-0382 and MS-0381, respectively), that we sent to Mississippi in accordance with 30 CFR 732.17(c). Mississippi also sent the amendment in response to required program amendments at 30 CFR 924.16(i) and (l). Finally, the amendment included changes made at Mississippi's own initiative.

We announced receipt of the amendment in the November 2, 2001, **Federal Register** (66 FR 55611) and invited public comment on its adequacy. The public comment period closed December 3, 2001.

During our review of the amendment, we identified concerns relating to the definition of "immediate mining area," and provisions concerning limited use vehicular pathways. We notified Mississippi of these concerns by letter dated January 23, 2002 (Administrative Record No. MS-0390). By letter dated July 22, 2002, Mississippi sent us a revised amendment (Administrative Record No. MS-0394). Below is a description of the revisions Mississippi submitted.

#### A. Section 105, Definitions

Mississippi proposes to add language to its proposed definition of "immediate mining area" to provide that routes of travel within the immediate mining area will be either consumed by mining, reclaimed, or have design plans submitted for approval as permanent postmine features prior to phase II bond release.

#### B. Section 53111(a), Road Classification System

1. Paragraph (a)(4)(ii). Mississippi proposes to revise its proposed provisions at paragraph (a)(4)(ii) to provide that limited use vehicular pathways cannot have bridges or other cross-drainage structures. Previously, this proposed provision would have allowed culverts if the Department approved them prior to construction.

2. Paragraph (a)(4)(iii). Mississippi proposes to revise its proposed provision at paragraph (a)(4)(iii) to provide that limited use vehicular pathways cannot be located in and/or cross or ford any channel of an intermittent or perennial stream. Previously, this proposed provision would have allowed limited use vehicular pathways to be located in and/or cross or ford any channel of an intermittent or perennial stream if the Department approved it.

3. Paragraph (a)(5). Mississippi proposes to revise its proposed

provision at paragraph (a)(5) by removing the provision at (a)(5)(i). As proposed, this provision would have allowed limited use vehicular pathways to include water bars across the pathway and drainage ways incidental to the area. Mississippi further proposes to redesignate the provisions at paragraph (a)(5)(ii) through (iv) as new paragraphs (a)(5)(i) through (iii). Finally, Mississippi proposes to revise the provision at newly designated paragraph (a)(5)(iii) to read as follows:

(5) A limited use vehicular pathway:  
(iii) will be reclassified as a road if upgraded by construction activities such as blading, construction, placement of a compacted surface, cut and fill of the natural grade, construction of drainage ditches or low water crossings, or installation of drainage structures. The submittal and approval of plans and drawings required by these regulations must be completed prior to the upgrading of a limited use vehicular pathway.

### III. Public Comment Procedures

We are reopening the comment period on the proposed Mississippi program amendment to provide you an opportunity to reconsider the adequacy of the amendment in light of the additional materials sent to us. Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Mississippi program.

**Written Comments:** If you submit written or electronic comments on the proposed rule during the 15-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

**Electronic Comments:** Please submit Internet comments as an ASCII, WordPerfect, or Word file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS NO. MS-017-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Birmingham Field Office at (205) 290-7282.

**Availability of Comments:** Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at OSM's Birmingham Field Office (see

**ADDRESSES**). Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

### IV. Procedural Determinations

#### *Executive Order 12630—Takings*

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

#### *Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

#### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that 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 because each 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 the Federal regulations at 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.

#### *Executive Order 13132—Federalism*

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society

and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA. Section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

#### *Executive Order 13211—Regulations That Significantly Affect The Supply, Distribution, or Use of Energy*

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

#### *National Environmental Policy Act*

This rule does not require an environmental impact statement because 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 certifies 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. 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.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

*Unfunded Mandates*

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

**List of Subjects in 30 CFR Part 924**

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 7, 2002.

**Ervin J. Barchenger,**

*Acting Regional Director, Mid-Continent Regional Coordinating Center.*

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**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****31 CFR Parts 538, 550, and 560****Comment Request Regarding the Effectiveness of Licensing Procedures for Exportation of Agricultural Commodities, Medicine, and Medical Devices to Sudan, Libya, and Iran**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Request for comments.

**SUMMARY:** The Office of Foreign Assets Control ("OFAC") of the U.S.

Department of the Treasury is soliciting comments concerning the effectiveness of OFAC's licensing procedures implementing the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX of Pub. L. 106-387, 22 U.S.C. 7201 *et seq.*) (the "Act"), for the exportation of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran. Pursuant to section 906(c) of the Act, OFAC is required to submit a biennial report to the Congress on the operation of licensing procedures for such exports.

**DATES:** Written comments should be received on or before October 7, 2002, to be assured of consideration.

**ADDRESSES:** Direct all written comments to the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex—2d Floor, Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information about these licensing procedures should be directed to the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., 1500 Pennsylvania Avenue, Annex—2d Floor, Washington, DC 20220, telephone: (202) 622-2480. Additional information about these licensing procedures is also available under the heading "Sanctions Program and Country Summaries" at [www.treas.gov/ofac](http://www.treas.gov/ofac).

**SUPPLEMENTARY INFORMATION:** The current procedures used by the Office of Foreign Assets Control ("OFAC") for authorizing the export of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran are set forth in 31 CFR 538.523-526, 31 CFR 550.569-573, and 31 CFR 560.530-533.

Under the provisions of section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX of Pub. L. 106-387, 22 U.S.C. 7201 *et seq.*) (the "Act"), OFAC must submit a report to the Congress on the operation, during the preceding two-year period, of the licensing procedures required by section 906 of the Act for the export of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran. This report is to include:

(1) The number and types of licenses applied for;

(2) The number and types of licenses approved;

(3) The average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) The extent to which the licensing procedures were effectively implemented; and

(5) A description of comments received from interested parties about the extent to which the licensing procedures were effective, after holding a public 30-day comment period.

This notice serves as public notice soliciting comments from interested parties regarding the effectiveness of OFAC's licensing procedures for the export of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran.

Interested parties submitting comments are asked to be as specific as possible. All comments received on or before October 7, 2002, will be considered by OFAC in developing the report to the Congress. In the interest of accuracy and completeness, OFAC requires written comments.

Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured. OFAC will not accept comments accompanied by a request that part or all of the comments be treated confidentially because of their business proprietary nature or for any other reason. OFAC will return such comments when submitted by regular mail to the person submitting the comments and will not consider them.

All comments made will be a matter of public record. Copies of the public record concerning these regulations may be obtained from OFAC's Web site (<http://www.treas.gov/ofac>). If that service is unavailable, written requests may be sent to: Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220, Attn: Merete Evans.

Approved: August 30, 2002.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

Approved: August 30, 2002.

**Kenneth E. Lawson,**

*Assistant Secretary (Enforcement), Department of the Treasury.*

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