

exemption level items exceeds \$100 million.

(C) For fiscal years other than 1997, it is less than 20 percent owned, directly or indirectly, by all U.S. Reporters of the affiliate combined.

\* \* \* \* \*

(v) Notwithstanding paragraph (f)(3)(iv) of this section, a Form BE-11B(LF), BE-11B(SF), or BE-11C must be filed for a foreign affiliate of the U.S. Reporter than owns another nonexempt foreign affiliate of that U.S. Reporter, even if the foreign affiliate parent is otherwise exempt. That is, all affiliates upward in the chain of ownership must be reported.

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Parts 902, 906, and 944

#### Alaska, Colorado, and Utah Regulatory Programs and Abandoned Mine Land Reclamation (AMLR) Plans

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** OSM is making technical amendments to the regulations in programs for the conduct of surface mining operations within each State. Owing to an agency reorganization resulting in a change of the offices responsible for processing regulatory program and AMLR plan amendments for Alaska, Colorado, and Utah, OSM is changing the addresses for the locations of publicly available copies of the Alaska, Colorado, and Utah regulatory programs and AMLR plans. Also, OSM is creating a section for Colorado AMLR plan amendment approvals to promote consistency with the codification that OSM has used for other States.

**EFFECTIVE DATE:** October 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gloria Prettiman, Branch of Environmental and Economic Analysis, OSM, 1951 Constitution Ave., NW., Washington, DC 20240, Telephone: (202) 208-2928.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with 30 CFR Parts 730 through 732 and 884, OSM processes

regulatory programs and AMLR plans, and amendments to these programs and plans, which are submitted by the States for OSM review and approval.

OSM has reorganized and changed the offices responsible for processing regulatory program and AMLR plan amendments for Alaska, Colorado, and Utah. Previously, the Casper (Wyoming) Field Office processed Alaska amendments and housed the administrative record for them, and the Albuquerque (New Mexico) Field Office processed Colorado and Utah amendments and housed the administrative records for them. Under OSM's reorganized structure, the Western Regional Coordinating Center, Denver (Colorado) Field Division now processes the amendments for Alaska, Colorado, and Utah, and the Western Regional Coordinating Center, Technical Library houses the administrative records for these State regulatory programs and AMLR plans. Therefore, OSM is changing the addresses at 30 CFR 902.10, 902.20, 906.10, 906.20, 944.10, and 944.20 to indicate that the Alaska, Colorado, and Utah regulatory programs and AMLR plans are available for public review in the Technical Library at the Western Regional Coordinating Center.

OSM is also taking this opportunity to create 30 CFR 906.25, Approval of Amendments to the Colorado Abandoned Mine Land Reclamation Plan. Currently, 30 CFR 906.20 includes both information on OSM's original approval of the Colorado AMLR plan and information on an amendment to the plan that OSM subsequently approved. By removing the information on the amendment from 30 CFR 906.20 and placing it in newly-created 30 CFR 906.25, OSM is being consistent with the codification it has used for other State plans and plan amendments.

##### II. Procedural Matters

###### 1. Administrative Procedure Act

The minor revisions contained in this rulemaking are technical in nature. Accordingly, pursuant to 5 U.S.C. 553(b)(B), it has been determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, it has been determined that, in accordance with 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the Federal Register.

###### 2. 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).

###### 3. 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 this rule meets the applicable standards of subsections (a) and (b) of that section. This rule (1) does not preempt any State, Tribal, or local laws or regulations; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

###### 4. National Environmental Policy Act

This rule has been reviewed by OSM, and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual (516 DM 2 appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

###### 5. 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.*).

###### 6. 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.*).

List of Subjects in 30 CFR Parts 902, 906, and 944

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

Dated: October 17, 1995.

Peter A. Rutledge,  
Acting Regional Director, Western Regional  
Coordinating Center.

For the reasons set forth in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

#### PART 902—ALASKA

1. The authority citation for Part 902 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 902.10 is amended by revising paragraph (b) to read as follows:

**§ 902.10 State Regulatory Program Approval.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

3. Section 902.20 is amended by revising paragraph (b) to read as follows:

**§ 902.20 Approval of Alaska Abandoned Mine Land Reclamation Plan.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

**PART 906—COLORADO**

1. The authority citation for Part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 906.10 is amended by revising paragraph (b) to read as follows:

**§ 906.10 State Regulatory Program Approval.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

3. Section 906.20 is revised to read as follows:

**§ 906.20 Approval of Colorado Abandoned Mine Land Reclamation Plan.**

The Colorado Abandoned Mine Land Reclamation Plan, as submitted on February 16, 1982, and as subsequently revised, is approved effective June 11, 1982. Copies of the approved plan are available at:

(a) Colorado Department of Natural Resources, Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, CO 80203.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

4. Section 906.25 is added to read as follows:

**§ 906.25 Approval of Amendments to the Colorado Abandoned Mine Land Reclamation Plan.**

(a) The amendment as submitted to OSM on April 29, 1985, to Chapter VI, Policies and Procedures, of Colorado's Abandoned Mine Land Reclamation Plan, which allows Colorado, subject to OSM grant approval, to reclaim noncoal sites that pose a direct threat to public

health or safety, is approved effective January 9, 1986.

(b) [Reserved]

**PART 944—UTAH**

1. The authority citation for Part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.10 is amended by revising paragraph (b) to read as follows:

**§ 944.10 State Regulatory Program Approval.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

3. Section 944.20 is amended by revising paragraph (b) to read as follows:

**§ 944.20 Approval of Utah Abandoned Mine Plan.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

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**30 CFR Part 914**

**[SPATS No. IN-124-FOR; State Program Amendment No. 95-3]**

**Indiana Regulatory Program**

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Indiana regulatory program (hereinafter referred to as the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana proposed revisions to its regulations pertaining to the small operator assistance program (SOAP). The topics covered in the proposed amendment are definitions, eligibility for assistance, application approval and notice, program services and data requirements, qualified laboratories, and applicant liability. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations and to incorporate an additional criterion under which a SOAP applicant is responsible for reimbursing Indiana for the cost of services rendered under its program.

**EFFECTIVE DATE:** October 25, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Mr. 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) 226-6166.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Indiana Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

**I. Background on the Indiana Program**

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

**II. Submission of the Proposed Amendment**

By letter dated May 3, 1995 (Administrative Record No. IND-1461), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. Indiana proposed to revise its SOAP regulations at 310 IAC 12-3-130, Definitions; 310 IAC 12-3-131, Eligibility for assistance; 310 IAC 12-3-132.5, Application approval and notice; 310 IAC 12-3-133, Program services and data requirements; 310 IAC 12-3-134, Qualified laboratory; and 310 IAC 12-3-135, Applicant liability.

OSM announced receipt of the proposed amendment in the May 30, 1995, Federal Register (60 FR 28069), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 29, 1995.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes or revised cross-references and paragraph notations to reflect