

account the nature of the work performed);

(B) Whether the agricultural employer/association has the power, either alone or in addition to another employer, directly or indirectly, to hire or fire, modify the employment conditions, or determine the pay rates or the methods of wage payment for the worker(s);

(C) Whether the agricultural employer/association supplies housing, transportation, tools and equipment or materials required for the job;

(D) The degree of permanency and duration of the relationship of the parties, in the context of the agricultural activity at issue;

(E) The extent to which the services rendered by the workers are repetitive, rote tasks requiring skills which are acquired with relatively little training;

(F) Whether the activities performed by the worker are an integral part of the overall business operation of the agricultural employer/association;

(G) Whether the work is performed on the agricultural employer/association's premises or on the premises owned or controlled by another business entity;

(H) Whether the agricultural employer/association undertakes responsibilities in relation to the worker which are normally performed by employers, such as maintaining payroll records, preparing and/or issuing pay checks, paying FICA taxes, providing workers' compensation insurance, or providing field sanitation facilities; and

(I) Other facts bearing on economic dependency.

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[FR Doc. 96-7818 Filed 3-28-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL-092-FOR]

Illinois Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Illinois regulatory program (hereinafter the "Illinois program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed

amendment consists of the revision of four sections and the addition of one section to Title 62 of the Illinois Administrative Code (IAC) regulations pertaining to self-bonding. The amendment is intended to revise the Illinois program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4 p.m., e.s.t., April 29, 1996. If requested, a public hearing on the proposed amendment will be held on April 25, 1996. Requests to speak at the hearing must be received by 4 p.m., e.s.t. on April 15, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below.

Copies of the Illinois program, the proposed amendment, a listing of any scheduled public hearings, 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 Indianapolis Field Office.

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, IN 46204, Telephone:
(317) 226-6700.

Illinois Department of Natural
Resources, Office of Mines and
Minerals, 524 South Second Street,
Springfield, IL 62701-1787,
Telephone (217) 782-4970.

FOR FURTHER INFORMATION CONTACT:

Roger W. Calhoun, Director,
Indianapolis Field Office, Telephone:
(317) 226-6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, Federal Register (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

II. Description of the Proposed Amendment

By letter dated March 4, 1996 (Administrative Record No. IL-1800), Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment at its own initiative. Illinois proposed to revise 62 IAC 1800.4, Department responsibilities; 62 IAC 1800.5, Definitions; 62 IAC 1800.11, Requirement to file a bond; and 62 IAC 1800.12, Form of the performance bond. Illinois also proposed to add 62 IAC 1800.23, Self-bonding.

1. 62 IAC 1800.4 Department Responsibilities

Illinois proposes to revise § 1800.4 by adding new subsection (c) that authorizes the acceptance of a self-bond if the permittee meets the requirements of 62 IAC 1800.23. Existing subsections (c) through (e) are proposed to be redesignated (d) through (f).

2. 62 IAC 1800.5 Definitions

Illinois proposes to revise § 1800.5 by adding a definition for the term "self-bonding" at new subsection (c) that reads as follows:

Self-bonding means an indemnity agreement in a sum certain executed by the applicant or by the applicant and any corporate guarantor and made payable to the Department, with or without separate surety.

3. 62 IAC 1800.11 Requirement to File a Bond

Illinois proposes to revise § 1800.11 by adding new subsection (e) that requires self-bonding for eligible permittees to be administered consistent with all applicable provisions of 62 IAC 1800.1 through 1800.50.

4. 62 IAC 1800.12 Form of the Performance Bond

Illinois proposes to revise § 1800.12 by adding new subsection (c) that identifies a self-bond as form of performance bond allowed by the Illinois program. Existing subsection (c) is proposed to be redesignated subsection (d).

5. 62 IAC 1800.23 Self-Bonding

Illinois proposes to add new § 1800.23 concerning its conditions for acceptance of a self-bond. At subsection (a), Illinois defines the terms to be used in the section: "current assets"; "current liabilities"; "fixed assets"; "liabilities"; "net worth"; "parent corporation"; and "tangible net worth." At subsection (b), Illinois specifies the conditions that must be met before a self-bond would be accepted from the applicant. At

subsection (c), Illinois specifies the conditions that must be met for acceptance of a written guarantee for an applicant's self-bond from a parent corporation guarantor or non-parent corporation guarantor. At subsection (d), Illinois specifies that the total amount of the outstanding and proposed self-bonds for either an applicant, parent corporation guarantor, or nonparent corporate guarantor shall not exceed 25 percent of the their tangible net worth in the United States. At subsection (e), Illinois is requiring an indemnity agreement be submitted with specified requirements. At subsection (f), Illinois is requiring submittal of an update of specified information within 90 days after the close of each fiscal year following issuance of the self-bond or corporate guarantee. At subsection (g), Illinois is requiring that if the financial conditions of the applicant, parent or nonparent corporate guarantor change so that specified criteria are not satisfied, the permittee shall notify Illinois immediately and post an alternate form of bond within 90 days.

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 Illinois program.

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 Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t on April 15, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak 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. 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 public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak 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

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).

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 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 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 other requirements of 30 CFR Parts 730, 731, and 732 have been met.

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 (42 U.S.C. 4332(2)(C)).

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.*).

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 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. 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 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 21, 1996.

Deborah Watford,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP-250115; FRL-5359-1]

Pesticide Worker Protection Standard, Decontamination Requirements; Notification to the Secretary of Agriculture

AGENCY: Environmental Protection Agency (EPA).