

Assistance Act agreement (responsible Bureau official) will score each request for factor-based funding. The responsible Bureau official will submit documented scores for each requesting tribe to the Office of Tribal Justice Support. All documented scores will be totaled for one national sum. The national sum will be divided into the factor-based funding set aside to obtain a dollar-per-point figure. The responsible Bureau official will calculate the factor-based funding for each tribe making a timely request.

(a) Factors and the points assigned to each factor.

(1) Population to be served (up to 32 points).

(i) Tribal enrollment. The number of persons enrolled with the tribe:

For populations	Points
Up to 1,000	2
1,001 to 3,000	4
3,001 to 12,000	7
12,001 to 30,000	10
30,001 to 100,000	15
100,001 and higher	20

(ii) Reservation Population. The number of transients and persons residing within the geographic area served by the tribe at the close of the prior Federal fiscal year.

For populations	Points
Up to 3,000	2
3,001 to 12,000	4
12,001 to 30,000	5
30,001 to 50,000	8
50,001 to 100,000	10
100,001 and higher	12

(2) Territory (up to 17 Points).

(i) Number of acres classified as Indian Reservation.

Acreage	Points
Up to 1,000	1
1,000 to 10,000	3
10,000 to 100,000	5
100,001 and higher	6

(ii) Number of acres defined as Indian Country.

Acreage	Points
Up to 1,000	1
1,000 to 10,000	3
10,000 to 100,000	4
100,001 and higher	5

(iii) Geographic isolation. The distance in miles from the seat of tribal government to the nearest commercial and governmental center with a population of 50,000 or more.

Miles	Points
Up to 100	0
100 to 200	4
201 and higher	6

(4) Jurisdiction (up to 10 Points). The extent to which an Indian tribe exercises subject matter jurisdiction over various areas available to it under notions of Federal Indian and Tribal law, including but not limited to:

(i) Exercise of misdemeanor criminal jurisdiction over tribal members and non-member Indians (3 Points).

(ii) Exercise of jurisdiction beyond the exterior boundaries of the reservation, such as regulation of the conduct of tribal members, Indian Child Welfare Act (1 Point).

(iii) Exercise of jurisdiction to protect, conserve, and assure the quality, quantity, or access to natural resources (1 Point).

(iv) Exercise of jurisdiction over familial matters, such as marriage and dissolution, support and custody, child abuse and dependency, juvenile matters, guardianship and involuntary commitment of adults (2 Points).

(v) Exercise of jurisdiction over roadways, vehicles, and traffic within the exterior boundaries of the reservation (1 Point).

(vi) Exercise of appellate review of trial level decision-making (2 Points).

(5) Caseload (up to 10 Points). The number of cases heard in the preceding Federal fiscal year. The higher of the actual caseload or the presumptive caseload will be calculated.

Number of annual cases	Points
Up to 100	2
100 to 3,000	4
3,001 to 5,000	6
5,001 to 10,000	8
10,001 and higher	10

(i) *Actual Caseload*. The actual caseload shall consist of the number of cases heard and decided at the trial and appellate level, or brought before traditional justice systems.

(ii) *Presumptive Caseload*. In lieu of an actual caseload, a tribe may estimate a rate of 1 case for every 5 reservation residents.

(6) Complexity of Cases (up to 3 Points). Judicial review of, at least, 3 civil cases involving complex legal issues, as defined and documented by the tribe.

(7) Probation Services and Diversion Programs (up to 3 Points). The provision of probation services and diversion programs.

(8) Facilities (up to 5 Points). A tribe without an existing facility which is

fully or in large part dedicated to the court function will receive 5 points.

(9) Renovation (up to 4 Points). The cost of renovating an existing structure. More than 50% of the facility must be dedicated to judicial activities; the age of the facility will be calculated.

Age	Points
0-5 years	0
5-10 years	1
10-15 years	2
16 years or older	4

(10) Start-up costs (up to 10 Points). A tribe that has no tribal justice system will receive 10 points.

(11) Economy (up to 6 Points). Measures the percentage of the population to be served that is unemployed and/or below the applicable state poverty level.

Percentage	Points
0-8	0
8-15	4
16 or higher	6

(b) The tribe will receive the applicable point(s) for each demonstrated factor.

(c) After all requesting tribes have been allocated Minimum Funding, the remaining sum will be divided by the cumulative total of points. The resulting figure is the funding amount attributed to each point (dollar-per-point).

(d) Factor-based Funding is calculated by multiplying the tribe's score by the dollar-per-point.

§§ 92.20-92.100 [Reserved].

Dated: June 17, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-18447 Filed 7-29-96; 8:45 am]

BILLING CODE 4310-02-P

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL-095-FOR]

Illinois Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Illinois regulatory program (hereinafter the "Illinois program") under the Surface

Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of a revision to the Illinois regulations pertaining to self-bonding. The amendment is intended to provide clarification of a term used in Illinois' self-bonding regulations.

DATES: Written comments must be received by 4:00 p.m., e.s.t., August 29, 1996. If requested, a public hearing on the proposed amendment will be held on August 26, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t. on August 14, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis, Indiana, at the address listed below.

Copies of the Illinois program, the proposed amendment, a listing of any scheduled public hearings, 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 Indianapolis Field Office.

Roger W. Calhoun, Director,
Indianapolis Field Office, Office of
Surface Mining Reclamation and
Enforcement, Minton-Capehart
Federal Building, 575 North
Pennsylvania Street, Room 301,
Indianapolis, IN 46204, Telephone:
(317) 226-6700.

Illinois Department of Natural
Resources, Office of Mines and
Minerals, 524 South Second Street,
Springfield, IL 62701-1787,
Telephone (217) 782-4970.

FOR FURTHER INFORMATION CONTACT:
Roger W. Calhoun, Director,
Indianapolis Field Office, Telephone:
(317) 226-6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, Federal Register (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

II. Description of the Proposed Amendment

By letter dated July 16, 1996 (Administrative Record No. IL-1804),

Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment at its own initiative. The provisions of Title 62, Illinois Administrative Code (IAC) that Illinois proposes to amend is at 62 IAC 1800.23, self-bonding.

Specifically, Illinois proposes to add the following definition at 62 IAC 1800.23(a).

"Generally accepted accounting principles" means those principles generally accepted in the accounting profession for the preparation and certification of statements of financial condition, including the standards adopted by the Financial Accounting Standards Board; provided, however, that for purposes of this section the Department may accept and rely upon statements of financial condition prepared without reference to any standard of the Financial Accounting Standards Board which the Director finds is not relied upon by the bond rating services specified in subsection (b)(3)(A) below in rating securities.

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 Illinois program.

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 Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on August 14, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. 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**. If no one requests an opportunity to speak 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak 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

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 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.

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 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 19, 1996.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-19337 Filed 7-29-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA047-6936; FRL-5544-4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Lead Implementation Plan for an Area in Northeast Philadelphia, PA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes full approval of the state implementation plan (SIP) submitted by the Commonwealth of Pennsylvania for the purpose of bringing about the attainment of the national ambient air quality standard (NAAQS) for lead. The implementation plan was submitted by the Commonwealth to satisfy certain Federal requirements for an approvable nonattainment area lead SIP for a portion of Philadelphia, Pennsylvania. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before August 29, 1996.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Section, Mailcode 3AT22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, Pennsylvania 19104.

FOR FURTHER INFORMATION CONTACT: Denis M. Lohman, (215) 566-2192, Technical Assessment Section (Mailcode 3AT22), at the EPA Region III address above or via e-mail at lohman.denny@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION: On September 30, 1994, the Pennsylvania Department of Environmental Resources submitted a revision to its State Implementation Plan (SIP) for a portion of northeast Philadelphia.

The revision consists of revised permits for three sources of lead emissions. The revised permits specify

emission limits, operational practices, and compliance provisions for each of the three sources.

I. Background

The national ambient air quality standard (NAAQS) for lead is 1.5 micrograms of lead per cubic meter of air ($\mu\text{g}/\text{m}^3$), averaged over a calendar quarter (see 40 CFR 50.12). Regulations promulgated pursuant to Section 110 of the Clean Air Act (Act) and codified at 40 CFR 51.117(a)(2) provide the each state implementation plan (SIP) must contain a demonstration showing that the plan will attain and maintain the standard in any area that has lead air concentrations in excess of the national ambient air quality standard concentration for lead, measured since January 1, 1974.

In 1988 the Philadelphia Department of Public Health, Air Management Services ("AMS") began monitoring lead concentrations in air at a site located at Castor and Delaware Avenues in northeast Philadelphia. The site, designated as ITO (Site #0449), is in the vicinity of two sources which are not included in the lead SIP approved by EPA in 1984 (see 49 FR 30697). In seven (7) of the 12 calendar quarters of the years 1988, 1989, and 1990, the ITO site measured lead air concentrations in excess of the national ambient air quality standard concentration for lead. The maximum quarterly average lead concentration, monitored in the fourth quarter of 1990, was 2.95 $\mu\text{g}/\text{m}^3$.

On July 6, 1992, EPA notified the Governor of Pennsylvania of its finding that, pursuant to section 110 (a)(2)(H)(ii) of the Act, the Philadelphia portion of the Pennsylvania SIP was substantially inadequate to attain and maintain the NAAQS for lead. Section 110(k)(5) of the Act requires the Commonwealth to revise the SIP whenever a finding of inadequacy is made. The adopted and implemented SIP revision must be submitted to EPA within 18 months following notification of the State Governor. Therefore, the SIP revision was due January 6, 1994. Under section 110(n)(2)(B) of the Act, attainment of the NAAQS must be demonstrated within 5 years of the date of issuance of a finding of SIP inadequacy. In the SIP call letter issued on July 6, 1992, EPA required that the NAAQS for lead be attained in Philadelphia by July, 1995; therefore, within 3 years.

On September 30, 1994, AMS, through the Pennsylvania Department of Environmental Resources, submitted a lead SIP revision request to EPA. The SIP revision contained attainment demonstrations and compliance provisions for three sources: Franklin