

(Lat. 64°29'06"N, long. 165°15'11"W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Nome Airport and within 14 miles of the Nome VORTAC extending clockwise from the 002° radial to the 185° radial of the VORTAC and within 20 miles of the Nome VORTAC extending clockwise from the 185° radial to the 305° radial of the VORTAC and within 4 miles north and 8 miles south of the 106° radial of the Nome VORTAC extending from the VORTAC to 16 miles east and within 4 miles north and 8 miles south of the Nome VORTAC 271° radial extending from the 6.6-mile radius to 27 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 39-mile radius of the Nome VORTAC and within 39 miles each side of the Nome VORTAC 092° radial extending from the 39-mile radius to 77.4 miles east of the VORTAC; excluding that airspace more than 12 miles from the shoreline.

\* \* \* \* \*

AAL AK E5 Unalakleet, AK [Revised]

Unalakleet Airport, AK  
(Lat. 63°53'17"N, long. 160°47'55"W)  
Unalakleet VORTAC  
(Lat. 63°53'31"N, long. 160°41'04"W)  
Unalakleet Localizer  
(Lat. 63°52'52"N, long. 160°47'42"W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Unalakleet Airport and within 2 miles each side of the 289° radial of the Unalakleet VORTAC extending from the 6.7-mile radius to 14.1 miles west of the VORTAC and within 3 miles east and 3 miles west of the Unalakleet Localizer front course extending from the 6.7-mile radius to 12.9 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Unalakleet VORTAC extending clockwise from the 165° radial to the 322° radial and within 4 miles east and 8 miles west of the Unalakleet Localizer front course extending from the Localizer to 21.7 miles north of the airport and within 4 miles north and 8 miles south of the Unalakleet VORTAC 289° radial extending from 11 miles west of the VORTAC to 27 miles west of the VORTAC; excluding that airspace more than 12 miles from the shoreline.

\* \* \* \* \*

Issued in Anchorage, AK, on May 29, 1996.  
Trent Cummings,  
*Acting Manager, Air Traffic Division, Alaskan Region.*

[FR Doc. 96-15416 Filed 6-17-96; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 37

[Docket No. RM95-9-000]

#### Open Access Same-Time Information System

June 11, 1996.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Final rule; cancellation of technical conference and provision for filing of comments.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) had previously announced that it would hold a technical conference on June 17, 1996<sup>1</sup> following the submission of an additional report from the How Group correcting any deficiencies in the standards and protocols document issued with the final rule in this proceeding. This notice cancels the technical conference and allows comments on the report filed with the Commission on June 7, 1996.

**DATES:** Comments on the report must be received by July 8, 1996.

**ADDRESSES:** Comments should be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

#### FOR FURTHER INFORMATION CONTACT:

Marvin Rosenberg (Technical Information), Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-1283

William Booth (Technical Information), Office of Electric Power Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0849

Gary D. Cohen (Legal Information), Electric Rates and Corporate Regulation, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0321

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the Federal Register, the Commission also provides all

<sup>1</sup> See, Open Access Same-time Information System and Standards of Conduct, Order No. 889, FERC Stats. & Regs. ¶ 31,037, 61 FR 21737 (May 10, 1996).

interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem at (202) 208-1397 if dialing locally, or 1-800-856-3920 if dialing long distance. CIPS may also be accessed through the Fed world system (by modem or Internet). To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps. full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS in ASCII and Wordperfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 888 First Street, N.E., Washington, D.C. 20426.

The Commission previously announced that it would hold a technical conference on June 17, 1996 to discuss any remaining issues in this proceeding. The Commission scheduled the technical conference to follow the submission of an additional report from the How Group correcting any deficiencies in the standards and protocols document (Standards and Protocols) that accompanied the OASIS Final Rule. The How Group submitted the requested report to the Commission on June 7, 1996.

After a review of this report, the Commission has concluded that the technical conference scheduled for June 17, 1996 is unnecessary and is hereby cancelled.

The June 7, 1996 report is available for inspection and copying in the Commission's Public Reference Room and is accessible through the Commission Issuance Posting System. Interested persons may submit comments on this report on or before July 8, 1996.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-15405 Filed 6-17-96; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 943**

[SPATS No. TX-027-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). The proposed amendment consists of revisions to Texas' existing regulations pertaining to identification of interests and compliance information and Commission of Texas (Commission) review of outstanding permits and revisions and one addition to Texas' existing statutes pertaining to rulemaking and permitting, permit approval or denial, and suspension or rescission of improvidently issued permits. The amendment is intended to revise the Texas program to be consistent with the corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** June 18, 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 August 30, 1995 (Administrative Record No. TX-595), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment in response to required program amendments codified at 30 CFR 943.16 (r), (t), and (u) [59 FR 13200, March 21, 1994, and 60 FR 15675, March 27, 1995]. The provisions of the Texas Coal Mining Regulations (TCMR) and of the Texas Surface Coal Mining and Reclamation Act (TSCMRA) at Article 5920-11 that Texas proposed to amend were TCMR 778.116(m), identification of interests and compliance information; TCMR 788.225(g)(1), Commission review of outstanding permits; section 6(b) of TSCMRA, rulemaking and permitting; section 21(c) of TSCMRA, reporting notices of violation in permit applications; and section 21a of TSCMRA, suspension or rescission of improvidently issued permits.

OSM announced receipt of the proposed amendment in the September 20, 1995, Federal Register (60 FR 48675), 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 October 20, 1995.

By letter dated May 13, 1993 (Administrative Record No. TX-551), Texas submitted a proposed amendment to its program pursuant to SMCRA. By letter dated September 18, 1995 (Administrative Record No. TX-598), Texas revised the May 13, 1993, proposed amendment. The revised amendment included a definition for the term "violation notice" at TCMR 701.008(104), which was proposed as partial response to a required amendment at 30 CFR 943.16(k). Since this proposed definition is closely associated with Texas' August 30, 1995, proposed revisions pertaining to identification of interests and compliance information, it is being transferred to and addressed in this final rule. Decisions concerning the rest of the proposed changes in the May 13, 1993, proposed amendment, as revised on September 18, 1995, will be addressed in a separate Federal Register.

OSM announced receipt of the September 18, 1995, revised amendment in the October 25, 1995, Federal Register (60 FR 54620), and in the same document opened the public comment period. The public comment period closed on November 9, 1995. No

comments were received pertaining to the proposed definition of "violation notice."

**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. Texas Coal Mining Regulations (TCMR)****1. TCMR 701.008(104) Definition of Violation Notice**

Texas proposed to add the following definition of "violation notice" at TCMR 701.008(104).

"Violation notice" means any written notification from a governmental entity of a violation of law, whether by letter, memorandum, legal or administrative pleading, or other written communication.

The definition for "violation notice" was inadvertently omitted from the State regulations in Texas' Final Rule Adoption No. SMRD 2-88 (May 22, 1989). At 30 CFR 943.16(k), OSM required Texas to submit an amendment that included this definition (57 FR 37447, August 19, 1992). The proposed definition is substantively identical to the counterpart Federal definition that existed on August 19, 1992. However, OSM revised its definition of violation notice on October 28, 1994 (59 FR 54306). As show below, the revised Federal definition clarifies the types of violations that would form the basis for permit denial under section 510(c) of SMCRA and under the implementing Federal regulation at 30 CFR 778.14(c). OSM determined that incorporating by reference the amended definition of "violation notice" into 30 CFR 778.14(c) eliminated the need for including regulation language on the types of violation information that must be reported in a permit application.

"Violation notice" means any written notification from a governmental entity, whether by letter, memorandum, judicial or administrative pleading, or other written communication, of a violation of the Act; any Federal rule or regulation promulgated pursuant thereto; a State program; or any Federal or State law, rule, or regulation pertaining to air or water environmental protection in connection with a surface coal mining operation. It includes, but is not limited to, or notice of violation; an imminent harm cessation order; a failure-to-abate cessation order; a final order, bill, or

demand letter pertaining to a delinquent civil penalty; a bill or demand letter pertaining to delinquent abandoned mine reclamation fees; and a notice of bond forfeiture, where one or more violations upon which the forfeiture was based have not been corrected.

While the Texas definition lacks the clarity of the revised Federal definition, it is not inconsistent with it. On March 15, 1996 (Administrative Record No. TX-595.06), OSM contacted Texas to discuss this issue. Texas responded that it will interpret its proposed definition of "violation notice" consistent with the revised Federal definition. Also, as discussed in finding B.2., the Texas statute at Article 5920-11, section 21(c) of TSCMRA does require the reporting of notices of violation in permit applications consistent with the requirements under section 510(c) of SMCRA. Therefore, the Director approves the definition of "violation notice" at TCMR 701.008(104) to the extent that Texas interprets it consistent with the Federal definition. The required amendment at 30 CFR 943.16(k) is being revised to remove the requirement for a definition of "violation notice."

## 2. TCMR 778.116(m) Identification of Interests and Compliance Information

In response to the required amendment at 30 CFR 943.16(t) [finding No. 3, 60 FR 15675, March 27, 1995], Texas proposed revisions to TCMR 778.116(m) that are substantive in nature and contain language that is substantively identical to the language in the corresponding Federal regulation provisions at 30 CFR 778.14(c). Therefore, the Director finds that TCMR 778.116(m) is no less effective than the counterpart Federal regulation at 30 CFR 778.14(c). The Director approves the proposed revision to TCMR 778.116(m) and removes the required amendment at 30 CFR 943.16(t).

## 3. TCMR 788.225(g)(1) Commission Review of Outstanding Permits; Automatic Suspension and Rescission

In responds to the required amendment at 30 CFR 943.16(u) [finding No. 5, 60 FR 15675, March 27, 1995], Texas proposed a revision to TCMR 788.225(g)(1) that is substantive in nature and contains language that renders its provisions substantively identical to the corresponding Federal regulation provisions at 30 CFR 773.21(a).

The Federal regulation at 30 CFR 773.21(a) provides that the regulatory authority's findings with regard to a permittee's challenge of its decision to suspend and rescind an improvidently issued permit must be consistent with

the provisions of 30 CFR 773.25. The provisions of 30 CFR 773.25 specify standards for challenging ownership and control links and the status of violations.

Since the Texas program did not have a direct counterpart to the Federal standards for challenging ownership and control links and the status of violations contained in 30 CFR 773.25 or to other requirements referred to in 30 CFR 773.25, Texas proposed a revision to TCMR 788.225(g)(1) to require that the Commission's findings with regard to a permittee's challenge of the Commission's decision to suspend and rescind an improvidently issued permit be consistent with the provisions of the Federal requirements at 30 CFR 773.25. Thus, Texas incorporated by reference the criteria for challenging ownership and control links and the status of violations specified by the Federal regulations.

Based on the above discussions, the Director finds the proposed revision to TCMR 788.225(g)(1) renders its provisions no less effective than the Federal regulation provisions at 30 CFR 773.21(a). Therefore, the Director approves the proposed revision to TCMR 778.225(g)(1) and removes the required amendment at 30 CFR 743.16(u).

## B. Texas Surface Coal Mining and Reclamation Act (TSCMRA), Article 5920-11

Under Section 323.007 of the Government Code, the Texas Legislative Council revised the Texas statutes in a general code update bill. This bill, Chapter 76, Senate Bill (S.B.) 959, Acts of the 74th Legislature, Regular Session, 1995, codified the Texas Surface Coal Mining and Reclamation Act as Chapter 134, Natural Resources Code, and repealed Article 5920-11, Vernon's Texas Civil Statutes, subject to certain exceptions. During the same session, Chapter 272, S.B. 271 amended the Texas Surface Coal Mining and Reclamation Act, Article 5920-11, Vernon's Texas Civil Statutes. In a letter dated August 14, 1995 (Administrative Record No. TX-597), the Texas Legislative Counsel explained that "under Section 311.031(c), Government Code, the repeal of a statute by a code does not affect an amendment of the statute by the same legislature that enacted the code. The amendment is preserved and given effect as part of the code provision that revised the statute so amended."

In its August 30, 1995, submittal (Administrative Record No. TX-595), Texas provided a legal opinion of the effect of the enactments of S.B. 271 and

S.B. 959. The opinion stated that "the S.B. 271 amendments survive the repealer provision of S.B. 959 and are preserved as part of Chapter 134 of the Natural Resources Code. The statutory authority for the rules exists through the preservation of the amendments made through S.B. 271." S.B. 271 amends Article 5920-11 at section 6(b) of TSCMRA, rulemaking and permitting and section 21(c) of TSCMRA, permit approval or denial; and it adds new section 21a, suspension or rescission of improvidently issued permits.

## 1. Article 5920-11 Section 6(b) of TSCMRA, Rulemaking and Permitting Pursuant to the Administrative Procedure Act

The substantive revision proposed in section 6(b) of TSCMRA is the addition of the following provision allowing Texas to issue a notice of permit suspension or rescission of an improvidently issued permit without first conducting a formal adjudicative proceeding under the Texas Administrative Procedure Act (Chapter 2001, Government Code), while still allowing the permittee to file an appeal for administrative review of Texas' decision to suspend or rescind a permit.

(b) \* \* \* The Administrative Procedure Act does not apply to actions by the Commission to suspend or rescind an improvidently issued permit as authorized by Section 21a of this Act, except that a permittee who is the subject of a suspension or rescission notice issued by the Commission under Section 21a of this Act may file an appeal for administrative review of the notice as provided by Commission rules, and such review shall be governed by the Administrative Procedure Act.

In a letter dated July 7, 1993 (Administrative Record No. TX-562), Texas had explained that it could not automatically suspend or rescind a permit because its Administrative Procedure Act at section 13(a) required that all parties in a contested case have the opportunity for an adjudicative hearing before legal rights, duties or privileges are determined. The proposed revision will allow Texas to automatically suspend or rescind a permit.

The general authority for suspension or revocation (rescission) of permits is found at section 201(c)(1) of SMCRA. The Federal regulation provisions at 30 CFR 773.21(a) provide for an automatic permit suspension and rescission process and 30 CFR 773.20(c)(2) requires regulatory authorities to give permittees the opportunity to request administrative review of a notice of suspension or rescission of an improvidently issued permit. Therefore,

the Director finds the revision to section 6(b) of TSCMRA is not inconsistent with SMCRA or the Federal regulations and is approving it.

## 2. Article 5920-11 Section 21(c) of TSCMRA, Reporting Notices of Violations in Permit Applications

In response to the required amendment at 30 CFR 943.16(r) [finding No. 2, 59 FR 13200, March 21, 1994], Texas proposed revisions to section 21(c) of TSCMRA that are substantive in nature and contain language that is substantively identical to section 510(c) of SMCRA.

The substantive proposed changes include revising the existing language of the first sentence of section 21(c) by adding the requirement that applicants report notices of violations of SMCRA and deleting the words "within the state" from the phrase "in connection with any surface coal mining operation within the state during the three-year period \* \* \*." Texas further clarified section 21(c) by adding new language requiring that the schedule include notices of violations of Federal regulations or Federal or state programs adopted under SMCRA. Texas, also, revised the existing second sentence (now the third sentence) by deleting the phrase "or that the notice of violation is being contested by the applicant" and adding the phrase "or other laws referred to in this subsection" after the phrases "with a demonstrated pattern of willful violations of this Act" and "with such resulting irreparable damage to the environment as to indicate an intent not to comply with this Act."

The proposed revisions remove the previous limitation contained in section 21(c) of TSCMRA regarding the listing of information for violations incurred only within the State of Texas. The proposed revisions clarify that a permit application must include information on (1) violations of Federal regulations and violations of Federal and State programs approved pursuant to SMCRA, not just the Texas program, and (2) air and water environmental protection violations of any governmental department or agency physically located in any state of the United States, not just Texas.

Therefore, based on the above discussions, the Director finds section 21(c) of TSCMRA, as revised, is consistent with and no less stringent than section 510(c) of SMCRA and is removing the required amendment at 30 CFR 943.16(r).

## 3. Article 5920-11 TSCMRA, section 21a, Suspension or Rescission of Improvidently Issued Permits

Texas proposes to add a new section which authorizes the Commission to adopt and enforce rules relating to suspension or rescission of improvidently issued permits that are consistent with and no less effective than Federal regulations adopted under SMCRA.

Section 201(c)(1) of SMCRA authorizes the suspension or rescission of permits for failure to comply with any of the provisions of SMCRA or any rules and regulations adopted pursuant to SMCRA. Furthermore, Section 503(a)(2) of SMCRA requires State programs to demonstrate that the State has the capability of carrying out the provisions of SMCRA and meeting its purposes through "a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspensions, revocations \* \* \*"

Therefore, the Director finds section 21a of TSCMRA is consistent with the intent of sections 201(c)(1) and 503(a)(2) of SMCRA and is approving it.

## 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. No public comments were received, and 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 Bureau of Land Management responded on September 15, 1995, that the revised regulations addressed by the documents appeared to exceed Federal coal standards, and it had no other comments to that effect (Administrative Record No. TX-595.04).

The U.S. Army Corps of Engineers responded on September 18, 1995, that it found the changes to be satisfactory to that agency (Administrative Record No. TX-595.02).

The Soil Conservation Service (Natural Resources Conservation Service) responded on October 2, 1995,

that it had no comments on the proposal (Administrative Record No. TX-595.05).

### 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, Region VI (Administrative Record No. TX-595.01). EPA did not respond to OSM's request.

### 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-595.01). Neither SHPO nor ACHP responded to OSM's request.

## V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Texas on August 30, 1995.

The Director approves, as discussed in: finding No. A.1., TCMR 701.008(104), definition of "violation notice"; finding No. A.2., TCMR 778.116(m), concerning identification of interests and compliance information; finding No. A.3., TCMR 788.225(g)(1), concerning automatic suspension and rescission of a permit; finding No. B.1., Article 5920-11, section 6(b) of TSCMRA, concerning rulemaking and permitting; finding No. B.2., Article 5920-11, section 21(c) of TSCMRA, concerning reporting notices of violations in permit applications; and finding No. B.3., Article 5920-11, section 21a of TSCMRA, concerning suspension or rescission of improvidently issued permits.

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

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.

#### *Effect of Director's Decision*

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In the oversight of the Texas program, the Director will recognize only the statutes, regulations and other materials approved by OSM, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Texas of only such provisions.

#### 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 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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.

#### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

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

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 28, 1996.

Brent Wahlquist,  
*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T 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 (n) to read as follows:

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

\* \* \* \* \*

(n) The amendment submitted by Texas to OSM by letter dated August 30, 1995, and the definition of "violation notice" submitted by Texas to OSM by letter dated September 18, 1995, are approved effective June 18, 1996.

3. Section 943.16 is amended by removing paragraphs (r), (t), and (u) and by revising paragraph (k) to read as follows:

#### **§ 943.16 Required program amendments.**

\* \* \* \* \*

(k) By October 19, 1992, Texas shall submit to OSM a proposed amendment for the definitions at TCMR 770.101 to replace the definitions for "applicant," "application," "complete application," "general area," "principal shareholder," and "property to be mined," or otherwise demonstrate that these definitions are not necessary for the Texas program to be no less effective than the Federal regulations.

\* \* \* \* \*

[FR Doc. 96-15145 Filed 6-17-96; 8:45 am]

BILLING CODE 4310-05-M

#### **LIBRARY OF CONGRESS**

##### **Copyright Office**

##### **37 CFR Part 201**

[Docket No. 93-2B]

##### **Digital Audio Recording Devices and Media; Verification of Statements of Account**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Interim regulation.

**SUMMARY:** The Audio Home Recording Act of 1992 requires the Register of Copyrights to issue regulations that provide for the verification of the information contained in digital audio recording technology (DART) Statements of Account filed with the Office. The Copyright Office is adopting Interim Regulations that establish procedures for requesting verification, the scope of the verification, and the allocation of costs. The regulations are intended to ensure that proper payments have been made to copyright owners.

**DATES:** This interim regulation is effective June 18, 1996. Comments must be submitted on or before September 16, 1996. Reply comments must be