

and impacts are incident to an underground coal mine.

Under section 523 of the Act and 30 CFR 740.11, the approved State program (including the State definition of VER) applies to all Federal lands within States with approved regulatory programs. However, under 30 CFR 745.13, the Secretary has exclusive authority to determine VER for surface coal mining and reclamation operations on Federal lands within the boundaries of the areas specified in paragraphs (e)(1) and (e)(2) of section 522 of the Act. OSM reaffirmed these basic principles in the preamble to the suspension notice concerning VER published on November 20, 1986 (51 FR 41954) with the caveat that, in States with an all-permits standard for VER, OSM would apply the standard as if it contained a good-faith component.

Ohio represents a special case in that OSM is not restricted to use of the State program definition of VER. In situations in which application of the State definition would result in a denial of permission to conduct surface coal mining operations, OSM may rely on a takings standard, in accordance with *Belville Mining Co. v. Lujan*, No. C-1-89-790 (S.D. Ohio 1991), *Mot. for recons. granted*, Sept. 18, 1992. In other words, OSM may find that a person has VER if application of the prohibitions of section 522(e) of the Act would result in a compensable taking under the Fifth and Fourteenth Amendments to the U.S. Constitution.

II. Request for VER Determination

By letter dated August 14, 1995, James F. Graham of Buckingham Coal Company, Inc. requested that OSM determine whether he has VER to remove the No. 6 coal seam, using block cut, contour, and area mining methods, from 25.2 acres located within the Wayne National Forest in Perry County, Ohio. The requester alleges that he is the lessee of all coal underlying this tract. The United States of America purchased the surface rights from Daniel C. Jenkins, Jr. and other interested parties on April 24, 1967, and from Edward G. Blaire on May 1, 1967. The land is currently managed by the U.S. Department of Agriculture as part of the Wayne National Forest.

The property extends from north to south along an ephemeral tributary of Pine Run and is about 1.8 miles northeast of the city of Shawnee, Ohio. Its southern limit is adjacent to County Route 43. The center of the property lies on the boundary between Sections 11 and 14 on the New Straightsville, Ohio USGS Quadrangle. Its southern limit is adjacent to County Route 43.

OSM invites interested persons to provide factual information as to whether the requester has the property right to mine by the proposed methods. OSM also solicits comment on whether the request meets the VER criteria of the approved Ohio program, as defined in OAC 1501:13-1-02 of the Ohio Administrative Code; or whether application of the prohibitions in section 522(e)(2) of SMCRA or OAC 1501:13-3-03 of the Ohio Administrative Code would constitute a compensable taking of property under the Fifth and Fourteenth Amendments to the U.S. Constitution.

If OSM determines that the requester has VER, he may apply for a permit from the Ohio Department of Natural Resources, which, if granted, would authorize surface coal mining operations on the property in question. If OSM determines that the requester does not have VER, no permits may be issued for surface coal mining operations. However, the lack of VER would not prohibit issuance of a permit for underground coal mining operations, provided the Secretary determines that such operations are compatible with the recreational, timber, economic, and other values associated with this property.

Dated: February 7, 1996.

Ron Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Assistance

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation,

§ 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202-395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202-514-1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. Revision of a currently approved collection.

(2) The title of the form/collection. Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: None. Office of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: None.

This collection contains the "Program Guidance and Application Kit" the states will use to apply for grants under the Edward Byrne Memorial State and

Local Law Enforcement Assistance Program.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 56 respondents: Items (a-d) at 10 minutes per response, item (e) at 60 hours per response, item (f) at 30 minutes per response, and item (g) 10 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 26,829 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: February 26, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96-4725 Filed 2-29-96; 8:45 am]

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Immigration and Naturalization Service

[INS No. 1746-96; AG Order No. 2011-96]

RIN 1115-AE26

Extension of Designation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until March 28, 1997, the Attorney General's designation of Liberia under the Temporary Protected Status (TPS) program provided for in section 244A of the Immigration and Nationality Act, as amended ("the Act"). Accordingly, eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of TPS which ended on March 27, 1992. In addition, some Liberians may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATES: This extension of designation is effective on March 29, 1996, and will remain in effect until March 28, 1997. The primary re-registration procedures become effective on March 1, 1996, and will remain in effect until April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Public Law 101-649 and section 304(b) of Public Law 102-232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on March 27, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months, 56 FR 12746. The Attorney General extended the designation of Liberia under the TPS program for additional 12-month periods until March 28, 1996, 60 FR 16163.

This notice extends the designation of Liberia under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures which eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, must comply with in order to re-register for TPS.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Liberia's TPS designation, late initial registrations are possible for some Liberians under 8 CFR 240.2(f)(2). Such late initial registrants must have been "continuously physically present" in the United States since March 27, 1991, must have had a valid immigrant or non-immigrant status during the original registration period, and must register no later than 30 days from the expiration of such status.

An Application for Employment Authorization, Form I-765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I-821. The appropriate filing fee must accompany Form I-765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or unless the applicant does not request employment authorization. The Immigration and Naturalization Service requires TPS registrants to submit Form I-765 for data-gathering purposes.

Notice of Extension of Designation of Liberia Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under sections 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Liberia; and (b) whether permitting nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Liberia continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Liberia under section 244A(b) of the Act is extended for an additional 12-month period from March 29, 1996, to March 28, 1997.

(2) I estimate that there are approximately 4000 nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who received a grant of TPS during the initial period of designation from March 27, 1991, to March 27, 1992, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who previously has been granted TPS, must re-register by filing a new Application for Temporary Protected Status, Form I-821, together with an Application for Employment Authorization, Form I-765, within the 30-day period beginning on March 1, 1996, and ending on April 1, 1996, in order to be eligible for Temporary Protected Status during the period from March 29, 1996, until March 28, 1997. Late re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I-821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars (\$70), will be charged for Form I-765, filed by an alien requesting employment