

be \$.10 per copy per page. The charge for reproducing records on magnetic tapes or computer diskettes is the full cost of the operator's time plus the full cost of the machine time and the materials used.

(iii) *Use of electronic data processing equipment to obtain records.* Full cost for the service, including computer search time and computer runs and printouts, and the time of computer programmers and operators and of other employees.

(iv) *Certification or authentication.* Full cost of certification and authentication.

(v) *Providing other special services.* Full cost of the time of the employee who performs the service, management and supervisory costs, plus the full costs of any machine time and materials the employee uses. Consulting and other indirect costs will be assessed as appropriate.

(vi) *Special forwarding arrangements.* Full cost of special arrangements for forwarding material requested.

(vii) *Statutory supersession.* Where a Federal statute prohibits the assessment of a charge for a service or addresses an aspect of that charge, the statute shall take precedence over this regulation.

(p) *Assessment of a Fee with Respect to the Provision of Custom Tailored Information Where the Identification of the Beneficiary Is Obscure and Where Provision of the Information Can be Seen as Benefiting the Public Generally.* When the identification of a specific beneficiary with respect to the provision of custom tailored information is obscure, the service can be considered primarily as benefiting broadly the general public, and the estimated cost of providing the information is less than \$1,000.00, the Director of Administration shall determine whether or not a fee is to be charged. In any such case where the cost is \$1,000.00 or more, the request shall be referred by the Director of Administration to the three-member Board for a determination whether or not a fee is to be assessed.

\* \* \* \* \*

Dated: February 23, 1995.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 95-5132 Filed 3-1-95; 8:45 am]

BILLING CODE 7905-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 925

#### Missouri Regulatory Program

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

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

**SUMMARY:** OSM is announcing the receipt of a proposed amendment to the Missouri regulatory program (hereinafter, the "Missouri program") under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*, SMCRA). The proposed amendment consists of changes to provisions of the Missouri regulations pertaining to definitions, topsoil redistribution, impoundment design, disposal of coal processing and noncoal waste, backfilling and grading, coal exploration, fish and wildlife plan, permit approval findings, notice of violations, and eligibility for small operators assistance. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, clarify ambiguities, and improve operational efficiency.

This notice sets forth the times and locations that the Missouri program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received by 4:00 p.m., c.s.t. April 3, 1995. If requested, a public hearing on the proposed amendment will be held on March 27, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., c.s.t. on March 17, 1995.

**ADDRESSES:** Written comments should be mailed or hand delivered to Michael C. Wolfrom at the address listed below.

Copies of the Missouri program, the proposed amendment, and all written comments received in response to this notice 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 Kansas City Field Office.

Michael C. Wolfrom, Acting Director,  
Kansas City Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 934 Wyandotte, Room  
500, Kansas City, MO 64105,  
Telephone: (816) 374-6405  
Land Reclamation Program, Missouri  
Department of Natural Resources, 205  
Jefferson Street, P.O. Box 176,  
Jefferson City, MO 65102, Telephone:  
(314) 751-4041.

**FOR FURTHER INFORMATION CONTACT:**  
Michael C. Wolfrom, telephone: (816)  
374-6405.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Missouri Program

On November 21, 1980, the Secretary of Interior conditionally approved the Missouri program. General background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program can be found in the November 21, 1980, **Federal Register** (45 FR 77017). Subsequent actions concerning Missouri's program and program amendments can be found at 30 CFR 925.12, 925.15, and 925.16.

##### II. Proposed Amendment

By letter dated February 10, 1995 (administrative record No. MO-612), Missouri submitted a proposed amendment to its program pursuant to SMCRA. Missouri submitted the proposed amendment with the intent of satisfying the required program amendments at 30 CFR 925.16 (b)(4), (p)(9), and (q)(1) through (q)(5), and at its own initiative to improve its program. The amendment also contains nonsubstantive revisions to eliminate editorial and typographical errors and to accomplish necessary recodification required by the addition or deletion of provisions.

Specifically, Missouri proposes to revise (1) 10 Code of State Regulations (CSR) 40-3.030(4) to require that contamination of topsoil be prevented during redistribution; (2) 10 CSR 40-3.040(10)(B)5 to reference the January 1991, U.S. Natural Resources Conservation Service (formerly the Soil Conservation Service) technical document, Practice Standards 378, concerning impoundment design; (3) 10 CSR 40-3.110(3)(A)1 to clarify that the requirements of this section apply to coal seams, combustible materials, and acid- and toxic-forming materials, to require that coal processing waste and noncoal waste be covered in accordance with the regulations for disposal of coal processing waste at 10 CSR 40-3.080, and to delete the existing requirement

that exposed coal seams and combustible materials, including coal processing waste, be covered with a minimum of 4 feet of nontoxic- and nonacid-producing materials unless otherwise demonstrated; (4) 10 CSR 40-3.110(6)(B) to provide that the regulations for repair of rills and gullies at 10 CSR 40-3.110(6)(A) apply, on areas that have been previously mined, only after final grading of the area when topsoil or a topsoil substitute is not available; (5) 10 CSR 40-6.010(2)(H) to add a definition of "Secretary;" (6) 10 CSR 40-6.020 (2)(A) and (3)(A) to clarify that these regulations concern exploration activities outside of a permit area; (7) 10 CSR 40-6.120 (7)(C) and (D) and (12)(C) and (D) to specify the information that must be included in a fish and wildlife plan and that, when the plan does not include enhancement measures, it must include an explanation of why enhancement is not practicable; (8) 10 CSR 40-6.070(8)(M) to require that the Director of the Missouri program must find, prior to permit approval for a proposed remaining operation where the applicant intends to reclaim in accordance with the requirements of 10 CSR 40-4.080, that the site of the operation is a previously mined area; (9) at 10 CSR 40-8.010(1)(A)72 the definition of "previously mined area;" (10) at 10 CSR 40-8.010(1)(A)84 the definition of "road;" (11) 10 CSR 40-8.030(7)(A) to delete the requirement that modification, termination, or vacating of notice of violations must be in accordance with the regulation at 10 CSR 40-8.040; (12) 10 CSR 40-8.040(9) to delete the definition of "habitual violator;" and (13) 10 CSR 40-8.050(2)(B) to change the eligibility requirement of coal production of 100,000 tons per year to 300,000 tons per year for a small operator assistance applicant.

### III. Public Comment Procedures

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 Missouri program.

#### Written Comments

Written comments should be specific, pertain only to the issue 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 Kansas City Field Office

will not necessarily be considered in the final rulemaking or included in the administrative record.

#### 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., c.s.t. [March 17, 1995]. 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 comment having 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.

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 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 at the OSM office 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

#### Compliance With the 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 of 1969, 42 U.S.C. 4332(2)(C).

#### Compliance With Executive Order No. 12866

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions, and program amendments. Therefore, preparation of a Regulatory Impact Analysis is not necessary and OMB regulatory review is not required.

#### Compliance With the Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic effect 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. Hence, 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.

#### Compliance With 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 subsection (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 requirements of 30 CFR parts 730, 731, and 732 have been met.

### Compliance With the Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

#### List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 23, 1995.

**Russell F. Price,**

*Acting Assistant Director, Western Support Center.*

[FR Doc. 95-5151 Filed 3-1-95; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 209

#### University Research Initiative Support Program (URISP)

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule is to comply with section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160), which requires the Department of Defense to establish URISP, and prescribe a regulation for carrying out the program. URISP is required to be a competitive university research program for research and development that is relevant to the requirements of the Department of Defense, that is set aside for Colleges and Universities that have received less than \$2 million dollars from the Department of Defense over the two previous fiscal years. URISP is oriented toward assisting institutions build university research infrastructure in the fields of science, engineering, and mathematics, so they may become more competitive.

**DATES:** Written comments on this proposed rule must be received by May 1, 1995.

**ADDRESSES:** Forward comments to the Office of Director of Defense Research and Engineering, Pentagon—3E1045, Washington, DC 20301-3080.

**FOR FURTHER INFORMATION CONTACT:** Mr. Art McGregor (703) 614-0205.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, "Regulatory Planning and Review"

It has been determined that 32 CFR part 209 is not a significant regulation action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule does not place any economic burdens on small entities. The primary effect on grantees administering this rule will be a reduction in administrative cost and other burdens resulting from the simplification and clarification of certain policies and the elimination of policy differences among the Federal Agencies promulgating this proposed rule.

#### Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 44)

It has been certified that 32 CFR part 209 does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

#### List of Subjects in 32 CFR Part 209

Education, Grants, Institutions, and Universities.

Accordingly, title 32, chapter I, subchapter M is proposed to be amended to add part 209 to read as follows:

#### PART 209—UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM (URISP)

Sec.

- 209.1 Purpose.
- 209.2 Applicability.
- 209.3 Definitions.

209.4 Policy.

209.5 Responsibilities.

**Authority:** Sec. 802 of Pub. L. 103-160 (see 10 U.S.C. 2358 note)

#### § 209.1 Purpose.

This part establishes policy and assigns responsibilities under section 802 of Public Law 103-160 (see 10 U.S.C. 2358 note).

#### § 209.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, and Defense Agencies responsible for the majority of the university basic research grants in the Department of Defense.

#### § 209.3 Definitions.

(a) *American Association of State Colleges and Universities (AASCU).* Institutions that are members of AASCU during the period that peers are selected.

(b) *Eligible Institutions.* Institutions that may compete for URISP funding are those that have received a total of less than \$2 million in obligations from the Department of Defense, over the two previous fiscal years (FYs). A list of ineligible institutions will be attached as an appendix to the URISP announcement, and institutions not on the list are eligible to participate.

(c) *Institutions.* Institutions of Higher Education that have accredited, degree-granting programs in science, engineering or mathematics.

(d) *Merit-based selection process.* A university-based review using peers who are members of the faculty or staff of an institution of higher education that is a member of NASULGC or AASCU (section 802 of Pub. L. 103-160).

(e) *National Association of State Universities and Land Grant Colleges (NASULGC).* Institutions that are members of NASULGC during the period that peers are selected.

(f) *Research Offices.* The research office under the Military Services and Defense Agencies that are responsible for the majority of the university basic research grants in the Department of Defense. These are:

- (1) Advanced Research Projects Agency.
- (2) Air Force Office of Scientific Research.
- (3) Army Research Office.
- (4) Ballistic Missile Defense Organization.
- (5) Office of Naval Research.

#### § 209.4 Policy.

It is DoD policy that:

- (a) The purpose of URISP is to help build the infrastructure in the fields of science, engineering, and mathematics