

request a review of any unresolved dispute.

(b) The debtor will be granted 30 days from the date of the notification required by paragraph (a) of this section to request a review of the determination of the Agency official responsible for collection of the debt on any unresolved dispute. The debtor will be advised of the result.

§ 102.176 Prior provision of rights with respect to debt.

To the extent that the rights of the debtor in relation to the same debt have been previously provided under some other statutory or regulatory authority, including administrative offset procedures set forth in Subpart U, the Agency is not required to duplicate those efforts before referring a debt for tax refund offset.

Dated, Washington, DC, July 9, 1996.

By Direction of the Board.

John J. Toner,

Executive Secretary, National Labor Relations Board.

[FR Doc. 96-18029 Filed 7-23-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SPATS No. MO-029-FOR]

Missouri 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 Missouri regulatory program (hereinafter referred to as the "Missouri program") under the Surface Mining Reclamation Act of 1977 (SMCRA). Missouri proposed revisions to its statutes pertaining to requirements and procedures for adoption of new or amended rules. The amendment is intended to revise the Missouri program to be consistent with SMCRA, clarify ambiguities, and improve operational efficiency.

EFFECTIVE DATE: July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Wolfrom, Regulatory Program Specialist, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460.

SUPPLEMENTARY INFORMATION:

- I. Background on the Missouri 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 Missouri Program

On November 21, 1980, the Secretary of the Interior conditionally approved the Missouri program. General background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program can be found in the November 21, 1980, Federal Register (45 FR 77017). Subsequent actions concerning Missouri's program and program amendments can be found at 30 CFR 925.12, 925.15, and 925.16.

II. Submission of the Proposed Amendment

By letter dated March 20, 1996 (Administrative Record No. MO-637), Missouri submitted a proposed amendment to its program pursuant to SMCRA. Missouri submitted the proposed amendment at its own initiative. The proposed amendment concerns changes to the Missouri Surface Coal Mining Law authorized by Senate Bill No. 3. Missouri proposed to amend the Revised Statutes of Missouri (RSMo) at sections 444.800.5, Procedures for suspension and reinstatement of rules; 444.810.2 through 444.810.8, Powers of the commission; and 444.950.2 through 444.950.8, Requirements and procedures for adoption of new or amended rules.

OSM announced receipt of the proposed amendment in the April 2, 1996, Federal Register (61 FR 14517), 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 May 2, 1996.

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.

1. RSMo 444.800.5 Procedures for Suspension and Reinstatement of Rules

Missouri proposed to remove the provision at section 444.800.5 concerning the authority of the joint committee on administrative rules to suspend and reinstate a rule based upon specified circumstances. This provision

is duplicative of provisions contained in RSMo 536.024. Chapter 536, RSMo, Administrative Procedure and Review, contains the procedures State agencies must follow when adopting, amending, or rescinding administrative rules or regulations in Missouri.

Since there is no direct Federal counterpart to the deleted provision, the Director finds that the removal of section 444.800.5 will not render the Missouri program less stringent than SMCRA or less effective than the Federal regulations.

2. RSMo 444.810.2 Through 444.810.8 Powers of the Commission

Missouri proposed to remove the existing provisions at sections 444.810.2 through 444.810.8 concerning requirements and procedures for adoption of new or amended rules and to add the following new provision at section 444.810.2.

No rule or portion of a rule promulgated under the authority of sections 444.800 to 444.970 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

The existing provisions proposed for removal are duplicative of provisions contained in RSMo 536.024. Missouri's proposed new provision appropriately references section 536.024 since all Missouri agencies that are authorized by constitution or statute to make rules must comply with the provisions of Chapter 536, RSMo when adopting, amending, or rescinding administrative rules or regulations.

While there is no direct Federal counterpart to the removed provisions or to the new provision, SMCRA and the Federal regulation at 30 CFR 732.15(b)(10) require State programs to provide for public participation in the development and revision of State regulations. Chapter 536, RSMo provides for the publication in the Missouri Register of proposed rulemaking and subsequent final orders of rulemaking and provides for public participation in the rulemaking process.

Therefore, the Director finds that the deletion of the existing provisions at sections 444.810.2 through 444.810.8 and the addition of the new provision at section 444.810.2 do not render the Missouri program less stringent than SMCRA or less effective than the Federal regulations.

3. RSMo 444.950.2 Requirements and Procedures for Adoption of New or Amended Rules

Missouri proposed to remove the existing provisions at sections 444.950.2 through 444.950.8 concerning requirements and procedures for

adoption of new or amended rules; to redesignate sections 444.950.9 through 444.950.11 as 444.950.3 through 444.950.5; and to add the following new provision at section 444.950.2.

No rule or portion of a rule promulgated under the authority of sections 444.800 to 444.970 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

The existing provisions proposed for removal are duplicative of provisions contained in RSMo 536.024. Missouri's proposal new provision appropriately references section 536.024 since all Missouri agencies that are authorized by constitution or statute to make rules must comply with the provisions of Chapter 536, RSMo when adopting, amending, or rescinding administrative rules or regulations.

While there is no direct Federal counterpart to the removed provisions or to the new provision, SMCRA and the Federal regulations at 30 CFR 732.15(b)(10) require State programs to provide for public participation in the development and revision of State regulations. Chapter 536, RSMo provides for the publication in the Missouri Register of proposed rulemaking and subsequent final orders of rulemaking and provides for public participation in the rulemaking process. Therefore, the Director finds that the deletion of the existing provisions at sections 444.950.2 through 444.950.8, the redesignation of sections, and the addition of the new provision at section 444.950.2 do not render the Missouri program less stringent than SMCRA or less effective than the Federal regulations.

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 Missouri program. No 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 Missouri 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. MO-638). EPA did not respond to OSM's request.

State Historical Preservative 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. Since the proposed amendment would not have any effect on historic properties, OSM did not solicit comment from the SHPO or ACHP.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Missouri on March 20, 1996.

The Federal regulations at 30 CFR Part 925, codifying decisions concerning the Missouri 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 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 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 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 3, 1996.
Brent Wahlquist,
*Regional Director, Mid-Continent Regional
Coordinating Center.*

For the reasons set out in the preamble, 30 CFR Part 925 is amended as set forth below:

PART 925—MISSOURI

1. The authority citation for Part 925 continues to read as follows:

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

2. Section 925.15 is amended by adding paragraph (v) to read as follows:

§ 925.15 Approval of regulatory program amendments.

* * * * *

(v) Revisions to the Revised Statutes of Missouri (RSMo) at sections 444.800, 444.810, and 444.950 as submitted to OSM on March 20, 1996, are approved effective July 24, 1996.

[FR Doc. 96-18613 Filed 7-23-96; 8:45 am]

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30 CFR Part 931

[NM-035-FOR]

New Mexico Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; approval of amendment.

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is approving, with certain exceptions and additional requirements, a proposed amendment to the New Mexico abandoned mine land reclamation (AMLR) plan (hereinafter, the "New Mexico plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). New Mexico proposed to amend its plan by adding plan provisions pertaining to contractor responsibilities, exclusion of certain sites from eligibility for reclamation, and reports. In addition, New Mexico proposed revising the State AMLR statute pertaining to its purpose, definition, creation of the abandoned mine reclamation fund, objectives of the fund, acquisition and reclamation of land adversely affected by past mining practices, liens, and emergency powers. The amendment was intended to revise the New Mexico plan to be consistent with SMCRA and meet the requirements of the corresponding Federal regulations, and to improve operational efficiency.

EFFECTIVE DATE: July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: (505) 248-5070, Internet address: GPADGETT@CWYGW.OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the New Mexico Plan

On June 17, 1981, the Secretary of the Interior approved the New Mexico. General background information on the New Mexico plan, including the Secretary's findings and the disposition of comments, can be found in the June 17, 1981, Federal Register (46 FR 31641). Subsequent actions concerning New Mexico's plan and plan amendments can be found at 30 CFR 931.25 and 931.26.

II. Proposed Amendment

By letter dated July 24, 1995, New Mexico submitted a proposed amendment to its plan (administrative record No. NM-758) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment in response to a September 26, 1994, letter (administrative record No. NM-732) that OSM sent it in accordance with 30 CFR 884.15(d), and at its own initiative.

The provisions of the New Mexico plan that New Mexico proposed to add were: section 874.16, contractor responsibility; 875.16, exclusion of certain sites from eligibility for reclamation; 875.20, contractor responsibility; and 886.23(c), reports. The provisions of the New Mexico Abandoned Mine Reclamation Act that New Mexico proposed to revise were: New Mexico Statute Annotated (NMSA) 69-25B-2, purpose of the act; NMSA 69-25B-3, definitions; NMSA 69-25B-4, creation of the abandoned mine reclamation fund; NMSA 69-25B-6, objective of the fund; NMSA 69-25B-7, acquisition and reclamation of land adversely affected by past mining practices; NMSA 69-25B-8, liens; and NMSA 69-25B-12, emergency powers.

OSM announced receipt of the proposed amendment in the August 22, 1995, Federal Register (60 FR 43576), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. NM-760). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 21, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of the New Mexico Abandoned Mine Reclamation Act at NMSA 69-25B-2 and 69-25B-3.B, lands and water eligible for reclamation;

NMSA 69-25B-6.C, construction of public facilities; and NMSA 69-25B-12, emergency powers. OSM notified New Mexico of these concerns by letter dated September 27, 1995 (administrative record No. NM-764).

New Mexico responded by telephone on April 10, 1995 (administrative record No. NM-778), that it would not submit revisions to the amendment and that OSM should proceed with the publication of this final rule Federal Register document.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 884.14 and 884.15, finds, with certain exceptions and additional requirements, that the proposed plan amendment submitted by New Mexico on July 24, 1995, meets the requirements of the corresponding Federal regulations and is consistent with SMCRA. Thus, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to New Mexico's Statutes

New Mexico proposed revisions to the following previously approved statutes that are nonsubstantive in nature and consist of minor editorial, recodification, and State agency name changes (corresponding SMCRA provisions are listed in parentheses):

NMSA 69-25B-3.A and D (section 401(a) of SMCRA), definitions for the terms "director" and "fund,"

NMSA 69-25B-4 (section 401(a) of SMCRA), creation of abandoned mine reclamation fund, and

NMSA 69-25B-6.B (section 409 (a) and (d) of SMCRA), filling voids and sealing tunnels.

Because the proposed revisions to these previously-approved statutes are nonsubstantive in nature, the Director finds that they are consistent with the corresponding provisions of SMCRA. The Director approved the proposed revisions to these statutes.

2. Substantive Revisions to New Mexico's Plan Provisions and Statutes That Are Substantively Identical to the Corresponding Provisions of SMCRA and the Federal Regulations

New Mexico proposed revisions to the following plan provisions and statutes that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding Federal regulations and SMCRA provisions (listed in parentheses):

Plan section 875.16 (30 CFR 875.16), exclusion of certain noncoal reclamation sites,