

Affairs may direct a rehearing and reopening before the Administrative Law Judge if he or she finds that the record is insufficient or that new evidence is relevant and material to the issues and was not known and was not available to the respondent at the time of the original hearings.

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(e) *Preparation of appeals.*—(1) *General requirements.* An appeal shall be in letter form. The appeal and accompanying material should be filed in duplicate, unless otherwise indicated, and a copy simultaneously mailed to the Director, Office of Defense Trade Controls, SA-6, Room 200, Department of State, Washington, DC 20522-0620 or delivered to the 21st street entrance of the Department of State, 2201 C Street, NW., Washington, DC addressed to Director, Office of Defense Trade Controls, SA-6, Room 200, Department of State, Washington, DC 20522-0602.

(2) *Oral presentation.* The Under Secretary of State for Arms Control and International Security Affairs may grant the appellant an opportunity for oral argument and will set the time and place for oral argument and will notify the parties, ordinarily at least 10 days before the date set.

(f) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied in whole or in part, or dismissed at the request of the appellant. The decision of the Under Secretary of State for Arms Control and International Security Affairs will be final.

15. Section 128.14 is revised to read as follows:

**§ 128.14 Confidentiality of proceedings.**

Proceedings under this part are confidential. The documents referred to in § 128.17 are not, however, deemed to be confidential. Reports of the Administrative Law Judge and copies of transcripts or recordings of hearings will be available to parties and, to the extent of their own testimony, to witnesses. All records are available to any U.S. Government agency showing a proper interest therein.

16. Section 128.15 is revised to read as follows:

**§ 128.15 Orders containing probationary periods.**

(a) *Revocation of probationary periods.* A debarment or interim suspension order may set a probationary period during which the order may be held in abeyance for all or part of the debarment or suspension period, subject to the conditions stated therein. The

Director, Office of Defense Trade Controls, may apply without notice to any person to be affected thereby, to the Administrative Law Judge for an order revoking probation when it appears that the conditions of the probation have been breached. The facts in support of the application will be presented to the Administrative Law Judge, who will report thereon and make a recommendation to the Assistant Secretary for Political-Military Affairs. The latter will make a determination whether to revoke probation and will issue an appropriate order.

(b) *Hearings.*—(1) *Objections upon notice.* Any person affected by an application upon notice to revoke probation, within the time specified in the notice, may file objections with the Administrative Law Judge.

(2) *Objections to order without notice.* Any person adversely affected by an order revoking probation, without notice may request that the order be set aside by filing his objections thereto with the Administrative Law Judge. The request will not stay the effective date of the order or revocation.

(3) *Requirements for filing objections.* Objections filed with the Administrative Law Judge must be submitted in writing and in duplicate. A copy must be simultaneously submitted to the Office of Defense Trade Controls. Denials and admissions, as well as any mitigating circumstances, which the person affected intends to present must be set forth in or accompany the letter of objection and must be supported by evidence. A request for an oral hearing may be made at the time of filing objections.

(4) *Determination.* The application and objections thereto will be referred to the Administrative Law Judge. An oral hearing if requested, will be conducted at an early convenient date, unless the objections filed raise no issues of material fact to be determined. The Administrative Law Judge will report the facts and make a recommendation to the Assistant Secretary for Political-Military Affairs, who will determine whether the application should be granted or denied and will issue an appropriate order. A copy of the order and of the Administrative Law Judge's report will be furnished to any person affected thereby.

(5) *Effect of revocation on other actions.* The revocation of a probationary period will not preclude any other action concerning a further violation, even where revocation is based on the further violation.

17. Section 128.16 is revised to read as follows:

**§ 128.16 Extension of time.**

The Administrative Law Judge, for good cause shown, may extend the time within which to prepare and submit an answer to a charging letter or to perform any other act required by this part.

Dated: August 27, 1996.

Lynn E. Davis,

*Under Secretary for Arms Control and International Security Affairs, Department of State.*

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**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 203**

**RIN 1010-AC13**

**Royalty Relief for Producing Leases and Certain Existing Leases in Deep Water**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Extension of comment period for interim rule.

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**SUMMARY:** This document extends to October 30, 1996, the deadline for the submission of comments on the interim rule governing royalty relief for producing leases and certain existing leases in deep water that was published May 31, 1996.

**DATES:** MMS will consider all comments we receive by October 30, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after October 30, 1996.

**ADDRESSES:** Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Chief, Engineering and Standards Division.

**FOR FURTHER INFORMATION CONTACT:** Dr. Marshall Rose, Economic Evaluation Branch, telephone (703) 787-1536.

**SUPPLEMENTARY INFORMATION:** The MMS has been asked to extend the deadline for respondents to submit comments to the interim regulations governing royalty relief on producing and certain existing leases in deep water that were published May 31, 1996 (61 FR 27263). More time is needed to allow respondents time to work on certain aspects and problem areas of the interim rule and guidelines for royalty relief for existing deep water leases.

Dated: September 9, 1996.

Lucy R. Querques,

*Acting Associate Director for Offshore Minerals Management.*

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## Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 902

[AK-004-FOR; Alaska Amendment IV]

#### Alaska Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving, with certain exceptions and additional requirements, a proposed amendment to the Alaska regulatory program (hereinafter referred to as the "Alaska program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alaska proposed revisions to and additions of rules pertaining to fees for services, general permitting requirements, general permit application information requirements, environmental resource information requirements, reclamation and operation plan requirements, processing of permit applications, permitting for special categories of mining, exploration, the small operator assistance program, bonding, performance standards, inspection and enforcement, and general provisions. The amendment revised the Alaska program to be consistent with the corresponding Federal regulations, to clarify ambiguities, and to improve operational efficiency.

**EFFECTIVE DATE:** September 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 672-5524.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Alaska Program

On March 23, 1983, the Secretary of the Interior conditionally approved the Alaska program. General background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program can be found in the March 23, 1983, Federal Register (48 FR 12274). Subsequent actions concerning Alaska's program and program amendments can be found at 30 CFR 902.15 and 902.16.

##### II. Proposed Amendment

By letter dated January 26, 1995, and FAX transmittals dated February 13 and 14, 1995, Alaska submitted a proposed amendment (Amendment IV, administrative record No. AK-E-01) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Alaska submitted the proposed amendment at its own initiative and in response to (1) letters dated November 1, 1989, and February 7, 1990 (administrative record Nos. AK-60-05 and AK-60-06), that OSM sent to Alaska in accordance with 30 CFR 732.17(c), and (2) required program amendments at 30 CFR Part 902.16(a)(1), (2), (3), (6) through (14), and (16).

The provisions of the Alaska Administrative Code (AAC) that Alaska proposed to revise, repeal, and add were: 11 AAC 05.010(a)(9)(D), fees for incidental boundary revisions; 11 AAC 90.002, responsibilities; 11 AAC 90.003, continued operation under interim permits; 11 AAC 90.011, permit fees; 11 AAC 90.023, identification of interests and compliance information; 11 AAC 90.025, authority to enter and ownership information; 11 AAC 90.045(a), geology description; 11 AAC 90.049(2), surface water information; 11 AAC 90.083(b), reclamation plan general requirements; 11 AAC 90.097, transportation facilities; 11 AAC 90.099, return of coal mine waste to abandoned underground workings; 11 AAC 90.117, administrative processing of permit applications; 11 AAC 90.125, Commissioner's [of Natural Resources] findings; 11 AAC 90.126, imprudently issued permits; 11 AAC 90.127, permit conditions; 11 AAC 90.129, permit revisions and renewals; 11 AAC 90.149(d), operations near alluvial valley floors; 11 AAC 90.163, exploration that substantially disturbs the natural land surface or occurs in areas designated unsuitable for mining; 11 AAC 90.173(b), eligibility for small operator assistance; 11 AAC 90.207(f), self-bonding provisions; 11 AAC 90.321(d), hydrologic balance; 11 AAC 90.323(a), water quality standards; 11 AAC 90.325(a), diversions and conveyance of flows; 11 AAC 90.327 (b) and (c), stream channel diversions; 11 AAC 90.336(b), impoundment design and construction; 11 AAC 90.337(f), impoundment inspection; 11 AAC 90.341(b), underground mine entry and access discharges; 11 AAC 90.345(e), surface and ground water monitoring; 11 AAC 90.375(f), public notice of blasting; 11 AAC 90.391, disposal of excess spoil or coal mine waste; 11 AAC 90.401(e), coal mine waste, refuse piles; 11 AAC 90.407(e), coal mine waste,

dams and embankments; 11 AAC 90.409, return of coal mine waste to underground workings; 11 AAC 90.423(b), protection of fish and wildlife; 11 AAC 90.443 (d) and (k), backfilling and grading; 11 AAC 90.457 (c) and (d), standards for revegetation success; 11 AAC 90.491, construction and maintenance of roads, transportation and support facilities, and utility installations; 11 AAC 90.601, inspections; 11 AAC 90.613, cessation orders; 11 AAC 90.901, applicability; 11 AAC 90.902, exemption for coal extraction incidental to the extraction of other minerals; 11 AAC 90.907, public participation; and 11 AAC 90.911, definitions. Additionally, Alaska proposed several minor editorial revisions.

OSM announced receipt of the proposed amendment in the February 27, 1995, Federal Register (60 FR 10520), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AK-E-05). Because no one requested a public hearing or meeting, none was held. The public comment period ended on March 29, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of the Alaska Administrative Code at 11 AAC 05.010(a)(9)(D) and 11 AAC 90.011, fees; 11 AAC 90.023, identification of interests and compliance information; 11 AAC 90.117, administrative processing of permit applications; 11 AAC 90.125, Commissioner's findings; 11 AAC 90.126, imprudently issued permits; 11 AAC 90.129, permit revisions and renewals; 11 AAC 90.149(d), operations near alluvial valley floors; 11 AAC 90.173, eligibility for small operator assistance; 11 AAC 90.207(f), self-bonding provisions; 11 AAC 90.327, stream channel diversions; 11 AAC 90.336, impoundment design and construction; 11 AAC 90.391, disposal of excess spoil or coal mine waste; 11 AAC 90.409, return of materials to underground workings; 11 AAC 90.423, protection of fish and wildlife; 11 AAC 90.443, backfilling and grading; 11 AAC 90.457, revegetation success standards; 11 AAC 90.491, construction and maintenance of roads, transportation and support facilities, and utility installations; 11 AAC 90.601, inspections; 11 AAC 90.901, applicability; 11 AAC 90.902, exemption for coal extraction incidental to the extraction of other minerals; 11 AAC 90.907, public participation; and 11 AAC 90.911, definitions. OSM notified Alaska of the concerns by letter