

Authority: 15 USC 80a-6(c) and 80a-37(a).

Title: Rule 26a-1 (payment of administrative fees to the depositor or principal underwriter of a unit investment trust; exemptive relief for separate accounts).

Citation: 17 CFR 270.26a-1.

Authority: 15 USC 80a-6(c), 80a-26(a), and 80a-37(a).

Title: Rule 26a-2 (exemptions from certain provisions of sections 26 and 27 for registered separate accounts and others regarding custodianship of and deduction of certain fees and charges from the assets of such accounts).

Citation: 17 CFR 270.26a-2.

Authority: 15 USC 80a-6(c) and 80a-37(a).

Title: Form N-3 (registration statement of separate accounts organized as management investment companies).

Citation: 17 CFR 274.11b.

Authority: 15 USC 77g, 77j, 77s, 80a-8, 80a-29, and 80a-37.

Title: Form N-4 (registration statement of separate accounts organized as unit investment trusts).

Citation: 17 CFR 274.11c.

Authority: 15 USC 77g, 77j, 77s, 80a-8, 80a-29, and 80a-37.

Title: Rule 7 (companies deemed not to be electric gas utility companies).

Citation: 17 CFR 250.7.

Authority: 15 U.S.C. 79b.

Title: Rule 14 (exemption of acquisitions of securities of power supply companies from section 9(a)(2) of the Act).

Citation: 17 CFR 250.14.

Authority: 15 U.S.C. 79i(a)(2).

Title: Rule 15 (exemption of holding company and subsidiary companies under section 3(a)(2) of the Act).

Citation: 17 CFR 250.15.

Authority: 15 U.S.C. 79c(a)(2).

Title: Rule 16 (exemption of non-utility subsidiaries and affiliates).

Citation: 17 CFR 250.16.

Authority: 15 U.S.C. 79b(a)(8) and 79b(a)(11).

Title: Rule 20 (prescribed forms and amendments).

Citation: 17 CFR 250.20.

Authority: 15 U.S.C. 79f.

Title: Rule 21 (filing of documents).

Citation: 17 CFR 250.21.

Authority: 15 U.S.C. 77a *et. seq.*, 78a *et. seq.*, and 77aaa *et. seq.*

Title: Rule 22 (applications and declarations).

Citation: 17 CFR 250.22.

Authority: 15 U.S.C. 77s, 78m, 78o, 78w, 79o, 77eee, 77ggg, 77nnn, 77sss, 80a-37, 80a-38, 79c and 79t, 80b-3, 80b-4, and 80b-11.

Title: Rule 41 (exemption of public utility subsidiaries with respect to limited subsidiaries with respect to limited acquisition of utility assets).

Citation: 17 CFR 250.41.

Authority: 15 U.S.C. 78m.

Title: Rule 52 (exemption of issue and sale of certain securities).

Citation: 17 CFR 250.52.

Authority: 15 U.S.C. 79f and 79h.

Title: Rule 53 (certain registered holding company financings in connection with the acquisition of one or more exempt wholesale generators).

Citation: 17 CFR 250.53.

Authority: 15 U.S.C. 79z-5a.

Title: Rule 54 (effect of exempt wholesale generators on other transactions).

Citation: 17 CFR 250.54.

Authority: 15 U.S.C. 79c, 79f(b), and 79-i(c)(3).

Title: Notices and reports to be filed under Section 33.

Citation: 17 CFR 250.57.

Authority: 15 U.S.C. 79z-5b.

Title: Rule 63 (Approval of reorganization fees).

Citation: 17 CFR 250.63.

Authority: 11 U.S.C. 608.

Title: Rule 64 (scope of applications for approval of reorganization plans).

Citation: 17 CFR 250.64.

Authority: 15 U.S.C. 79k.

Title: Rule 72—Filing of statements pursuant to Section 17(a).

Citation: 17 CFR 250.72.

Authority: 15 U.S.C. 79q.

Rules To Be Reviewed by the Division of Market Regulation

Title: Exemption of certain direct participation program securities from Sections 7(c) and 11(d)(1).

Citation: 17 CFR 240.3a12-9.

Authority: 15 U.S.C. 78c(a)(12), 78g, 78k and 78w.

Title: Options disclosure document.

Citation: 17 CFR 240.9b-1.

Authority: 15 U.S.C. 77b, 77g, 77j, 77s(a), 78i, 78(o) and 78w(a).

Title: Exemptions from Section 12(g).

Citation: 17 CFR 240.12g-1.

Authority: 15 U.S.C. 78l, 78m, 78o and 78w.

Title: Tender offers by issuers.

Citation: 17 CFR 240.13e-4; 17 CFR 240.14e-1.

Authority: 15 U.S.C. 78c(b), 78i(a)(6), 78j(b), 78m(e), 78n(e), 78w(a) and 80a-23(c).

Title: Annual reporting requirements for registered transfer agents.

Citation: 17 CFR 240.17Ac2-2.

Authority: 15 U.S.C. 78q, 78q-1 and 78w(a).

Title: Depository shipment control list transfer instructions; Definition of item.

Citation: 17 CFR 240.17Ad-1.

Authority: 15 U.S.C. 78b, 781, 78q-1 and 78w.

Title: Written inquiries and requests.

Citation: 17 CFR 240.17Ad-5.

Authority: 15 U.S.C. 78c, 78q-1 and 78w.

Rule To Be Reviewed by the Office of the Chief Accountant

Title: Article 4 of Regulation S-X (Rules of General Application).

Citation: 17 CFR 210.4.

Authority: 15 U.S.C. 77f, 77g, 77s(a), 77aa(25) to (26), 78l, 78m, 78o(d), 78w(a), 79e(b), 79n, 79t(a), 80a-8, and 80a-29.

The Commission invites public comment on both the list and the rules to be reviewed.

Dated: December 12, 1995.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-30659 Filed 12-15-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SPATS No. WY-022]

Wyoming 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 receipt of a proposed amendment to the Wyoming regulatory program (hereinafter, the "Wyoming program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition and revision of statutes and rules pertaining to shrub density stocking requirements and wildlife habitat. The amendment is intended to revise the Wyoming program to be consistent with SMCRA and the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., m.s.t., January 17, 1996. If requested, a public hearing on the proposed amendment will be held on January 12, 1996. Requests to present oral testimony at the hearing must be

received by 4:00 p.m., m.s.t., January 2, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to Guy V. Padgett at the address listed below.

Copies of the Wyoming program, 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 Casper Field Office.

Guy V. Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, Room 2128, 100 East "B" Street, Casper, Wyoming 82601-1918

Dennis Hemmer, Director, Department of Environmental Quality, Herschler Building—4th Floor West, 125 West 25th Street, Cheyenne, Wyoming 82002, Telephone: (307) 777-7938

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, Telephone: (307) 261-5824.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. General background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Wyoming program can be found in the November 26, 1980, Federal Register (45 FR 78637). Subsequent actions concerning Wyoming's program and program amendments can be found at 30 CFR 950.12, 950.15, 950.16, and 950.20.

II. Proposed Amendment

By letter dated November 29, 1995, Wyoming submitted a proposed amendment to its program (administrative record No. WY-031-1) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming submitted the proposed amendment in response to the required program amendments at 30 CFR 950.16(q) and (bb) through (gg). The provisions of the Wyoming Environmental Quality Act that Wyoming proposes to revise are: Wyoming Statue (W.S.) 35-11-103, definitions, and W.S. 35-11-402, establishment of reclamation standards. The provisions of the coal rules and regulations of the Department of Environmental Quality, Land Quality Division, that Wyoming proposes to revise are: chapter I, section 2,

definitions; chapter II, section 2, permit application requirements for surface coal mining operations; chapter IV, section 2, general environmental protection performance standards for surface coal mining operations; chapter X, section 4, coal exploration and reclamation performance standards; chapter XI, section 5, self-bonding; chapter XIII, section 3, notice and opportunity for public hearing on surface coal mining permit revisions; chapter XVII, section 1, definitions for designation of areas unsuitable for surface coal mining; and appendix A, vegetation sampling methods and reclamation success standards for surface coal mining operations.

Specifically, Wyoming proposes to delete the definitions for "Agricultural lands," "Critical habitat," and "Important habitat" or "crucial habitat" at W.S. 35-11-103(e) (xxviii), (xxix), and (xxx).

Wyoming proposes to revise W.S. 35-11-402(b) to indicate that this statutory provision addresses, to the extent required by Federal law or regulations, State wildlife agencies' approval, rather than consultation and approval, of reclamation standards for fish and wildlife habitat. It proposes to further revise W.S. 35-11-402(b) to require that the Wyoming Game and Fish Department shall consider "fish and wildlife habitat" to be that defined at W.S. 35-11-103(e)(xxvi) and not to include grazing land as defined in W.S. 35-11-103(e) (xxvii) "unless the grazingland has been designated as critical habitat by the United States Fish and Wildlife Service" or "crucial habitat by the Wyoming Game and Fish Department prior to submittal of the initial permit application or any subsequent amendments to the permit application." Wyoming proposes to revise W.S. 35-11-402(c) to require that native shrubs shall be reestablished on grazing land and that no shrub species shall be required to be more than one-half of the shrubs in the postmining standard.

Wyoming also proposes several revisions to its rules and regulations. In chapter I, Wyoming proposes to revise the definition for "Critical habitat" at section 2(v) to be "those areas essential to the survival and recovery of species listed by the Secretary of the Interior or Commerce as threatened or endangered; (50 CFR Parts 17 and 226)." It proposes to add a definition for "Crucial habitat" at section 2(w) to be "those areas, designated as such by the Wyoming Game and Fish Department, which determine a population's ability to maintain and reproduce itself at a certain level over a long term." It

proposes to add a definition for "Eligible land" at section 2(ac) to be

All land to be affected by a mining operation after the shrub standard set forth at Chapter IV, Section 2.(d)(x)(E) is approved by the Office of Surface Mining. Cropland, pastureland, or treated grazingland approved by the Administrator which is to be affected by a mining operation after the shrub standard set forth at chapter IV, section 2.(d)(x)(E) is approved by the Office of Surface Mining is not 'eligible land'.

Wyoming proposes to revise the definition for "Important habitat" at recodified section 2(ax) to be

That habitat which, in limited availability, supports or encourages a maximum diversity of wildlife species or fulfills one or more living requirements of a wildlife species. Examples of important habitat include, but are not limited to, wetlands, riparian areas, rimrocks, areas offering special shelter or protection, reproduction and nursery areas, and wintering areas.

It proposes to revise section 2(bc)(iii) to indicate that "Grazingland includes rangelands and forest lands where the indigenous native vegetation is actively managed for grazing, browsing, and occasionally hay production, and occasional use by wildlife." Wyoming proposes to revise section 2(bc)(viii) to indicate that "Fish and wildlife habitat means land dedicated wholly or partially to the production, protection or management of species of fish or wildlife." It proposes to add at section 2(bc)(xi) a provision to indicate that "Treated grazingland" means grazingland which has been altered to reduce or eliminate shrubs provided such treatment was applied at least five years prior to submission of the state program permit application. However, grazingland altered more than five years prior to submission of the state program permit application on which full shrubs have reestablished to a density of at least one per nine square meters does not qualify as treated grazingland.

Wyoming proposes to recodify the definitions in chapter 1, section 2, to reflect the additions of new terms as discussed above.

In chapter II, Wyoming proposes to revise section 2(a)(vi)(G)(II) to require that, if crucial habitat, in addition to critical or important habitat, disruption is likely, the Wyoming Game and Fish Department shall be contacted to determine the types and numbers of wildlife likely to be disturbed or displaced. It also proposes to revise section 2(b)(iv)(C), regarding revegetation plans, to require that (1) the Wyoming Game and Fish Department shall be consulted, and its approval received, for minimum stocking and planting arrangements of trees and shrubs, including species composition

and ground cover for crucial and critical habitat, (2) the Wyoming Game and Fish Department shall be consulted for minimum stocking and planting arrangements of trees and shrubs, including species composition and vegetative ground cover for important habitat, and (3) the Wyoming Department of Agriculture shall be consulted on cropland and erosion control techniques.

In chapter IV, Wyoming proposes to revise section 2(d)(x)(E) to include a requirement that the postmining density, composition, and distribution of shrubs shall be based upon site-specific evaluation of premining vegetation and wildlife use. It proposes to revise section 2(d)(x)(E)(I) to require that (1) except where a lesser density is justified from premining condition in accordance with appendix A, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter, (2) patches shall be no less than .05 acres each and shall be arranged in a mosaic that will optimize habitat interspersed and edge effect, (3) criteria and procedures for establishing the standard are specified in appendix A, and (4) this standard shall apply upon approval by OSM to all lands affected thereafter. It also proposes to revise section 2(d)(x)(E)(II) to require that approved shrub species and seeding techniques shall be applied to all remaining grazingland. Finally, it proposes to revise section 2(d)(x)(E)(III) to require that (1) for areas containing designated critical or crucial habitat, the Wyoming Game and Fish Department shall be consulted about, and its approval received for, minimum stocking and planting arrangements of shrubs, including species composition, and (2) for areas determined to be important habitat, the Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of shrubs, including species composition, that may exceed the programmatic standard discussed above.

In chapter X, Wyoming proposes to revise section 4(e) to require that coal exploration operations that will substantially disturb the natural land surface shall not disturb critical or crucial habitats and that they shall consult the Wyoming Game and Fish Department prior to disturbing important habitat.

In chapter XI, Wyoming proposes to revise section 5(a) to require that the Administrator of the Division of Land Quality shall require the substitution of a corporate surety for a self-bond if the financial information submitted or

requested under section 4(a)(ii), rather than section 3(a)(ii), indicates that the operator no longer qualifies under the self-bonding program.

In Chapter XIII, Wyoming proposes to revise section 3(a) to require that (1) the operator's newspaper notice of application for permit revision shall include the information required by W.S. 35-11-406(j) and the permit number and date approved, and (2) the operator shall mail a copy of the application mine plan map to the Wyoming Oil and Gas Commission in accordance with W.S. 35-11-406(j).

In chapter XVII, Wyoming proposes to revise its rules concerning designation of areas unsuitable for surface coal mining at section 1(a) to define "Fragile lands" to include crucial habitats for fish or wildlife.

In appendix A, Wyoming proposes to revise section II.C.3, suggested sampling procedures for "shrub habitat characteristics," to indicate that (1) the postmining density composition and distribution of shrubs shall be based upon site-specific evaluation of the premining vegetation and wildlife use, (2) except where a lesser density is justified from premining conditions, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter, (3) the baseline vegetation "shall," instead of "should," include premining shrub distribution data, (4) shrub density and cover data "shall," instead of "should," be components of the shrub distribution information, (5) when shrub density data are estimated, they "shall," instead of "should," be gathered from each community, but not from control areas, reference areas, or extended reference areas, (6) "shrubs" "shall," instead of "should," be divided into woody species (full shrubs) and suffrutescent species (subshrubs) for sampling purposes, (7) shrub density counts shall be performed within a 50 square meter area using a plot shape appropriate to the community, (8) data "shall," instead of "should," be recorded by species, (9) data "shall," instead of "should," be reported as number per square meter and per acre, (10) all shrub density data collected after the effective date specified in chapter IV, section 2(d)(x)(E) of the rules and regulations shall be subject to the sample adequacy tests specified in appendix A, section IV, although all shrub density data collected on land affected prior to the effective date shall not be subject to sample adequacy tests unless that shrub density data is being used to fulfill the 20 percent shrub density standard, and (11) when sampling, which is not subject to

sample adequacy, is conducted, the number of shrub density sample points should correspond to the number of cover samples in each community type.

In appendix A, Wyoming proposes to revise table 1 to include parameter values to be used for 50 square meter shrub density plots in assessing sample adequacy, (2) to revise table 2, minimum and maximum sample sizes for various sampling methods, to delete the belt transect sampling method, and (3) to revise table 2 to require, for 50 square meter shrub density plots, a minimum of 15 samples and to indicate that, if sample adequacy cannot be achieved after sampling 50 shrub density plots, the operator shall contact the Land Quality Division for guidance.

In appendix A, Wyoming proposes to revise section IV.D to require that, with respect to maximum and minimum sampling sizes, shrub density be estimated using a 50 square meter plot.

In appendix A, Wyoming proposes to revise section VII.F, restoration of shrubs, subshrubs, and trees, to require that (1) the postmining density, composition, and distribution of shrubs shall be based upon site-specific evaluation of the premining vegetation and wildlife use and (2) except where a lesser density is justified from premining conditions, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter. In this section, Wyoming also proposes to delete various shrub density criteria.

In Appendix A, Wyoming proposes to add in section VIII.E various and numerous standards and criteria for the evaluation of shrub density.

Lastly, in appendix A, Wyoming proposes to revise the glossary at appendix VII to define "dominant" as the species with the greatest density relative to all other species sampled and "primary shrub species" as

All full shrub species which comprise at least 10 percent of the relative density of full shrubs. However, if an operator selects option IV, the community-specific full shrub and approved subshrub density standard, then 'primary shrub species' means all full shrub and approved subshrub species which comprise at least 10 percent of the relative density of full shrubs. It is further provided under option IV that in order to be considered as a "primary shrub species," fringed sagewort must comprise at least 20 percent of the relative shrub and approved subshrub species composition.

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 a part of the Wyoming program.

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 Casper Field Office 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., January 2, 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 meeting 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 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. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each 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 the Federal regulations at 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.

3. 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)).

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 State submittal that 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 950

Intergovernmental relations, Surface mining, Underground mining

Dated: December 7, 1995.

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 95-30649 Filed 12-15-95; 8:45 am]

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POSTAL RATE COMMISSION

[Docket No. RM95-4; Order No. 1094]

39 CFR Part 3001

Rules of Practice and Procedure

AGENCY: Postal Rate Commission.

ACTION: Proposed rulemaking; extension of time.

SUMMARY: The Commission is extending the time for the filing of comments on draft rules of practice and procedure published at 60 FR 54981-89.

DATES: Comments on the draft rules of practice and procedure must be submitted on or before January 8, 1996.

ADDRESSES: Comments and correspondence should be sent to Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street, N.W., Suite 300, Washington, D.C. 20268-0001 (telephone 202/789-6840).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Legal Advisor, Postal Rate Commission, 1333 H Street, N.W., Suite 300, Washington, D.C. 20268-0001 (telephone 202/789-6820).

SUPPLEMENTARY INFORMATION: On October 27, 1995, Order No. 1084, a Notice of Proposed Rulemaking, was published at 60 FR 54981-89. This Notice presented draft rules that were founded on rules initially proposed by the United States Postal Service in a Petition filed April 13, 1995. However, the Commission's draft rules incorporated views expressed and suggestions made in comments filed by twenty-one participants. The deadline established for comments on the Commission's draft rules was December 26, 1995. Notice is hereby given that the deadline for filing comments on the draft rules is extended to January 8, 1996.