

orally to employees rather than develop a written plan.

(c) *What is required to be included in a fire prevention plan?* A fire prevention plan must include at a minimum:

(1) a list of all major fire hazards, including proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;

(2) procedures to control accumulations of flammable and combustible waste materials;

(3) procedures for regular maintenance of safeguards installed on heat producing equipment to prevent accidental ignition of combustible materials;

(4) names or job titles of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and,

(5) names or job titles of employees responsible for control of fuel source hazards.

(d) *Must employers inform employees of the fire hazards at the workplace?*

Yes, an employer must inform employees of the fire hazards to which they are exposed. The employer must review with each employee those parts of the fire prevention plan necessary for self-protection upon initial assignment to a job.

Appendix to Subpart E—[Amended]

4. The appendix to Subpart E would be amended by inserting the heading: “§ 1910.39 Fire prevention plans” before the paragraph designated as “4. Fire prevention housekeeping.”

5. The appendix to subpart E would be amended by redesignating the paragraph: “Fire prevention housekeeping” from “4.” to “1.”

6. The appendix to Subpart E would be amended by redesignating the paragraph: “Maintenance of equipment under the fire prevention plan” from “5” to “2.”

[FR Doc. 96-22926 Filed 9-9-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[SPATS No. CO-030-FOR]

Colorado Regulatory Program

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

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

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Colorado regulatory program (hereinafter, the “Colorado program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Colorado’s statutory provisions pertaining to (1) definitions, (2) development of rules no more stringent than SMCRA, (3) requirements for permit applications, (4) material damage resulting from subsidence caused by underground coal mining operations, (5) improvidently issued permits, (6) release of performance bonds, (7) entities and operations which are or are not subject to the requirements of the act, (8) authority to apply for funds the administration and fulfillment of the requirements of an abandoned mine reclamation program, and (9) creation of a Colorado coal mine subsidence protection program, to clarify ambiguities and improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., M.D.T., October 10, 1996. If requested, a public hearing on the proposed amendment will be held on October 7, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., M.D.T., on September 25, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to James F. Fulton at the address listed below. Copies of the Colorado 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 Denver Field Division.

James F. Fulton, Chief, Denver Field Division, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733

Michael B. Long, Director, Division of Minerals and Geology, Department of Natural Resources, 1313 Sherman St., Room 215, Denver, Colorado 80203, Telephone: (303) 866-3567

FOR FURTHER INFORMATION CONTACT:

James F. Fulton, Telephone: (303) 844-1424.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Program

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary’s findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, Federal Register (45 FR 82173). Subsequent actions concerning Colorado’s program and program amendments can be found at 30 CFR 906.11, 906.15, and 906.16.

II. Proposed Amendment

By letters dated August 13 and 27, 1996, Colorado submitted a proposed amendment (administrative record No. CO-680) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative. Colorado proposed to revise the following provisions of the Colorado Surface Coal Mining Reclamation Act, Colorado Revised Statutes (C.R.S.):

C.R.S. 34-33-103(1), definition of “Administrator,” to mean the head of the Office of Mined Land Reclamation in the Division of Minerals and Geology in the Department of Natural Resources;

C.R.S. 34-33-103(7), definition of “Division,” to mean the Division of Minerals and Geology in the Department of Natural Resources;

C.R.S. 34-33-103(13.5), definition of “Office,” to mean the Office of Mined Land Reclamation;

C.R.S. 34-33-103(14), the definition of “Operator,” to include any person who intends to remove more than two hundred and fifty tons of coal from coal mine waste disposal facilities;

C.R.S. 34-33-103(21), the definition of “Person,” to include (1) an Indian Tribe conducting surface coal mining and reclamation operations outside Indian lands, and (2) any agency, unit, or instrumentality of Federal, State or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government;

C.R.S. 34-33-103(26)(a), the definition of “Surface coal mining operations,” to (1) include removal of coal from coal mine waste disposal facilities, and (2) delete the exemption for the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent of the tonnage of minerals removed for purposes of commercial use or sale;

C.R.S. 34-33-108 (1) and (2), concerning the authority of the Mined Land Reclamation Board (MLRB) to promulgate rules and regulations, to (1) state that Colorado rules and regulations shall be no more stringent than required to be as effective as the counterpart Federal regulations, unless MLRB makes a specific finding that either protection of the public safety or the environment requires a more stringent, and (2) provide ninety days prior to automatic repeal of a State rule after its counterpart Federal regulation has been repealed and allow, upon request, prior to repeal of the State rule, a rule-making hearing;

C.R.S. 34-33-110(4), concerning the requirement that an applicant file a copy of a permit application with the county clerk and recorder of the county where the operations are proposed to occur, to authorize MLRB to specify by rule any other public office;

C.R.S. 34-33-115(1)(c), to allow an application for extension of the area covered by a permit, except incidental boundary revisions, to be made by an application for either a permit revision or a new permit;

C.R.S. 34-33-121(2)(a) (II) and (III), by (1) adding the requirement for an operator, if there is material damage resulting from subsidence caused by underground coal mining operations, to either promptly repair the damage by rehabilitating, restoring, or replacing the damaged occupied residential dwelling and related structures or non-commercial building, or compensate the owner in the full amount of the diminution in value; and (2) stating that nothing in this section shall be construed to prohibit or interrupt underground coal mining operations (rather than the standard method of room and pillar mining);

C.R.S. 34-33-123(13) (a) and (b), by adding language (1) that authorizes Colorado, when it determines that a permit has been improvidently issued, to implement remedial measures, including development of a cooperative plan with the permittee, imposition of a condition on the permit, or issuance of an order to the permittee to show cause why the permit should not be suspended or revoked; and, (2) that requires a show cause order to include the reasons for the finding that the permit was improvidently issued and to provide an opportunity for a public hearing;

C.R.S. 34-33-125 (4) and (8), concerning bond release, to require that Colorado (1) provide written notification to the permittee of its proposed decision within sixty days from the date of the required bond

release and evaluation, and (2) hold an informal conference to resolve written comments or objections on the request for bond release if the conference concludes by the sixtieth day following the required bond release inspection and evaluation;

C.R.S. 34-33-127 and 34-33-129 (a) and (b), concerning entities or operations which must comply with Colorado's act, to (1) include any publicly owned corporation of the Federal government, (2) exempt the extraction of coal by a landowner for his own use from land owned or leased by such landowner, and (3) delete the exemption from the act for extraction of coal that effects 2-acres or less;

C.R.S. 34-33-133(2)(a), concerning abandoned mine land reclamation, to provide full authority for Colorado to apply for money or other funds for the development, administration, and fulfillment of the requirements of an abandoned mine reclamation program; and

C.R.S. 34-33-133.5 (1) and (2), by adding language that authorizes MLRB to issue rules and regulations to develop a Colorado mine subsidence protection program, assess and expend fees collected from participants who are insured under the program, and expend interest earned on such fee as necessary to defray administrative costs of the program.

In addition, Colorado proposes editorial revisions throughout C.R.S. 34-33-104 through 126 to (1) replace the term "division" with the term "office" and (2) replace the terms "he" and "his" with gender neutral terms.

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 Colorado 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 Denver 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.D.T., on September 25, 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 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

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 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 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.

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 (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.

6. *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 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 3, 1996.
Richard J. Seibel,
*Regional Director, Western Regional
Coordinating Center.*
[FR Doc. 96-22967 Filed 9-9-96; 8:45 am]
BILLING CODE 4310-05-M

Bureau of Land Management

43 CFR Part 2560

RIN 1004-AC90

Alaska Occupancy and Use; Alaska Homestead Settlement

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule removes regulations on Alaska occupancy and use concerning homestead settlements. BLM takes this action because the Federal Government has closed homesteading in Alaska, making the current regulations obsolete.

EFFECTIVE DATE: This rule takes effect October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Frank Bruno, Regulatory Management Team, Bureau of Land Management, 202-452-0352

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background and Discussion of Final Rule
- III. Procedural Matters

I. Public Comment Procedures

The existing regulations which this rule would eliminate, 43 CFR subpart 2567, are obsolete and without purpose. The BLM has determined for good cause that notice and public procedure on this rule are unnecessary and contrary to the public interest, because the regulation that this rule removes contains only obsolete regulatory substance or guidance, as explained below.

II. Background and Discussion of Final Rule

43 CFR subpart 2567 has no substantive purpose. This subpart was written to implement the extension of homestead laws to Alaska by the Act of May 14, 1898 (30 Stat. 409, 43 U.S.C. 270). This Act was repealed by section 703 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq.*, effective in 1986. At this time there are no pending homesteads in Alaska, nor will the Bureau open lands for homesteading in the future. In addition, no appeals from the granting or denying of homestead applications are presently pending. Therefore, 43 CFR subpart 2567 has no

continued legal relevance or other effect on the public at large.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that because this final rule only eliminates provisions that have no impact on the public and no continued legal relevance, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Department Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, the final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act

The rule does not contain information collection requirements which the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The BLM has determined under the RFA that this final rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the final rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Unfunded Mandates Reform Act

Removal of 43 CFR subpart 2567 will not result in any unfunded mandate to