be grounds for the denial of reimbursement for meals served during the period covered by the records in question and for the denial of reimbursement for costs associated with such records.

Dated: November 27, 1995.

William E. Ludwig,

*Administrator.*

[FR Doc. 95–29569 Filed 12–4–95; 8:45 am]

BILLING CODE 3410–30–U

## Agricultural Marketing Service

## 7 CFR Part 985

**[Docket No. AO–79–2; FV95–985–4]**

## Spearmint Oil Produced in the Far West; Proposed Amendment of Marketing Order No. 985

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of order filed on proposed rulemaking.

**SUMMARY:** The purpose of this document is to inform all interested parties that an order was filed by the presiding Administrative Law Judge in this matter stating that briefs, proposed findings, and conclusions may be filed no later than December 22, 1995. A hearing to consider amendments to the Federal marketing order covering the handling of spearmint oil grown in the Far West and to receive evidence on whether portions of the States of California and Montana should continue to be regulated under the order, was held on November 14, 1995, in Spokane, Washington.

**DATES:** Proposed findings and conclusions and written arguments or briefs must be filed by December 22, 1995.

**ADDRESSES:** Proposed findings and conclusions and written arguments or briefs should be sent to the office of the hearing clerk, U.S. Department of Agriculture, Room 1079–South Building, Washington, DC 20250–9200.

**FOR FURTHER INFORMATION CONTACT:**

(1) Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, Room 2523–S, AMS, USDA, PO Box 96456, Washington, DC 20090–6456; telephone number (202) 720–5127.

(2) Robert Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW. Third Avenue, Room 369, Portland, Oregon, 97204; telephone: (503) 326–2725.

**SUPPLEMENTARY INFORMATION:** A public hearing was held November 14, 1995, in Spokane, Washington to receive evidence on whether the marketing order regulating the handling of spearmint oil produced in the Far West should be amended to exclude from the area of regulation portions of the States of California and Montana.

Pursuant to the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900), the Administrative Law Judge assigned to conduct the proceeding established December 22, 1995, as the date by which proposed findings and conclusions and written arguments or briefs must be filed. Any proposed findings and conclusions and written arguments or briefs must be based upon the evidence received at the hearing. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to, and will not be considered in determining whether the marketing order should be amended.

Authority: 7 U.S.C. 607–674.

Dated: November 30, 1995.

Sharon Bomer Lauritsen,

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–29571 Filed 12–4–95; 8:45 am]

BILLING CODE 3410–02–P

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[CO–24–95]**

**RIN 1545–AT51**

## Consolidated Groups—Intercompany Transactions and Related Rules; Hearing

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Change of date and time for public hearing on proposed regulations.

**SUMMARY:** This document changes the date and time of the public hearing on proposed regulations that provide rules for disallowing loss and excluding gain for certain dispositions and other transactions involving stock of the common parent of a consolidated group.

**DATES:** The public hearing has changed to Monday, December 11, 1995, beginning at 1:00 p.m.

**ADDRESSES:** The public hearing will be held in the Internal Revenue Service Auditorium, Seventh floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW. Washington, DC. Submit requests to speak and outlines of oral comments to CC:DOM:CORP:R [CO–24–95], room 5228, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:** Christina Vasquez of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–6803 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing appearing in the Federal Register for Tuesday, July 18, 1995 (60 FR 36755), announced that the Service would hold a public hearing on proposed regulations that provide rules for disallowing loss and excluding gain for certain dispositions and other transactions involving stock of the common parent of a consolidated group on Thursday, November 16, 1995, beginning at 10:00 a.m. in the IRS Auditorium.

The date and time of the public hearing has changed. The hearing is scheduled for Monday, December 11, 1995, beginning at 1:00 p.m. The requests to speak and outlines of oral comments were due October 26, 1995. Because of controlled access restrictions, attenders are not admitted beyond the lobby of the Internal Revenue Building until 12:45 p.m.

The service will prepare an agenda showing the scheduling of the speakers and make copies available free of charge at the hearing.

Cynthia E. Grigsby,

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95–29510 Filed 12–4–95; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 913

**[SPATS No. IL–089–FOR]**

## Illinois 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 and additional explanatory information pertaining to a previously proposed amendment to the Illinois

regulatory program (hereinafter referred to as the ''Illinois program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and additional explanatory information for Illinois' proposed regulations pertain to termination of jurisdiction, permit fees, definitions, coal exploration, permitting, environmental resources, reclamation plans, special categories of mining, small operator assistance, bonding, performance standards, inspection, enforcement, civil penalties, administrative and judicial review, and certification of blasters. The amendment is intended to revise the Illinois program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by recently revised Federal regulations, provide additional safeguards, clarify ambiguities, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., e.s.t., January 4, 1996. If requested, a public hearing on the proposed amendment will be held on January 2, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t., on December 20, 1995.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis Field Office at the address listed below.

Copies of the Illinois 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 Indianapolis Field Office.

Roger W. Calhoun, Director Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana, 46204, Telephone: (317) 226–6700.

Illinois Department of Natural Resources, Office of Mines and Minerals, 524 South Second Street, Springfield, Illinois, 62701–1787, Telephone: (217) 782–4970.

**FOR FURTHER INFORMATION CONTACT:** Roger W. Calhoun, Director Indianapolis Field Office, Telephone: (317) 226–6700.

**SUPPLEMENTARY INFORMATION:**

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, Federal Register (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, 913.17.

II. Discussion of the Proposed Amendment

By letter dated February 3, 1995 (Administrative Record No. IL–1615), Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment in response to an August 5, 1993, letter (Administrative Record No. IL–1400) that OSM sent to Illinois in accordance with 30 CFR 732.17(c), in response to the required program amendments at 30 CFR 913.16(s), (t), and (u), and at its won initiative. The provisions of Title 62 of the Illinois Administrative Code (IAC) that Illinois proposes to amend are 62 IAC 1700, General; 62 IAC 1701.Appendix A, Definitions; 62 IAC 1761.11, Areas where mining is prohibited or limited, 62 IAC 1772, Requirements for coal exploration; 62 IAC 1773, Requirements for permits and permit processing; 62 IAC 1774.13, Permit revisions; 62 IAC 1778.15, Right of entry information; 62 IAC 1779, Surface mining permit applications—minimum requirements for information on environmental resources; 62 IAC 1780.23, Reclamation plan: per-mining and post-mining information; 62 IAC 1783, Underground mining permit applications—minimum requirements for information on environmental resources; 62 IAC 1784.15, Reclamation plan: pre-mining and post-mining information; 62 IAC 1785, Requirements for permits for special categories of mining; 62 IAC 1795, Small operator assistance; 62 IAC 1800, Bonding and insurance requirements for surface coal mining and reclamation operations; 62 IAC 1816, Permanent program performance standards—surface mining activities; 62 IAC 1817, Permanent program performance standards—underground mining activities; 62 IAC 1825.14, High capability lands: soil replacement; 62 IAC 1840, Department inspections; 62 IAC 1843, State enforcement; 62 IAC 1845.12, When penalty will be assessed; 62 IAC 1847, Administrative and judicial review; 62 IAC 1845.5, Notice of hearing; and 62 IAC 1850, Training, examination and certification of blasters.

OSM announced receipt of the proposed amendment in the February 27, 1995, Federal Register (60 FR 10522) and invited public comment on its adequacy. The public comment period ended March 29, 1995.

During its review of the amendment, OSM identified concerns relating to 62 IAC 1701. Appendix A, definition of wetlands; 62 IAC 1773.20, general procedures for improvidently issued permits; 62 IAC 1773.23, review of ownership or control and violation information; 62 IAC 1773.24, procedures for challenging ownership or control shown in the Applicant Violator System; 62 IAC 1785.17, prime farmlands; 62 IAC 1816/1817.13 and 1816/1817.15, casing and sealing of drilled holes; 62 IAC 1816/1817.116(a)(3)(F) and 62 IAC 1816.116(a)(4)(A)(ii), revegetation standards for small isolated areas; 62 IAC 1816.116(a)(4)(D), revegetation standards for hay production; 62 IAC 1816/1817.116(a)(5), wetlands revegetation; 62 IAC 1816/1817.116(c), revegetation reference areas; and 62 IAC 1816.Appendix A, permit specifics yield standards. OSM notified Illinois of the concerns by letters dated April 28 and August 3, 1995 (Administrative Record Nos. IL–1649 and IL–1660, respectively). Illinois responded in a letter dated November 1, 1995 (Administrative Record No. IL–1663), by submitting a revised amendment and additional explanatory information.

Throughout the revised amendment, Illinois proposes to change its references of the ''Illinois Department of Mines and Minerals'' to the ''Illinois Department of Natural Resources, Office of Mines and Minerals'' in order to reflect a reorganization change which was effective July 1, 1995, and to change its references of the ''Soil Conservation Service'' and ''S.C.S.'' to the ''Natural Resources Conservation Service.'' Illinois, also, corrected typographical errors, revised cross-references, and revised paragraph notations to reflect organizational changes within the amended regulations. In addition, Illinois proposes revisions to and/or additional explanatory information for the following specific regulations.

*A. 62 IAC 1701.Appendix A Definition of Wetlands*

In its letter dated April 28, 1995 (Administrative Record No. 1649), OSM requested Illinois to provide a statement which explains the meaning of the last sentence of the ''wetlands'' definition [Areas which are restored or created as

the result of mitigation or planned construction projects and which function as a wetland are included within this definition even when all three wetland parameters are not present]. At the May 31, 1995, meeting (Administrative Record No. 1654), Illinois stated that it was using the definition of wetlands contained in the Illinois Interagency Wetland Policy Act of 1989 (20 ILCS 830/1–6). Illinois explained that the definition applies to created wetlands which are functioning as a wetland ''* * * even when all three wetland parameters are not present.'' Illinois further explained that generally the ''hydric'' soil profile may not be fully developed in an artificial wetland.

Illinois submitted a copy of the ''Interagency Wetlands Policy Act of 1989'' to OSM (Administrative Record No. 1650A).

*B. 62 IAC 1773.20 Improvidently Issued Permits: General Procedures*

At 62 IAC 1773.20(c)(4), Illinois proposes to change the word ''rescind'' in the sentence ''If the Department decides to rescind the permit, it shall give at least 30 days written notice to the permittee'' to the word ''suspend.''

*C. 62 IAC 1773.23 Review of Ownership or Control and Violation Information*

At 62 IAC 1773.23(a), Illinois proposes to change its regulation reference from ''1773.22(b)'' to ''1773.22.''

At 62 IAC 1773.23(b)(2)(B), Illinois proposes to change its regulation reference from ''1773.15(b)'' to ''1773.15(b)(1).''

*D. 62 IAC 1773.24 Procedures for Challenging Ownership or Control Links Shown in the Applicant Violator System*

At 62 IAC 1773.34(a)(1), Illinois proposes to change the regulation reference from ''subsections (b) through (d) below and Section 1773,25'' to ''30 CFR 773.24(b) through (d) and 30 CFR 773.25.''

At 62 IAC 1773.24(a)(2), Illinois proposes to change the regulation reference from ''subsections (b) through (d)'' to ''30 CFR 773.24 (b) through (d).''

At 62 IAC 1773.24(a)(3), Illinois proposes to replace the language ''the State program for the State that issued the violation notice'' with subsections (b) through (d) below and Section 1 773.25.''

At 62 IAC 1773.24 (b) through (d), Illinois proposes to replace the originally proposed procedures for those persons eligible under subsections (a)(1) or (a)(2) to challenge the status of an ownership or control link shown in the AVS or the status of federal violations with procedures for those persons eligible under subsection (a)(3) to challenge the status of state violations. The revised regulations read as follows:

(b) Any applicant or other person who wishes to challenge an ownership or control link shown in AVS or the status of a state violation, and who is eligible to do so under the provisions of subsection (a)(3) above, shall submit a written explanation of the basis for the challenge, along with any relevant evidentiary materials and supporting documents.

(c) The Department shall review any information submitted under subsection (b) above and shall make a written decision whether or not the ownership or control link has been shown to be erroneous or has been rebutted and/or whether the violation covered by the notice remains outstanding, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal within the meaning of Section 1773.15(b)(1).

(d) Notice to applicant.

(1) If, as a result of the decision reached under subsection (c) above, the Department determines that the ownership or control link has been shown to be erroneous or has been rebutted and/or that the violation covered by the notice has been corrected, is in the process of being corrected, or is the subject of a good faith appeal, the Department shall so notify the applicant or other person and, if an application is pending, OSM, and shall correct the information in AVS.

(2) If, as a result of the decision reached under subsection (c) above, the Department determines that the ownership or control link has not been shown to be erroneous and has not been rebutted and that the violation covered by the notice remains outstanding, the Department shall so notify the applicant or other person and, if an application is pending, OSM, and shall update the information is AVS, if necessary.

(3) The Department shall serve a copy of the decision on the applicant or other person by certified mail, or by any means consistent with the rules governing service of a summons and complaint under Rule 4 of the Federal Rules of Civil Procedure. Service shall be complete upon tender of the notice or of the mail and shall not be deemed incomplete because of a refusal to accept.

(4) The applicant or other person may appeal the Department's decision within 30 days of service of the decision in accordance with 62 Ill. Adm. Code 1847.3. The Department's decision shall remain in effect during the pendency of the appeal, unless temporary relief is granted in accordance with 62 Ill. Adm. Code 1847.3(k).

*E. 62 IAC 1785.17 Prime Farmlands*

At 62 IAC 1785.17(d)(1), Illinois proposes to reinstate the sentence ''The State recognizes that the permit cannot be issued without the required consultation with USDA.''

*F. 62 IAC 1816 (Surface Mining Activities) and 1817 (Underground Mining Activities) Permanent Program Performance Standards*

Since most of the surface mining and underground mining regulations in these parts are identical, the revisions are being combined for discussion purposes, unless otherwise noted.

1. 62 IAC 1816.13 and 1816.15 Casing and Sealing of Drilled Holes and 62 IAC 1817.13 and 1817.15 Casing and Sealing or Exposed Underground Openings

Illinois proposes to withdraw its originally proposed requirements that exposed underground openings be backfilled.

2. IAC 1816.116(a)(2)(F)/1817.116(a)(2)(F) Revegetation Standards for Success: Augmentation

a. At 62 IAC 1816/1817.116(a)(2)(F)(i), Illinois proposes to reinstate the existing language from 62 IAC 1816/1817.116(a)(2)(F)(ii) and add some clarification language. This revised provision reads as follows:

The five (5) year period of responsibility shall not recommence after deep tillage on areas where the operator has met the revegetation success standards of subsection (a)(3)(E) below.

b. Originally proposed 62 IAC 1816/1817.116(a)(2)(F) is redesignated 62 IAC 1816/1817.116(a)(2)(F)(ii), and Illinois proposes to add the follow exception to its provision that considers the application of chemical treatments or fertilizers to wetland areas as augmentation.

Except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal husbandry practices, such as routine liming and fertilization, are used.

3. 62 IAC 1816.116(a)(3)(F)/1817.116(a)(3)(F) Revegetation Standards for Success: Non-contiguous Areas

If response to issues raised in OSM's letters dated April 28 and August 3, 1995 (Administrative Record Nos. IL–1649 and IL–1660, respectively), Illinois proposes to revise 62 IAC 1816/1817.116(a)(3)(F) to read as follows.

Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

Also, Illinois' amendment transmittal letter dated November 1, 1995, contains a justification statement with an attached map (Administrative Record No. IL–1663). The map, which is marked as Exhibit #4, shows an example of several small substations which served an underground mine and which had minor disturbances and which were returned to cropland use. In its statement, Illinois references *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144, May 16, 1980) as justification for the proposed regulation. Illinois also attached a memorandum dated September 1, 1995, from the Illinois Department of Agriculture which concurred with the four acre threshold relative to the testing of small isolated areas for revegetation success.

4. 26 IAC 1816.116(a)(4)(A)(ii) Revegetation Standards for Success: Proof of Productivity for Non-Contiguous Areas

Illinois proposes to revise its proposed provision at 62 IAC 1816.116(a)(4)(A)(ii) which would allow the productivity results of a larger field to represent small isolated areas to read as follows.

The Department may approve a field to represent non-contiguous areas less than or equal to four acres of the same capability if it determines that the field is representative of reclamation of such areas. These areas shall be managed and vegetated in the same manner as the representative field.

In its letter dated November 1, 1995 (Administrative Record No. IL–1663), Illinois stated that ''* * * These areas will be vegetated and managed in the same manner as their associated larger field under approved and proper management practices.''

5. 62 IAC 1816.116(a)(4)(D) Revegetation Standards for Hay Production

At 62 IAC 1816.116(a)(4)(D), Illinois proposes to withdraw the following previously proposed language.

Prior successful hay production shall not be affected by deep tillage for crop production.

6. 62 IAC 1816.116(a)(5)/1817.116(a)(5) Wetland Revegetation

In its letter dated April 28, 1995 (Administrative Record No. 1649), OSM requested Illinois to provide a statement and technical support for 62 IAC 1816/1817.116(a)(5) which justifies why a minimum areal coverage of 30 percent for wetlands will be consistent with the revegetation standards for ground cover for areas to be developed for fish and wildlife habitat at 30 CFR 816/817.116(a)(3)(iii).

At the May 31, 1995, meeting (Administrative Record No. 1654), Illinois described a U.S. Fish and Wildlife Service, Biological Services Program, publication on the qualitative values of wetlands with various degrees of emergent vegetation at the 20 to 70 percent levels. The study ranked 70 percent cover as having the lowest value, 50 percent as having the highest value, and 30 percent as having a middle value. Illinois stated its belief that attainment of the 30 percent level of areal vegetation cover is adequate to establish a valuable wetland which is likely to improve with time, justifying its use as a revegetation success standard.

Illinois submitted the publication, which was entitled ''Classification of Wetlands and Deepwater Habitats of the United States,'' U.S. Department of the Interior, Fish and Wildlife Service, Biological Services Program, FWS/OBS–79/31, December 1979, to OSM on June 8, 1995 (Administrative Record No. 1653). Illinois, also, submitted two additional reference documents in support of its wetlands revegetation standards: (1) Vol. II of ''Wetland Creation and Restoration—The Status of the Science,'' U.S. Environmental Protection Agency, Environmental Research Laboratory, EPA 600/3–89/038b, October 1989, (Administrative Record No. IL–1650) and (2) Journal of Wildlife Management, 1981, University of Michigan Study, Dabbling Duck and Aquatic Macroinvertebrate Responses to Manipulated Wetland Habitat, J. Wildl. Manage.45(1):1981 (Administrative Record No. IL–1650B).

7. 62 IAC 1816.116(c) and 1817.116(c) Use of Reference Areas for Determining Revegetation

Illinois proposes to withdraw its proposed regulations at 62 IAC 1816.116(c) and 1817.116(c) concerning the use of a reference area in lieu of the Agricultural Lands Productivity Formula Target Yields to determine the success of revegetation for cropland and hayland.

8. 62 IAC 1816.Appendix A Agricultural Land Productivity Formula

a. Under the heading ''Permit Specifics—Yield Standard'', Illinois proposes to modify sections (a) and (b) to clarify that target yields are calculated by ''pit'' rather than ''permit.'' Therefore, Illinois proposes to change the words ''permit,'' ''mine permit area,'' and ''permit area'' to ''pit.''

Illinois, also, submitted examples for the justification of consolidating yield targets by pit rather than permit in its November 1, 1995, submittal (Administrative Record No. IL–1663). Exhibit #1 is a composite map identifying 18 pits which are included in ten permits whose reclamation plans are developed on a pit basis to balance prime farmland, and high capability land liability. Exhibit #2 is a printout of the base yield targets from a mine with a pit which was originally contained under three separate contiguous permits. Later, all three permits were repermitted under one large permit. As a result, the yield targets were consolidated due to the repermitting. The yield differences between permits and the mean varied approximately 5 percent. Exhibit #3 is a printout of the base yield targets from a mine with a pit which was originally contained under two separate contiguous permits. These permits were not consolidated under one permit; however, as the small acreage permit represented just the last few years of mining and included the final cut impoundment, some of the cropland liability was located into the older permit. In other words, the actual soils and liability accrued were moving across permit lines. A composite yield target based on a pit concept reflects the actual way the soil was handled.

b. Illinois proposes to change previously proposed section (e) to (c) and proposes to revise the language as follows:

After mining operations have ceased, the Department shall recalculate the yield standards for the pit based solely on the soils which were disturbed. Recalculated targets shall be applicable to all areas tested for productivity subsequent to the recalculation. Approved significant revisions after permanent cessation of mining shall cause the targets to be recalculated and applied to productivity fields tested after the recalculation.

c. Illinois proposes to withdraw previously proposed sections (c), (d), and (f).

*G. 62 IAC 1848.5 Notice of Hearing*

At 62 IAC 1848.5(f), Illinois proposes to withdraw the following previously proposed sentence.

Any deviations from the requirements of this subsection attributable to the publishing newspaper shall not be grounds for postponement or continuance of the hearing, nor will such errors necessitate that the notice be republished.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Illinois 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 Illinois 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 Indianapolis Field Office 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.s.t., on December 20, 1995. 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 proposed 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 data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 20, 1995.

Brent Wahlquist,

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

[FR Doc. 95–29509 Filed 12–4–95; 8:45 am]

**BILLING CODE 4310–05–M**

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## National Park Service

## 36 CFR Parts 1 and 13

**RIN 1024–AC21**

## General Regulations for Areas Administered by the National Park Service and National Park System Units in Alaska

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) is proposing to revise portions of its general regulations for areas administered by the National Park Service which define the primary scope and applicability and contain definitions for terms used in the text of the regulations. NPS is also modifying regulations which relate to National Park System units in Alaska. This revision clarifies the applicability of those NPS regulations that apply in all National Park System areas to navigable waters located within park boundaries.

In order to protect wildlife and the other values and purposes of the National Park System, the NPS developed general regulations intended