

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 corresponding 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 corresponding Federal regulations.

#### List of Subjects in 30 CFR part 914

Intergovernmental regulations,  
Surface mining, Underground mining.

Dated: March 29, 1996.  
Brent Wahlquist,  
*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T, part 914 of the Code of Federal Regulations is amended as set forth below:

#### **PART 914—INDIANA**

1. The authority citation for Part 914 continues to read as follows:

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

2. Section 914.15 is amended by adding paragraph (ooo) to read as follows:

#### **§ 914.15 Approval of regulatory program amendments.**

\* \* \* \* \*  
(ooo) Recodification of Indiana's statutes from IC 13-4.1 to IC 14-8 and IC 14-34 as submitted to OSM on September 11, 1995, is approved effective April 8, 1996.

[FR Doc. 96-8630 Filed 4-5-96; 8:45 am]

BILLING CODE 4310-05-M

#### **30 CFR Part 943**

[SPATS No. TX-029-FOR]

#### **Texas 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 Texas regulatory program (hereinafter referred to as the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Texas proposed revisions to rules pertaining to road systems, support facilities, and utility installations. The amendment is intended to revise the Texas program to be consistent with the corresponding Federal regulations and incorporate the additional flexibility afforded by the revised Federal regulations.

**EFFECTIVE DATE:** April 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jack R. Carson, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6548, Telephone: (918) 581-6430.

#### **SUPPLEMENTARY INFORMATION:**

I. Background on the Texas 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 Texas Program**

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. Background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 27, 1980, Federal Register (45 FR 12998). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 943.10, 943.15, and 943.16.

#### **II. Submission of the Proposed Amendment**

By letter dated December 20, 1995 (Administrative Record No. TX-608), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment in response to a February 21, 1990, letter (Administrative Record No. TX-476) that OSM sent to Texas in accordance with 30 CFR 732.17(c), and at its own initiative. Texas proposed to revise Texas Coal Mining Regulations (TCMR) 708.008(71), definition of road; 780.154, road systems and support facilities; 816.400-403, roads, primary roads, utility installations, and support facilities (surface); 784.198, road systems and support facilities (underground); 817.569-572, roads, primary roads, utility installations, and support facilities (underground); 815.327, coal exploration performance standards; and 827.651, coal processing plants performance standards.

OSM announced receipt of the proposed amendment in the February 1, 1996, Federal Register (61 FR 3628), 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 March 4, 1996.

By letter dated February 14, 1996 (Administrative Record No. TX-608.04), Texas notified OSM that the references to Sections 780.154 and 784.198 at the end of proposed new subsections 816.401(b) and 817.570(b) were in error and removed the provisions.

#### **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 organizational changes resulting from this amendment.

*A. Revisions to Texas' Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations*

TCMR 701.008(71), Definition of "Road" (30 CFR 701.5); TCMR 780.154(a) (Surface Mining) and TCMR 784.198(a) (Underground Mining), Plans and drawings (30 CFR 780.37(a) (Surface Mining) and 30 CFR 784.24(a) (Underground Mining)); TCMR 780.154(b) (Surface Mining) and TCMR 784.198(b) (Underground Mining), Primary road certification (30 CFR 780.37(b) (Surface Mining) and 30 CFR 784.24(b) (Underground Mining)); TCMR 780.154(c) (Surface Mining) and TCMR 784.198(c) (Underground Mining), Support facilities (30 CFR 780.38 (Surface Mining) and 30 CFR 784.30 (Underground Mining)); TCMR 816.400 (Surface Mining) and TCMR 817.569 (Underground Mining), Roads: General (30 CFR 816.150 (Surface Mining) and 30 CFR 817.150 (Underground Mining)); TCMR 816.402 (Surface Mining) and TCMR 817.571 (Underground Mining), Utility installations (30 CFR 816.180 (Surface Mining) and 30 CFR 817.180 (Underground Mining)); TCMR 816.403 (Surface Mining) and TCMR 817.572 (Underground Mining), Support facilities (30 CFR 816.181 (Surface Mining) and 30 CFR 817.181 (Underground Mining)); TCMR 815.327(c), Performance standards for coal exploration (30 CFR 815.15(b)); and TCMR 827.651(b), Coal processing plants: Performance standards (30 CFR 872.12(h)).

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Texas' proposed rules are no less effective than the Federal rules.

*B. TCMR 816.401 (Surface Mining) and TCMR 817.570 (Underground Mining)*

At TCMR 816.401 (Surface Mining) and TCMR 817.570 (Underground Mining), Texas proposed revisions that are substantively identical to the corresponding provisions of the Federal regulations at 30 CFR 816.151 (Surface Mining) and 30 CFR 817.151 (Underground Mining), except that at TCMR 816.401(b) and TCMR 817.570(b), Texas proposed to include the language, "or meet the requirements established under Section 780.154 (784.198) of this chapter." By letter dated February 14, 1996 (Administrative Record No. TX-608.04), Texas notified OSM that the

references to Sections 780.154 and 784.198 at the end of proposed new subsections 816.401(b) and 817.570(b) were in error and modified its submittal to remove those references. Therefore, the revised language is substantively identical to the corresponding Federal regulations, and the Director finds that Texas' proposed rules are no less effective than the Federal rules.

**IV. Summary and Disposition of Comments**

*Public comments*

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. The Texas Mining and Reclamation Association responded by letter dated February 29, 1996, and stated its Board of Directors and its operating companies "fully support the amendment" (Administrative Record No. 608.07). Texas Utilities Services, Inc., in a letter dated March 1, 1996, noted the state language "vehicle travel on other than established graded and surfaced roads shall be limited by the person who conducts coal exploration to that absolutely necessary to conduct the exploration" has been deleted (Administrative Record No. 608.08). OSM acknowledges this language has been deleted from TCMR 815.327(c)(1).

Because no one requested an opportunity to speak at a public hearing, no hearing was held.

*Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Texas program. The U.S. Army Corps of Engineers responded by letter dated February 27, 1996, and stated the proposed amendments to Texas Coal Mining Regulations were satisfactory to the agency (Administrative Record No. TX-608.06). No other Federal agency comments were received.

*Environmental Protection Agency (EPA)*

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Texas proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (Administrative Record No. TX-608.03). EPA responded by letter dated February 23, 1996, and stated the agency had no comments (Administrative Record No. TX-608.05).

*State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have an effect on historic properties from the SHPO and ACHP. OSM solicited comments on the proposed amendment from the SHPO and ACHP (Administrative Record No. TX-608.01). ACHP did not respond to OSM's request. The SHPO responded on February 12, 1996, that the proposed amendment would have no effect on National Register-eligible or listed properties or State Archaeological Landmarks (Administrative Record No. TX-608.03).

**V. Director's Decision**

Based on the above findings, the Director approves the proposed amendment as submitted by Texas on December 20, 1995, and as revised on February 14, 1996.

The Director approves the rules as proposed by Texas with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM.

The Federal regulations at 30 CFR Part 943, codifying decisions concerning the Texas program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**VI. 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 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.

#### *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 corresponding 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 corresponding Federal regulations.

#### List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 29, 1996.  
Brent Wahlquist,  
*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T, part 943 of the Code of Federal Regulations is amended as set forth below:

#### **PART 943—TEXAS**

1. The authority citation for Part 943 continues to read as follows:

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

2. Section 943.15 is amended by adding paragraph (m) to read as follows:

#### **§ 943.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(m) The amendment submitted to OSM on December 20, 1995, and as revised on February 14, 1996, is approved effective April 8, 1996.

[FR Doc. 96-8631 Filed 4-5-96; 8:45 am]

BILLING CODE 4310-05-M

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#### **DEPARTMENT OF THE TREASURY**

##### **Office of Foreign Assets Control**

#### **31 CFR Part 535**

#### **Iranian Assets Control Regulations; Shams Pahlavi Assets Unblocked; Correction**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule; amendment to the list of persons whose assets are subject to blocking; correction.

**SUMMARY:** This document contains a correction to a typographical error appearing in a final regulation published Monday, March 4, 1996 [61 FR 8216].

**EFFECTIVE DATE:** April 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Regarding the status of blocked assets, Loren L. Dohm, Blocked Assets Division (tel.: 202/622-2440); regarding legal questions, William B. Hoffman, Chief Counsel (tel.: 202/622-2410); Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 535.217(b) of the Iranian Assets Control Regulations, 31 CFR part 535, was amended effective March 1, 1996, to reflect changes in the status of litigation brought by Iran against close relatives of the former Shah of Iran

seeking the return of property alleged to belong to Iran. Reference to Shams Pahlavi, sister of the former Shah of Iran, was deleted from § 535.217(b).

#### **Need for Correction**

As published, the final regulation contained a typographical error requiring correction.

#### **Correction of Publication**

Accordingly, the publication on March 4, 1996, of the final regulation [FR Doc. 96-4899][61 FR 8216] is corrected as follows:

#### **§ 535.217 [Corrected]**

On page 8216, in the third column, following paragraph 2., the section number in the title of the section being amended is corrected to read “§ 535.217” rather than “§ 535.201.”

Dated: April 1, 1996.

William B. Hoffman

*Chief Counsel, Office of Foreign Assets Control.*

[FR Doc. 96-8533 Filed 4-5-96; 8:45 am]

BILLING CODE 4810-25-F

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#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Parts 2 and 97**

[ET Docket No. 93-40; FCC 96-25]

#### **Allocation of the 219-220 MHz Band for Use by the Amateur Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** By this *Memorandum Opinion and Order (MO&O)*, the Commission addresses the Petition for Reconsideration (Petition), filed by Fred Daniel d/b/a Orion Telecom (Orion). Orion's Petition requests that the Commission rescind the 219-220 MHz allocation to the Amateur Radio Service or, alternatively, modify the rules to provide additional protection for Automated Maritime Telecommunications Systems (AMTS) operations. This *MO&O* affirms the Commission's decision to allocate the 219-220 MHz band to the Amateur Radio Service on a secondary basis; and also amends the amateur rules to reflect the frequency upon which the AMTS stations operate. Finally, the *MO&O* updates and corrects the Table of Frequency Allocations.

**EFFECTIVE DATE:** May 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Derenge (202) 418-2451,