determining allowable costs, reasonable costs, and disallowed costs. Furthermore, it established the requirements carriers must meet in their submission of cost estimates and requests for payment to the Federal Government for the disbursement of CALEA funds. Finally, the NPRM sought to ensure the confidentiality of trade secrets and to protect proprietary information from unnecessary disclosure.

Of particular interest for the purposes of this Advance Notice of Proposed Rule Making (ANPRM) is section 100.11(a)(1) of the NPRM, which included in the costs eligible for reimbursement under section 109(e) of CALEA:

> All reasonable plant specific costs directly associated with the modifications performed by carriers in connection with equipment, facilities, and services installed or deployed on or before January 1, 1995, to establish the capabilities necessary to comply with section 103 of CALEA, *until the equipment, facility, or service is replaced or significantly upgraded or otherwise undergoes major modifications . . .*

(emphasis added).

In response to the NPRM, the FBI received comments from 16 representatives of the telecommunications industry, including wireline and wireless carriers and associations. Of the 16 sets of comments received on the proposed rule, half requested that the FBI define ''significant upgrade or major modification'' as used in § 100.11(a)(1) of the NPRM.

Given the dynamic nature of the telecommunications industry and the potential impact on eligibility for reimbursement, the FBI acknowledges that ''significant upgrade or major modification'' must be defined. However, this issue affects only those carriers who have made some form of modification, other than routine maintenance, or upgrade to their ''equipment'' which was installed or deployed on or before January 1, 1995. The reimbursement eligibility of ''equipment'' which has undergone no modification or upgrade since January 1, 1995 is not affected by this definition. In addition, ''significant upgrade or major modification'' does not pertain to cases of reimbursement for capability modifications which have been deemed not reasonably achievable by the FCC under CALEA section 109(b)(2) or to reimbursement for capacity modifications under CALEA section 104(e). Therefore, given that many of the potential reimbursement scenarios allowed by CALEA, and, therefore, by the NPRM, are not affected by the definition of ''significant upgrade and major modification,'' the FBI has elected to handle this issue separately in order to expedite the CALEA implementation process. This decision is in both the best interests of the government and of the carriers given that CALEA funds are now available to begin the reimbursement effort.[4] Severing the ''significant upgrade or major modification'' issue from the NPRM for separate consideration will allow the FBI to go forward in finalizing the rest of the NPRM, thereby allowing the FBI as soon as possible to begin reimbursing those carriers who have made no modifications or upgrades since January 1, 1995. With regard to the rest of the NPRM, the FBI has considered all comments submitted and anticipates publication of the final rule for CALEA cost reimbursement (exclusive of a definition of ''significant upgrade or major modification'') in the first quarter of calendar year 1997.

C. ''Significant Upgrade'' and ''Major Modification''

In addition to the need for expedition in finalizing the CALEA cost reimbursement rule, the FBI has determined that it is in the best interests of all parties concerned that the FBI solicit further input from the telecommunications industry and the general public in order to resolve this issue. Therefore, the FBI requests that telecommunications carriers and other interested parties submit potential definitions of ''significant upgrade or major modification'' in response to this ANPRM. Committed to the consultative process and to maintaining an on-going dialogue with the telecommunications industry, the FBI seeks to draw on the expertise of that industry so that it may gain an understanding of the range of options available with regard to ''significant upgrade or major modification.''

It should be noted that the comment period for this ANPRM is 30 days. The FBI has elected to use a reduced comment period in order to expedite the CALEA implementation process, particularly with regard to ''significant upgrade and major modification.'' Given the concerns expressed by the commenters on NPRM, the FBI has reason to believe that the telecommunications industry wishes for a rapid resolution to the issue.

Once the FBI has received comments in response to the ANPRM, it will determine the best means of promulgating the definition of ''significant upgrade and major modification.'' Furthermore, after making this determination and developing a definition, the FBI will address the comments received in some form in the Federal Register at a later date.

D. Electronic Submission of Comments

While printed comments are welcome, commenters are encouraged to submit their responses on electronic media. Electronic documents must be in WordPerfect 6.1 (or earlier version) or Microsoft Word 6.0 (or earlier) format. Comments must be the only file on the disk. In addition, all electronic submissions must be accompanied by a printed sheet listing the name, company or organization name, address, and telephone number of an individual who can replace the disk should it be damaged in transit. Comments under 10 pages in length can be faxed to the Telecommunications Contracts and Audit Unit, Attention: CALEA FR Representative, fax number (703) 814–4730.

(Authority: 47 U.S.C. 1001–1010; 28 CFR 0.85(o))

Dated: November 12, 1996.

Louis Freech,

Director, Federal Bureau of Investigation, Department of Justice.

[FR Doc. 96–29572 Filed 11–18–96; 8:45 am]

BILLING CODE 4410–02–M

[4] Public Law 104–208, Item 28: (16) ''Telecommunications Carrier Compliance Fund.''

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[CO–031–FOR]

Colorado Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Colorado abandoned mine land reclamation (AMLR) plan (hereinafter, the ''Colorado plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and additions of plan provisions pertaining to reclamation objectives and priorities, future reclamation set-aside programs, reclamation of interim program and

bankrupt surety bond forfeiture coal sites, mine subsidence protection program, ranking and selection of projects, coordination of reclamation work among other programs, acquisition of lands and waters, reclamation on private land, exclusion of certain sites from abandoned mine land funding, environmental assessments, project accomplishment reports, procurement and purchasing, contractor eligibility, and organization and management. The amendment is intended to revise the Colorado plan to meet the requirements of the Federal regulations and to be consistent with SMCRA, and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., m.s.t., December 19, 1996. If requested, a public hearing on the proposed amendment will be held on December 16, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t., December 4, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to James F. Fulton at the address listed below.

Copies of the Colorado plan, 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 Denver Field Division.

James F. Fulton, Chief, Denver Field Division, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3300, Denver, Colorado 80202

David Bucknam, Program Administrator, Department of Natural Resources, Division of Mined Land Reclamation, 1313 Sherman Street, Room 215, Denver, Colorado 80203

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 844–1424.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Plan

On June 11, 1982, the Secretary of the Interior approved the Colorado plan. General background information on the Colorado plan, including the Secretary's findings and the disposition of comments, can be found in the June 11, 1982, Federal Register (June 11, 1982). Subsequent actions concerning Colorado's plan and plan amendments can be found at 906.25.

II. Proposed Amendment

By letter dated October 29, 1996, Colorado submitted a proposed amendment (administrative record No. CO–AML–24) to its plan pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative and in response to a September 26, 1994 letter (administrative record No. CO–AML–19) that OSM sent to Colorado in accordance with 30 CFR 884.15(b). The provisions of the Colorado Inactive Mine Reclamation Plan that Colorado proposes to revise and add are: section I, A, reclamation objectives and priorities, section I, B(1), maintaining the inactive mine inventory, section I, B(3), restoration and enhancement of fish and wildlife habitat, section I, B(7), future reclamation set-aside programs, section I, B(8), interim mines and insolvent sureties, and section I, B(9), Colorado Mine Subsidence Protection Program; section II, ranking and selection of projects, introductory paragraph, section II, B, project selection criteria, and section II, C, selection of project alternatives; section III, coordination of reclamation work among Federal, State, regional and local programs, introductory paragraph, and sections III, A through E, coordination of reclamation programs with Federal and State agencies and regional and local governments; section IV, acquisition, management, and disposition of lands and waters; section V, reclamation on private land, introductory paragraph, section V, B(2), project eligibility determination, section V, B(4), fair market value determination, section V, B(6) environmental assessments, section V, C and C(1), annual reclamation (construction) grant application and consent for reclamation work, and section V, D, project evaluation; section VI, public participation and involvement in the Colorado Inactive Mine Reclamation Program (IMRP); section VII, A(4), the Colorado Fiscal Procedures Manual, section VII, C, procurement and purchasing, and section VII, C(3), Applicant Violator System; and section VIII, organization and management. In addition, Colorado is proposing numerous minor editorial and recodification changes.

Specifically, Colorado proposes to revise section I, A(4), by deleting research and demonstration projects as a reclamation priority and recodifying sections I, A(5) and (6) as I, A (4) and (5). Colorado proposes to revise section I, B(1), to provide that the inactive mine inventory will contain coal mine site information only. Colorado is also proposing to revise section I, B(3), to require IMRP to strive to eliminate detrimental impacts affecting fish and wildlife due to past mining practices.

Colorado is proposing to add new language at section I, B(7) to provide that

> The Colorado Inactive Mine Reclamation Program will establish special trust accounts for the purposes of handling future reclamation problems. Up to 10 percent of the total annual grant received by Colorado may be set aside in special trust accounts. Funds will be set-aside and used as authorized by Section 402(g) of PL 95–87 including:
>
> (a) 1992 Funds. These funds are available after August 3, 1992 to address either coal or non-coal reclamation.
>
> (b) 1995 Funds. These funds are available after September 30, 1995 for coal reclamation only.
>
> (c) Acid Mine Drainage Fund. Monies from this fund will be used to abate and treat waters affected by coal mining.

Colorado proposes the addition of new language at section I, B(8) to provide that

> Reclamation projects may include coal mine sites that were abandoned and left unreclaimed or inadequately reclaimed if mining ceased during the interim program period from August 3, 1977 through December 15, 1980 or the surety became insolvent during the period from August 3, 1977 through November 5, 1990. One of the following findings will be made:
>
> (a) For interim program coal mine sites that any funds pursuant to a bond or other financial guarantee or from any other source that would be available for reclamation and abatement are not sufficient to provide for adequate reclamation or abatement at the site.
>
> (b) For bankrupt surety bond forfeiture coal sites that the surety of the mining operator became insolvent between August 4, 1977 and November 5, 1990, and as of November 5, 1990, funds immediately available from proceedings relating to such insolvency or from any other financial guarantee are not sufficient to provide for adequate abatement or reclamation of this site.
>
> (c) For both interim program and bankrupt surety coal sites the site is either a priority 1 or 2 site as defined by 30 U.S.C. 1233 with priority being given to those sites that are in the vicinity of a residential area or that have an adverse economic impact upon a community.

Colorado also proposes to add new language at section I, B(9) to provide that

> In Colorado there are nearly 50,000 acres of land undermined by past coal mining activities in the rapidly developing front range urban corridor. This undermined land includes more than 4,450 structures in the Boulder/Weld Coal Field and over 3,000 structures in the Colorado Springs Coal Field. Conventional insurance coverage designed specifically to address the peril of mine subsidence are not solid in Colorado. The

purpose of this program is to provide mine subsidence protection and to make it readily available to homeowners who desire to purchase it. In 1985, Congress passed enabling legislation for mine subsidence insurance programs by amending Section 401(c) of PL 95–87, the Surface Mining Control and Reclamation Act of 1977. This legislation authorized the development of self-sustaining, state administered programs to insure private property against damages associated with inactive coal mine subsidence. The State of Colorado established the Mine Subsidence Protection Program in August of 1988. The Program is open to homes built prior to February 22, 1989.

Colorado proposes to add a new introductory paragraph at section II to provide that

Eligible sites are ranked according to the priorities discussed in the previous sections. Safety hazards and environmental degradation on pre-law coal sites receive the highest priority. To determine the reclamation projects for each grant, several criteria are taken into consideration. A suitable reclamation plan for each project is selected after carefully evaluating the alternatives.

Colorado proposes to revise its project selection criteria at section II, B(2) by deleting as a criteria the ''fulfillment of research and demonstration goals,'' and at section II, B(7) by deleting a worksheet at Table I titled ''Site Ranking Criteria,'' and an entire section titled ''Evaluation of Project Feasibility Studies by the Inactive Mine Reclamation Advisory Council.'' Colorado also proposes to revise section II, C, selection of project alternatives, by deleting the definitions of the feasibility factors used to determine the amount of reclamation to be done at a site.

Colorado proposes to add an introductory paragraph at section III to provide that

It is the intent of the Colorado Inactive Mine Reclamation Program to coordinate closely with other government agencies and organizations. Communication is maintained with several agencies.

Colorado is proposing revisions at sections III, A through E, to provide an updated overview of the coordination efforts of the Division of Minerals and Geology and the IMRP staff with the Colorado Rural Abandoned Mine Program, Indian Tribes, U.S. Geologic Survey, Bureau of Land Management, OSM, U.S. Forest Service, U.S. Fish and Wildlife Service, Colorado Geologic Survey, Colorado Department of Health and Environment, Colorado Historical Society, Regional Council of Governments, and city and county governments.

Colorado proposes to revise section IV by adding new language to provide that

* * * the Inactive Mine program may acquire by donation or purchase from a willing seller, any land or water which is adversely affected by past mining practices if the [Mined Land Reclamation] Board and the Secretary of the Interior approve the acquisition in advance and the acquisition of such land is necessary to successful reclamation, and if the requirements of Section 407(c) of SMCRA are met.

Colorado proposes revisions to the introductory paragraph at section V to provide that reclamation on private land includes both coal and noncoal projects. Colorado is proposing to revise section V, B(2) to provide that the determination of eligibility of a proposed reclamation project will be made by the IMRP Administrator rather than the State's attorney general's office.

Colorado is proposing the addition of new language at section V, B(2) to provide that

No funds will be used for the reclamation of sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 *et seq.*) or that have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*).

Colorado proposes to revise section V, B(4) to provide that the determination of the fair market value of land as adversely affected by past mining will be made before and after reclamation work, and that the finding will be based on an appraisal or letter of opinion from the IMRP realty specialist rather than an independent appraiser.

Colorado is proposing to revise section V, B(6) by adding new language to provide that

Categorical Exclusions will be applied for actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment nor an environmental impact statement is required. For purposes of AML construction activities, the following projects can be excluded: AML reclamation projects involving no more than 100 acres; no hazardous wastes; no explosives, no hazardous or explosive gases; no dangerous impoundments, no mine fires and refuse fires; no undisturbed, non-commercial borrow or disposal sites; no dangerous slides where abatement has the potential for damaging inhabited property; no subsidence involving the placement of material into underground mine voids through drilled holes to address more than one structure; and no unresolved issues with agencies, persons, or groups or adverse effects requiring specialized mitigation.

Colorado is proposing to delete sections V, C and C(1), which concern annual reclamation (construction) grant applications and consent for reclamation work. Colorado proposes to revise section V, D to provide that upon completion of a reclamation project, the IMRP staff will report project accomplishments to OSM.

Colorado is proposing to revise the introductory paragraph at section VI to provide that the policy of public involvement for approval of the grant application is detailed in Table VI–2, ''Project Selection, Grant and NEPA Approval,'' rather than Figure VI–1, ''Public Involvement in the Inactive Mine Reclamation Program (IMRP),'' which is proposed to be deleted. Colorado is also proposing to delete the ''Formal Project Notification—A–95 Process'' provisions, and Figure VI–2, ''Colorado State Clearinghouse A–95 Procedures.'' The A–95 process was an attempt to coordinate planning and development activities within and among Federal, State, regional and local levels of government.

Colorado is proposing to revise section VII, A(4) by adding new language to provide that

* * * The Colorado Inactive Mine Reclamation Program follows the procedures set forth in the [Colorado Fiscal Procedures] manual. This manual is a procedures manual, it does not establish accounting principles or fiscal policy. Accounting principles or fiscal policy are covered in the State's ''Fiscal Rules'' issued as a separate manual. The overall objectives of the Fiscal Rules and the Financial Reporting System are to maintain an accurate record of all financial transactions involving state agencies.

Colorado is proposing numerous revisions to its procurement and purchasing provisions at section VII, C, including section C(2), which provides procurement methods and detailed tables for small purchases, sole source procurement, documented informal telephone bids for purchases between $1,000 and $10,000, competitive sealed bids, and requests for proposals. Colorado is also proposing the addition of new language at section VII, C(3), Applicant Violator System, to provide that

Every successful bidder (or owner or controller of a bidder) for an AML contract will be eligible to receive a permit or conditional permit to conduct surface coal mining operations based on available information concerning federal and state failure-to-abate cessation orders, unabated federal and state imminent harm cessation orders, delinquent civil penalties, bond forfeitures, delinquent abandoned mine land reclamation fees and unabated violations of federal and state laws, rules and regulations pertaining to air or water environmental protection incurred with connection of any mining operation. Bidder eligibility will be confirmed by checking OSM's automated Applicant Violator System for each contract to be awarded.

Finally, Colorado is proposing to update section VIII to reflect the current organizational structure of the Department of Natural Resources, which contains the Division of Minerals and Geology, the designated agency managing the IMRP, as well as eight other divisions. These other divisions contribute directly or indirectly to the overall inactive mine reclamation effort. Included in this section are Table VI–9, ''Department of Natural Resources Organizational Chart'' and Table VI–10, ''Division of Minerals and Geology Organizational Chart.''

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15 (a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Colorado plan.

1. 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 Denver Field Division will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.s.t., December 4, 1996. 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.** The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify 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 testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify 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

1. 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).

2. 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 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 Tribe or State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed Tribe or State ALMR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. 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.*).

5. 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 Tribe or State submittal which is the subject of this rule is based upon 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 established by SMCRA or previously promulgated by OSM will be implemented by the Tribe or State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

6. Unfunded Mandates Reform Act

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or private sector.

List of Subjects in 30 CFR Part 906

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: November 8, 1996.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 96–29501 Filed 11–18–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 202

RIN 0790–AG31

Restoration Advisory Boards (RABs)

AGENCY: Department of Defense, Office of the Assistant Deputy Under Secretary of Defense (Environmental Cleanup), DOD.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On Tuesday, August 6, 1996, the Department of Defense published a proposed rule (61 FR 40764–40772) regarding Restoration Advisory Boards (RABs). Public comments on the proposed rule were required by November 4, 1996. The comment period on the proposed rule is being extended until January 20, 1997, in order to allow