

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 13

Participation of State and Local Officials in the Development of Federal Policies; Removal of Regulations

AGENCY: Department of Labor.

ACTION: Removal of regulations.

SUMMARY: The purpose of this document is to remove the Department's regulations at 29 CFR Part 13 on the participation of State and local officials in the development of the Department's regulations. The regulations have been superseded by the Department's procedures under Executive Order 12044, the Executive Order issued by the President to improve Government regulations.

EFFECTIVE DATE: August 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James Marion, Office of the Solicitor, U.S. Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: 202-523-7721.

SUPPLEMENTARY INFORMATION: On March 23, 1978 President Carter issued Executive Order 12044, *Improving Government Regulations*. The Executive Order was published in the *Federal Register* on March 24, 1978 at 43 FR 12661. Section 2(c) of the Executive Order set forth improved procedures for public participation, including the participation of State and local officials, in Governmental rulemaking. In light of this the "Summary and Analysis of Public Comments," which accompanied the Executive Order, stated at 43 FR 12667:

OMB Circular A-85, With the order's emphasis on new and expanded opportunities for public comment, several respondents felt that OMB Circular A-85 would no longer be needed. This circular will be rescinded.

On Friday, January 26, 1979 at 44 FR 5570 the Department of Labor published its final guidelines implementing Executive Order 12044. The guidelines contained a section setting forth procedures for involving the public, including State and local officials, in the development of the Department's regulations.

In the meantime, on October 20, 1978, Mr. James T. McIntyre, Director, Office of Management and Budget, notified the heads of executive departments and agencies that OMB Circular A-85 was to be rescinded as of October 31, 1978. In his memorandum Mr. McIntyre stated

that the circular was "superseded by the new procedures required by Executive Order 12044."

Since 1972, the Department of Labor has had regulations at 29 CFR Part 13 setting forth procedures for involving State and local officials in the development of the Department's regulations. These regulations were issued pursuant to OMB Circular A-85, and they virtually repeated verbatim the language of that circular. Since OMB Circular A-85 has now been rescinded, and since the procedures have now been superseded by Executive Order 12044 and the Department's guidelines under the Executive Order, the regulations at Part 13 are now obsolete. State and local officials, however, will continue to be appropriately involved in the development of the Department of Labor's regulations in accordance with Executive Order 12044 and the Department of Labor's procedures which implement Executive Order 12044.

This regulation is not a significant regulation within the meaning of Executive Order 12044.

Accordingly, Title 29, Subtitle A, of the Code of Federal Regulations is amended by removing Part 13.

PART 13—PARTICIPATION OF STATE AND LOCAL OFFICIALS IN THE DEVELOPMENT OF FEDERAL POLICIES [REMOVED]

Signed at Washington, D.C., this 20th day of August 1979.

Ray Marshall,
Secretary of Labor.

[FR Doc. 79-26411 Filed 8-23-79; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Surface Coal Mining and Reclamation Operations, Permanent Regulatory Program; Corrections

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

ACTION: Corrections.

SUMMARY: This document corrects the Preamble and Regulations to the Permanent Regulatory Program that begin on page 14901 of the *Federal Register* of Tuesday, March 13, 1979, Part II, Book 2 of 3 and Book 3 of 3.

EFFECTIVE DATE: August 24, 1979.

ADDRESS: Director, Office of Surface Mining Reclamation and Enforcement,

Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Toney Head, Jr., 202-343-4293.

SUPPLEMENTARY INFORMATION: This document corrects errors that appeared in the March 13, 1979, Permanent Regulatory Program. The following instructions will aid the user in locating referenced corrections:

Preamble:

page—indicates the page number that appears in the upper margin

Section—indicates the last referenced Section prior to the error

column—indicates the column number where the error is found

paragraph—indicates the number of full paragraphs down from the top of the column

line—indicates the number of lines down from the referenced paragraph or from the top of the column.

Permanent Regulations:

page—indicates the page number that appears in the upper margin

Section—indicates the Section and paragraph where the error occurs

lines—indicates the number of lines down from the referenced Section.

The corrections made in this *Federal Register* notice are of a number of different types: (1) typographical, printing, capitalization, punctuation or spelling errors; (2) inconsistencies in discussion within the text of the preamble or between statements in the preamble and the regulations themselves; (3) incorrect cross references to sections of the regulations made either within the text of the preamble or in the regulations themselves and (4) incorrect form of citation to technical literature. In some cases corrections may on first impression appear substantive but the basis for all of them can be found elsewhere in the preamble or regulations and the corrections are made for purposes of consistency.

Dated: August 20, 1979.

Walter N. Heine,

Director, Office of Surface Mining Reclamation and Enforcement.

The following corrections are made:

Preamble

Table of Contents

On page 14902, Section 730.11, column 3, title "laws regulations" is corrected to read "laws and regulations".

On page 14902, Section 730.12, column 3, title "Requirement" is corrected to read "Requirements".

On page 14903, Section 742.13, column 1, title, "leasee" is corrected to read "lessee".

On page 14903, Part 771, column 3, title "AND APPLICATIONS" is corrected to read "AND PERMIT APPLICATIONS".

On page 14904, Section 785.22, column 3, title, "Insitu" is corrected to read "In situ".

On page 14905, Part 788, column 1, title, "PERMIT, REVIEWS," is corrected to read "PERMIT REVIEWS".

On page 14905, Section 788.18, column 1, title "sale, or assignment" is corrected to read "assignment or sale".

On page 14905, Section 800.2, column 1, "Objective" is corrected to read "Objectives".

On page 14905, column 2, between lines 5 and 6, insert

PART 809—BONDING AND INSURANCE REQUIREMENTS FOR ANTHRACITE SURFACE COAL MINING AND RECLAMATION OPERATIONS

Sec.

809.1 Scope.

809.2 Objective.

809.3 Responsibility.

809.11 Applicability.

809.12 Requirements.

On page 14905, Section 816.62 column 3, title, "Preblasting" is corrected to read "Pre-blasting".

On page 14906, Section 817.62, column 2, title, "Preblasting" is corrected to read "Pre-blasting".

On page 14907, Subchapter S, column 2, title, "RESTITUTES" is corrected to read "INSTITUTES".

On page 14909, Subchapter K, column 3, paragraph 3, line 14, "(5)", is corrected to read "(b)".

On page 14910, Section 700.4, column 3, paragraph 2, lines 9 and 10, "of Interior" is corrected to read "of the Interior".

On page 14912, Section 700.5, column 1, paragraph 2, line 3, "defintion" is corrected to read "definition".

On page 14913, Section 700.5, column 1, paragraph h, line 2, "paragrahs" is corrected to read "paragraphs".

On page 14913, Section 700.5, column 1, paragraph 8, line 14, "act" is corrected to read "Act".

On page 14913, Section 700.5, column 1, paragraph 8, line 17, "district court" is corrected to read "District Court".

On page 14914, Section 700.5, column 2, paragraph 4, line 3, "incidental" is corrected to read "incidental".

On page 14917, Section 700.13, column 2, line 5, "then" is corrected to read "than".

PART 701—PERMANENT REGULATORY PROGRAM

On page 14918, Section 701.4, column 1, introductory paragraph, line 5, "is" is corrected to read "are".

On page 14919, Section 701.5, column 2, paragraph 3, line 2 and 3, "American Geological Institute Glossary of Geology, 1972" is corrected to read, "Gary, M. et al. 1974, Glossary of Geology, American Geological Institute".

On page 14919, Section 701.5, column 2, paragraph 3, line 6 and 7, "U.S. Bureau of Mines, Dictionary of Mining, Mineral and Related Terms, 1968" is corrected to read "Thrush, P.W., 1968. Dictionary of Mining, Mineral and Related Terms, U.S. Bureau of Mines".

On page 14919, Section 701.5, column 2, paragraph 3, line 10, "Soil Conservation Society of America, Resources Conservation Glossary, 1976" is corrected to read, "Hutchinson D.E., et al., 1976."

On page 14919, Section 701.5, column 2, paragraph 4, line 17, "EPA 670/2-74-093, 1974" is corrected to read "Grim, E.C., and Hill, R.D., 1974."

On page 14919, Section 701.5, column 2, paragraph 5, line 3 and 4, "EPA 490/1-76/057-a, 1976" is corrected to read "EPA, 1976a."

On page 14919, Section 701.5, column 3, line 1, "drainage" in" is corrected to read "drainage" as used in".

On page 14919, Section 701.5, column 3, paragraph 4, line 7, "and Parizek, 1968" is corrected to read "1968".

On page 14920, Section 701.5, column 1, line 4, "Smith et al., 1978" is corrected to read "Smith et al., 1976".

On page 14921, Section 701.5, column 3, lines 18 and 19, "and mine plan areas," is corrected to read "and 'mine plan areas'".

On page 14922, Section 701.5, column 1, paragraph 4, line 8 and 9, "U.S. Environmental Protection Agency" is corrected to read "Axetell, Kenneth, Jr.".

On page 14922, Section 701.5, column 2, line 2, "ERT Doc. No. P-3549" is corrected to read "U.S. Department of Energy, ERT Doc. No. P-3549".

On page 14922, Section 701.5, column 2, line 13, "FWS/OBS-78/05 (1978)," is corrected to read "Moore, R., and Mills, T. (1977) FWS/OBS-78/05."

On page 14922, Section 701.5, column 2, line 17, "FWS/OBS-78/30 (1978)" is corrected to read "Masons, W.T., Jr. (1978) FWS/OBS-78/30".

On page 14923, Section 701.5, column 3, paragraph 3, line 12, "might" is corrected to read "might", and paragraph 4, line 15, "OMHSA" is corrected to read "latter".

On page 14924, Section 701.5, column 1, line 2, "overlying" is corrected to read "overlying".

On page 14926, Section 701.5, column 2, paragraph 2, line 6, "justifications" is corrected to read "justification".

On page 14926, Section 701.5, column 3, paragraph 2, line 15, "state" is corrected to read "State".

On page 14927, Section 701.5, column 3, line 8, "diamond, core" is corrected to read "diamond core"; and paragraph 1, line 4, "area 30" is corrected to read "area. 30".

On page 14928, Section 701.5, column 2, paragraph 1, line 14, "significantly" is corrected to read "significantly".

On page 14929, Section 701.5, column 3, lines 6 and 7, "maximum, guidance" is corrected to read "maximum guidance".

On page 14929, Section 701.5, column 3, paragraph 2, line 4, "systems" is corrected to read "system"; and paragraph 3, line 22, "Occurance" is corrected to read "Occurrence".

On page 14930, Section 701.5, column 2, paragraph 4, line 24, "floor" is corrected to read "floors".

On page 14930, Section 701.5, column 3, paragraph 3, line 15, "conjunction" is corrected to read "conjunction".

On page 14930, Section 701.5, column 3, paragraph 4, line 5, "American" is corrected to read "America".

On page 14931, Section 701.5, column 1, paragraph 1, lines 10 and 11, "American Society of Range Management, 1974" is corrected to read "Kothmann, M.M. (1974), Society for Range Management (36 pp.)".

On page 14931, Section 701.5, column 1, paragraph 5, line 4, "Skelly and Loy, 1977, p. II-3" is corrected to read "Robins, J.D., et al., 1977".

On page 14931, Section 701.5, column 1, paragraph 6, line 4, "Greene and Rainy, 1975, pp. 1-8" is corrected to read "Greene, B.C., and Raney, W.B., 1974, pp. 5-17".

On page 14931, Section 701.5, column 2, paragraph 1, line 5, "Grim, E.C. and Hill, R.D., at 217, 1976" is corrected to read "Grim, E.C., and Hill, R.D., at 217, 1974".

On page 14931, Section 701.5, column 2, paragraph 2, line 3, after "entirety", is corrected to read "as it is used in Section 701(20) of the Act".

On page 14931, Section 701.5, column 3, paragraph 1 is corrected by deleting "Prime farmland used as cropland for fifty percent or more of the historical-use period will be considered as prime farmland historically used as cropland. Fifty percent or more was chosen because this represents the predominant land use in the historical period".

On page 14931, section 701.5, column 3, paragraph 2, line 18 is corrected by inserting "Fifty percent or more was chosen because this represents the predominant land use in the historical period" after "cropland use".

On page 14931, Section 701.5, column 3, paragraph 3, line 5, "second

alternative was rejected." is corrected to read "second and fourth alternatives were rejected".

On page 14931, Section 701.5, column 3, paragraph 5, lines 1-8, are corrected by deleting "Many variations of the historical use period have been suggested. A commenter claimed that local farming conditions vary considerably from region to region and are heavily dependent upon the local economy, market conditions, and government regulations."

On page 14933, Section 701.5, column 2, paragraph 1, line 15, "60, (1973)" is corrected to read "60 (1973)".

On page 14935, Section 701.5, column 1, line 1 is corrected by deleting "P Draft III- 101".

On page 14935, Section 701.5, column 2, paragraph 3, line 4, "Grim, E.C. and Hill, R.D., at 219" is corrected to read "U.S. Environmental Protection Agency".

On page 14935, Section 701.5, column 2, paragraph 6, line 13, "1971, at p. 362" is corrected to read "1971".

On page 14936, Section 701.5, column 1, paragraph 4, lines 23 and 24, "1960, pp. 39-67" is corrected to read "1973, pp. 39-67".

On page 14937, Section 701.5, column 3, paragraph 2, line 10, "Hirschfeld, R.C." is corrected to read "Hirschfeld, R.C.",

On page 14937, Section 701.5, column 2, paragraph 6, last line, "817.170" is corrected to read "817.150".

On page 14937, Section 701.5, column 3, paragraph 2, lines 14-16, "Coates, D.F. and Yu, Y. S., editors. 1977. Pit Slope Manual, Chapter 9—Waste Embankments; Canada Centre for Mineral and Energy Technology" is corrected to read "Canada Department of Energy, Mines and Resources, 1977, Waste embankments, Chapter 9 in the Pit Slope Manual, Mining Research Laboratories,".

On page 14939, Section 701.5, column 2, paragraph 3, line 13, "See Glossary of Geology," is corrected to read "See Gary, M., et al., 1974, Glossary of Geology, American Geological Institute, p. 233".

PART 731—SUBMISSION OF STATE PROGRAMS

On page 14951, Section 731.12, column 2, paragraph 3, line 6, "lettered" is corrected to read "relettered".

On page 14953, Section 731.13, column 1, paragraph 1, lines 11 and 12, "The Office believes that paragraphs" is corrected to read "The Office believes that the State program Subchapters".

On page 14954, Section 731.14, column 1, paragraph 2, line 21, "It could prove" is corrected to read "it could not prove".

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

On page 14959, Section 732.4, column 2, paragraph 3, line 4, "Sections" is corrected to read "Subsections".

On page 14963, Section 732.15, column 2, paragraph 2, line 5, "criterion" is corrected to read "criterion".

PART 733—MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

On page 14969, Section 733.4, column 2, paragraph 6, line 12, "521" is corrected to read "526".

PART 736—FEDERAL PROGRAM FOR A STATE

On page 14970, Part 736, column 1, paragraph 3, line 12, is corrected by inserting "736.22(b)," after "736.22(a),".

On page 14970, Section 736, column 1, paragraph 3, line 13, "736.25(b)" is corrected to read "736.24(b)" and "736.25(b)(1)" is corrected to read "736.24(b)(1)".

PART 741—PERMITS

On page 14977, column 1, title, "741.13" is corrected to read "741.12".

On page 14978, Section 741.13, column 1, line 27, "the Director will issue" is corrected to read "The Director of OSM will issue a permit".

On page 14979, Section 741.19, column 1, paragraph 5, lines 4-5, "'Confidential Information'" is corrected to read "'Company Proprietary Information'"

On page 14979, Section 741.19, column 2, paragraph 1, lines 11, 12 and 24, "'Confidential'" is corrected to read "'Proprietary'".

On page 14980, Section 741.24, column 2, paragraph 6, line 15, "reasonable" is corrected to read "responsible".

SUBCHAPTER F—AREAS UNSUITABLE FOR MINING

On page 14989, Subchapter F, column 2, paragraph 2, line 15, "BLM" is corrected to read "Federal".

On page 14989, Subchapter F, column 3, paragraph 2, line 8, "and the" is corrected to read "and if the", and lines 20 and 21, "would: Be" is corrected to read "would, be".

On page 14989, Subchapter F, column 3, paragraph 6, line 1, "procedures for determining" is corrected to read "procedures for the initial and

permanent regulatory programs for determining".

On page 14989, Subchapter F, column 3, paragraph 6, line 1, "Act" is corrected to read "Act; (see 30 CFR 710.14(b))".

PART 761—AREAS DESIGNATED BY ACT OF CONGRESS

On page 14991, Part 761, column 2, paragraph 2, line 12, "occasional use" is corrected to read "occasional public use".

On page 14991, Part 761, column 2, paragraph 2, line 15, "from" is corrected to read "of".

On page 14992, Part 761, column 1, paragraph 3, line 1, "determining" is corrected to read "determining".

On page 14992, Part 761, column 2, line 9, "at—" is corrected to read "at 119, 138".

On page 14992, Part 761, column 3, paragraph 2, line 5, "these" is corrected to read "the commenters".

On page 14993, Part 761, column 1, paragraph 2, line 16, "minerals" is corrected to read "minerals".

On page 14993, Part 761, column 1, paragraph 2, line 27, "claim acquire" is corrected to read "claim, acquire".

On page 14993, Part 761, column 2, paragraph 3, line 10, "indicated" is corrected to read "indicates".

On page 14994, Part 761, column 1, paragraph 4, line 21, "VER there" is corrected to read "VER, there".

On page 14994, Part 761, column 2, paragraph 2, line 5, "in" is corrected to read "on".

On page 14995, Part 761, column 1, paragraph 2, line 8, "authority" is corrected to read "State agency".

PART 762—CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

On page 14996, Part 762, column 1, paragraph 1, line 29, "other agencies" is corrected to read "other Federal agencies".

On page 14996, Part 762, column 3, paragraph 1, line 18, "broad" is corrected to read "broad".

On page 14996, Part 762, column 3, paragraph 2, lines 15-19 delete the following sentence "OSM has decided that for the purpose of Subchapter F, a place is 'eligible' at the time the notice of its eligibility is published in the Federal Register".

On page 14997, Part 762, column 2, paragraph 1, last line, "commitments" is corrected to read "commitments".

On part 14997, Part 762, column 2, paragraph 5, lines 10 and 11, "enforceable, sales" is corrected to read "enforceable coal sales".

On page 14998, Part 762, column 1, paragraph 1, line 2, "as substantial" is corrected to read "as an example of a substantial commitment".

On page 14999, Part 762, column 3, lines 34 and 35, "all surface" is corrected to read "all other surface".

PART 764—STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

On page 15001, Part 764, column 2, paragraph 1, line 29, "restricted" is corrected to read "restrictive".

On page 15003, Part 764, column 1, line 3, "intevenors" is corrected to read "intervenor".

On page 15003, Part 764, column 1, paragraph 1, line 14 "travelling" is corrected to read "traveling".

On page 15003, Part 764, column 1, paragraph 2, line 14, "hearing" is corrected to read "hearings".

On page 15003, Part 764, column 3, line 12, "believe" is corrected to read "believed".

On page 15004, Part 764, column 2, paragraph 2, lines 4 and 5, "demonstrate it" is corrected to read "demonstrate that it".

On page 15004, Part 764, column 3, paragraph 2, line 20, "is" is corrected to read "are".

PART 764—STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

On page 15005, Part 764, column 2, paragraph 2, line 22, "hazards" is corrected to read "hazard".

On page 15005, Part 764, column 2, paragraph 3, line 16, "states" is corrected to read "State".

On page 15005, Part 764, column 3, paragraph 5, line 11, "states" is corrected to read "State".

On page 15005, Part 764, column 3, paragraph 5, line 16, "state" is corrected to read "State".

On page 15006, Part 764, column 1, line 8, "states" is corrected to read "State".

On page 15006, Part 764, column 2, paragraph 1, line 12, "date" is corrected to read "data".

On page 15006, Part 764, column 3, paragraph 3, line 4, "Section" is corrected to read "Sections".

PART 769—PETITION PROCESS FOR DESIGNATION OF FEDERAL LANDS AS UNSUITABLE FOR ALL OR CERTAIN TYPES OF SURFACE COAL MINING OPERATIONS AND FOR TERMINATION OF PREVIOUS DESIGNATIONS

On page 15008, Part 769, column 1, paragraph 1, line 2, "record keeping" is corrected to read "recordkeeping".

On page 15008, Part 769, column 1, paragraph 1, line 14, "Federal program" is corrected to read "Federal lands program".

On page 15008, Part 769, column 2, paragraph 1, lines 16 and 17, "recommended" is corrected to read "recommend".

PART 770—GENERAL REQUIREMENTS FOR PERMITS AND COAL EXPLORATION SYSTEMS UNDER REGULATORY PROGRAMS

On page 15009, Part 770, column 3, paragraph 5, line 1, "(a)" is corrected to read "[A]".

On page 15009, Part 770, column 3, paragraph 6, line 1, "(b)" is corrected to read "[B]".

On page 15011, Part 770, column 2, paragraph 5, line 5, "84-48" is corrected to read "74-48".

On page 15011, Part 770, column 2, paragraph 6, line 5, "Geology" is corrected to read "Ecology"; and paragraph 7, line 5, "Geology" is corrected to read "Ecology".

On page 15011, Part 770, column 2, paragraph 7, line 6, "93" is corrected to read "97".

On page 15011, Part 770, column 3, paragraph 3, line 2, "few" is corrected to read "a few".

PART 776—GENERAL REQUIREMENTS FOR COAL EXPLORATION

On page 15019, Section 776.11, column 1, paragraph 2, line 1, "776.11(c)" is corrected to read "776.11(d)"; column 2, between paragraphs 2 and 3, add heading "776.12 General requirements: Exploration of more than 250 tons".

PART 778—SURFACE MINING PERMIT APPLICATIONS: MINIMUM REQUIREMENTS FOR LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

On page 15023, Section 778.14, column 1, line 40, "have been" is corrected to read "have not been"; column 2, paragraph 2, line 8, "917 (1973)" is corrected to read "917".

On page 15024, Section 778.14, column 1, paragraph 1, line 21, "American Power

Light Co." is corrected to read "Electric Bond and Share Co.".

On page 15024, Section 778.14, column 3, paragraph 2, line 1, "Commenters" is corrected to read "2. Pursuit of Appeals. Commenters".

On page 15025, Section 778.14, column 2, title, paragraph 2, "Section 778.14(c)" is corrected to read "3. Other comments".

On page 15025, Section 778.14, column 1, paragraph 5, lines 6 and 7, "this specific subsection" is corrected to read "778.14(c)".

On page 15029, Section 779.13, column 3, paragraph 1, is corrected by deleting "Arnett, R.C., Deju, R.A., Nelson, R.W., Cole, C.R., and Gephart, R.E. 1976. Conceptual and mathematical modeling of the Hanford ground water flow regime. (Prepared by Atlantic Richfield Handford Co., Richland, Wash., for U.S. Energy, Research and Development Administration.) Report ARH-ST-140, 103 pp."

On page 15029, Section 779.13, column 3, paragraph 2, line 5, "3.5." is corrected to read "3-5".

On page 15029, Section 779.13, column 3, paragraph 11, line 2, "mathematic" is corrected to read "mathematical".

On page 15029, Section 779.13, column 3, paragraph 13, line 7, "PB-257" is corrected to read "PB-257142".

On page 15031, Section 779.13, column 1, paragraph 1, line 18, "fined Section" is corrected to read "fined in Section".

On page 15031, Section 779.14, column 2, paragraph 4, line 3, "Groundwater" is corrected to read "Ground water".

On page 15031, Section 779.14, column 2, paragraph 6, line 1, "P.B." is corrected to read "P.D."

On page 15032, Section 779.14, column 2, paragraph 2, lines 11 and 12, "requirement to" is corrected to read "requirement for the listing to".

On page 15033, Section 779.15, column 1, line 11, "510(b)(2)" is corrected to read "510(b)(3)".

On page 15033, Section 779.15, column 2, paragraph 6, line 4, "1973" is corrected to read "1473".

On page 15033, Section 779.15, column 2, paragraph 10, line 5, "Econology" is corrected to read "Ecology".

On page 15033, Section 779.15, column 1, paragraph 1, line 11, "510(b)(2)" is corrected to read "510(b)(3)".

On page 15035, Section 779.16, column 1, paragraph 6, line 8, "and mine" is corrected to read "and acid mine".

On page 15036, Section 779.19, column 2, paragraph 4, line 4, "area;" is corrected to read "area and the reference area;".

On page 15036, Section 779.19, column 2, paragraph 9, line 2, "prunes" is corrected to read "prunus".

On page 15036, Section 779.19, column 2, paragraph 10, lines 2-4, "barrow intensive site, 1970, in Biome Symposium, U.S. Tundra Biome" is corrected to read "Barrow intensive site, 1970, in Bown, S., editor, U.S. tundra biome symposium".

On page 15036, Section 779.19, column 3, paragraph 1, lines 1-3, "Benton, A.H. and Werner, W.E., 1965, Manual of field biology and ecology, 4th Edition" is corrected to read "Benton, A.H., and Werner, W.E., Jr., 1972, Manual of field biology and ecology, 5th Edition".

On page 15036, Section 779.19, column 3, paragraph 2, line 3, Rev. 43 "481-530" is corrected to read Rev. 43 "481-529."

On page 15036, Section 779.19, column 3, paragraph 3, line 1, "forest" is corrected to read "forests".

On page 15036, Section 779.19, column 3, paragraph 5, line 2, "Wetland" is corrected to read "Wetlands".

On page 15036, Section 779.19, column 3, paragraph 11, line 4, "Journal 24" is corrected to read "Journal Vol. 24".

On page 15036, Section 779.19, column 3, paragraph 13, line 6, "Bulletin 55" is corrected to read "Bulletin 85".

On page 15036, Section 779.19, column 3, paragraph 15, line 1, "1967" is corrected to read "1967".

On page 15036, Section 779.19, column 3, paragraph 18, line 4, "Bethesda" is corrected to read "Bethesda, Md".

On page 15036, Section 779.19, column 3, paragraph 19, line 1, "1978" is corrected to read "1977".

On page 15036, Section 779.19, column 3, paragraph 20, line 3, "Research 4:289-306" is corrected to read "Research, Vol. 4, no. 4, pp. 291-305".

On page 15037, Section 779.19, column 1, lines 1 and 2, "trend in Wisconsin, Ecol. Monogr. 43:(1), pp. 77-94" is corrected to read "trends in Wisconsin, Ecol."

On page 15037, Section 779.19, column 1, paragraph 2, line 5, "p. 375" is corrected to read "p. 116".

On page 15040, Section 779.22, column 3, paragraph 1, line 4, "510(b)(2) and (10)" is corrected to read "510(b) and 515(b)(2) and (10)".

On page 15040, Section 779.22, column 3, paragraph 2, line 1, "Criteria in" is corrected to read "criteria for".

On page 15040, Section 779.22, column 3, paragraph 7, line 5, "Wallace McHarg Roberts" is corrected to read "Wallace, McHarg, Roberts."

On page 15040, Section 779.22, column 3, paragraph 10, "Section 779.22" is corrected to read "Section 779.22(a)".

On page 15041, Section 779.22, column 3, paragraph 2, last line, "779.22(b)(5)" is corrected to read "779.22(b)(4)".

On page 15045, Section 779.27, column 3, paragraph 1, line 12, "stringent" is corrected to read "stringent".

On page 15046, Section 779.27, column 2, lines 13 and 14, "regulatory authority program" is corrected to read "regulatory program".

On page 15046, Section 779.27, column 2, paragraph 1, line 6, "41 718" is corrected to read "41718".

On page 15046, Section 779.27, column 2, paragraph 3, line 11, "rejected" is corrected to read "deleted".

On page 15046, Section 779.27, column 3, paragraph 2, lines 4 and 5, "condition [too] can also be [matter] of substantial" is corrected to read "condition can also be a matter of substantial".

On page 15047, Section 779.27, column 1, line 6, "extend" is corrected to read "extent".

On page 15047, Section 779.27, column 1, line 20, "is used in marketable use" is corrected to read "is in marketable use".

PART 780—SURFACE MINING PERMIT APPLICATION—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

On page 15047, Part 780, title, line 2, "APPLICATION" is corrected to read "APPLICATIONS".

On page 15050, Section 780.15, column 1, paragraph 2, line 10, "; (c)" is corrected to read "; or (c)".

On page 15053, Section 780.16, column 1, paragraph 3, line 8, "Monitoring" is corrected to read, "Monitoring" (Morre, R., and Mills, T. 1977)".

On page 15056, Section 780.18, column 1, paragraph 3, line 9, "soil" is corrected to read "spoil".

On page 15058, Section 780.25, column 3, paragraph 4, line 16, "(USSCS, 1967a, p. 5-2)" is corrected to read "(USSCS, 1976(a), p. 5-2)".

On page 15059, Section 780.25, column 2, paragraph 3, lines 6 and 7, "(Ifft, T.R., 1979s, p.1, and pp. 266 and 312 of attachment;" is corrected to read "Ifft, T.H., 1979s".

On page 15059, Section 780.25, column 3, paragraph 1, line 5, "(b)" is corrected to read "(d)"; and paragraph 2, line 11, "(iii)" is corrected to read "(iv)".

On page 15060, Section 780.27, column 3, paragraph 1, line 18, "were" is corrected to read "was".

PART 782—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

On page 15063, Part 782, column 3, lines 8 and 9, "and" is corrected to read "Azd".

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

On page 15064, Part 783, title, line 2, "APPLICATION" is corrected to read "APPLICATIONS".

On page 15067, Section 783.14, column 1, paragraph 1, line 18, "Horslev, 1949," is corrected to read "Hvorsleve", M.J., 1949".

On page 15067, Section 783.17, column 2, paragraph 2, line 15, "Inst." is corrected to read "1st".

On page 15067, Section 783.17, column 2, paragraph 3, last line, "(d)" is corrected to read "(b) and (d)".

On page 15068, Section 783.21, column 2, paragraph 3, line 16, "operation" is corrected to read "operations".

On page 15070, Section 783.25, column 1, paragraph 1, line 7, "subSections" is corrected to read "subsections".

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

On page 15071, Section 784.13, column 2, paragraph 1, line 16, "subSection" is corrected to read "subsection".

On page 15072, Section 784.13, column 1, paragraph 3, lines 3 and 7, "cross-Sections" is corrected to read "cross sections".

On page 15072, Section 784.14, column 3, paragraph 3, line 2, "median" is corrected to read "medium".

On page 15074, Section 784.18, column 2, paragraph 2, line 4, "780.13" is corrected to read "780.33".

On page 15075, Section 784.20, column 2, paragraph 3, line 19, "GAI Consultants, 1977" is corrected to read "U.S. Bureau of Mines, 1977".

On page 15075, Section 784.20, column 2, paragraph 3, line 21, "subsidence ground" is corrected to read "subsidence and ground".

On page 15075, column 2, paragraph 3, lines 28 and 29, "1975, Vol. 1, p. 22, Vol. 2, p. 2, 1973". is corrected to read "Handbook, p. 102, 1975; Brauner, G., Vol. 1, p. 22, Vol. 1, p. 22, Vol. 2, p. 2, sections a-b 1973)".

On page 15075, Section 784.20, column 2, paragraph 3, lines 29 and 30, "Vol. 2, p. 2, 1973," is corrected to read "National Coal Board, Principles of Subsidence Engineering, 1963, p. 2."

On page 15075, Section 784.20, column 3, paragraph 3, line 8, "Brauner, 1970, p. 33)" is corrected to read "Brauner, G., 1973, p. 33, 1. Subsidence due to Underground Mining, 2. Ground Movements and Mining Damage)".

On page 15075, Section 784.20, column 3, paragraph 3, line 12, "USBM #10" is corrected to read "USBM".

On page 15076, Section 784.20, column 1, paragraph 1, line 9, "Doyle 1976, p. 312" is corrected to read "Doyle, W. S., 1976, Deep Coal Mining—Waste Disposal Technology, p. 392."

On page 15076, Section 784.20, column 2, paragraph 2, line 2, "by a USBM" is corrected to read "by USBM".

On page 15077, Section 784.23, column 2, paragraph 1, lines 10 and 14, "cross Sections" is corrected to read "cross sections".

On page 15079, Section 784.25, column 1, line 2, "Condub," is corrected to read, "Candeub,".

On page 15079, Section 784.25, column 1, lines 6 and 7, "Michael Baker, 1973" is corrected to read "Appalachian Regional Commission, 1973".

On page 15079, Section 784.26, column 3, line 4, "Aerovironment, Inc." is corrected to read "USGS, 1977a,".

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

On page 15082, Section 785.14, column 2, paragraph 1, line 8, "amendment of permit terms." is corrected to read "review of permits."

On page 15085, Section 785.17, column 2, paragraph 1, lines 22 and 23, "Bunrud" is corrected to read "Dunrud".

On page 15086, Section 785.17, column 2, line 10, "p. 150." is corrected to read "p. 150)".

On page 15086, Section 785.17, column 2, paragraph 1, line 2, "Paragraphs" is corrected to read "Paragraph".

On page 15086, Section 785.17, column 1, paragraph 2, lines 11 and 12, "McCormack, 1967, p. 28, Table 3" is corrected to read "McCormack, D. E., 1976, Soil Reconstruction: Selecting Materials for Placement in Mine Reclamation, Mining Congress Journal, Vol. 62, No. 9, p. 28, Table 3".

On page 15086, Section 785.17, column 2, line 10, "subSection" is corrected to read "subsection".

On page 15086, Section 785.17, column 3, paragraph 4, line 5, "agriculture" is corrected to read "agricultural."

On page 15088, Section 785.19, column 2, paragraph 3, line 5, "as an alluvial" is corrected to read "as alluvial".

On page 15091, Section 785.19, column 1, paragraph 1, lines 2-12, "SubSections" is corrected to read "Subsections"; column 3, paragraph 1, line 10, "to the Subparagraph" is corrected to read "to subparagraph".

On page 15093, Section 785.19 column 2, paragraph 3, lines 11-13, "Journal of the Irrigation and Drainage Division of

ASCE (1977)" is corrected to read "Maas E.V. and Hoffman G.J. 1977 Crop Salt Tolerance—Current Assessment. ASCE Journal of the Irrigation and Drainage Division".

On page 15093, Section 785.19, column 3, last line, "SubSection" is corrected to read "Subsection".

On page 15094, Section 785.19, column 1, paragraph 3, line 12, "Mr. Meeds. That is correct. 123 Cong. Rec." is corrected to read "Mr. Meeds. That is correct.", and line 13, "H. 3814 (Apr. 29, 1973)." is corrected to read "123 Cong. Rec. H. 3814 (April 29, 1973)".

PART 786—REVIEW, PUBLIC PARTICIPATION AND APPROVAL OR DISAPPROVAL OF PERMIT APPLICATIONS AND PERMIT TERMS AND CONDITIONS

On page 15101, Section 786.19, column 3, paragraph 1, line 10, "816.133817.133" is corrected to read "186.133 and 817.133".

On page 15104, Section 786.29, column 2, paragraph 2, lines 24 and 30, "when alternative methods of" is corrected to read "by the applicant with alternative methods approved by the regulatory authority for".

PART 805—AMOUNT AND DURATION OF PERFORMANCE BOND

On page 15112, Section 805.11, column 1, paragraph 1, lines 5-7,

"appearments or the need to bring additional personnel or equipment to the permit area," is corrected to read "appear in Section 509(a) of the Act. The comments were not accepted because this specific data is incorporated in the applicant's reclamation plan and detailed estimate. Adding the factors would not clarify or give additional data to the regulatory authority."

PART 806—FORM, CONDITIONS AND TERMS OF BONDS AND LIABILITY INSURANCE

On page 15114, Section 806.11, column 2, paragraph 1, line 39, "or" is corrected to read "on".

On page 15115, Section 806.11, column 2, paragraph 1, line 8, "806.119(b)(2)" is corrected to read "806.11(b)(2)".

On page 15117, Section 806.11, column 1, paragraph 3, line 4, "806.11(b)(c)(i)(D)" is corrected to read "806.11(b)(6)(i)(D)", and line 5, "execution" is corrected to read "and execution".

PART 815—PERMANENT PROGRAM PERFORMANCE STANDARDS COAL EXPLORATION

On page 15127, Section 815.11, paragraph 2, lines 30-33, "tory authority.

By comparison, in most instances, aerial exploration alone will not cause the kind of disturbance requiring notification." is corrected to read "tory authority."

On page 15130, Section 815.15, column 1, paragraph 2, lines 21 and 22, "in the previous paragraph" is corrected to read "previously", and column 3, lines 30-32, "is one use of the data OSM had suggested as a basis for the proposed requirement" has been corrected to read "purpose the commenter erroneously attributed to OSM".

On page 15132, Section 815.15, column 1, paragraph 2, line 18, "qualified that" is corrected to read "qualified as being that".

On page 15133, Section 815.15, column 1, lines 21 and 22, "coal, removing the stream" is corrected to read "coal stream", and column 3, paragraph 1, line 19, "road" is corrected to read "roads".

On page 15134, Section 815.15, column 3, paragraph 3, line 14, "than" is corrected to read "that".

On page 15135, Section 815.15, column 2, paragraph 1, line 8, "these" is corrected to read "These".

On page 15136, Section 815.15, column 2, paragraph 2, line 13, "816.42 (k)" is corrected to read "815.12(k)", and column 3, paragraph 2, lines 14, and 15 "the organization since the proposed" is corrected to read "the proposed".

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

On page 15137, Section 816.11, column 2, paragraph 5, line 2, "Rules and Regulations promulgated under the Open Mining Reclamation Act of 1973" is corrected to read "1976. Rules and regulations of the Land Reclamation Board".

On page 15137, Section 816.11, column 2, paragraph 6, line 1, "Maryland Department of Natural Resources, Geological Survey—Bureau of Mines, Bituminous Coal Strip Mine and Auger Mine Regulations of 1973, 08.06.01(.03)." is corrected to read "Maryland Geological Survey, Bureau of Mines, 1973. Monuments (08.06.01.03) of Regulations governing reclamation of Bituminous coal strip mines (08.06.01), in Bituminous coal strip mine and auger mine regulations. Maryland Department of Natural Resources Rules and Regulations pp. 23 and 24".

On page 15137, Section 816.11, column 2, paragraph 9, line 1, "Tennessee State Department of Conservation, Division of Surface Mining, Rules and Regulations, Chapter 0400-3.0-205, 1975" is corrected to read "Tennessee Department of Conservation 1975. Permit marker 0400-

3-2-.05 in chapter of Requirements for surface mining permits. Tennessee Department of Conservation Division of Surface Mining Rules and Regulations".

On page 15137, Section 816.11, column 2, paragraph 12, line 1, "Wyoming State Department of Environmental Quality, Land Quality Division, Land quality rules and regulations, 1975 (as amended)" is corrected to read "Wyoming Department of Environmental Quality, 1975. Land quality rules and regulations (as amended on September 1, 1978). Land Quality Division".

On page 15138, Section 816.21-816.25, column 3, paragraph 5, line 1, "Baker, James B. and Broadfoot, W.M. 1977. Site Evaluation For Light Important Southern Hardwoods, U.S.D.A., Forest Service General Technical Report 0-14" is corrected to read "Baker, J. B., and Broadfoot, W. M., 1977. A Practical Field Method of Site Evaluation for Eight Important Southern Hardwoods, U.S. Forest Service General Technical Report SO-14".

On page 15138, Section 816.21-816.25, column 3, paragraph 6, line 1, "Carman" is corrected to read "Carmaen".

On page 15138, Section 816.21-816.25, column 3, paragraph 7, line 1, "Colorado, Rules and Regulations of the Land Reclamation Board, 1976 pp. 1-25." is corrected to read "Colorado State Land Reclamation Board, 1976. Rules and Regulations of the Land Reclamation Board, 25 pp."

On page 15138, Section 816.21-816.25, column 3, paragraph 8, line 1, "Lull, W.H., 1959. U.S.D.A., Forest Service, Misc. Pub. No. 786" is corrected to read "Lull, H.W., 1959. Soil Compaction on Forest and Range Lands. U.S. Forest Service Miscellaneous Publication No. 768, 33 pp."

On page 15138, Section 816.21-816.25, column 3, paragraph 10, line 1, "McCormack, E. 1974, Research and Applied Technology Symposium, 2nd, Oct. 22-24, Louisville, Ky. pp. 150-162" is corrected to read "McCormack, D.E., 1974. Soil reconstruction: for the best soil after mining, in Second research and applied technology symposium on minedland reclamation, at Coal and the Environmental Technical Conference, October 22-24, 1974, Louisville, Ky., National Coal Association, Washington, D.C. pp. 150-162."

On page 15140, Section 816.22, column 2, paragraph 1, line 8, "regulations" is corrected to read "regulation".

On page 15140, Section 816.22, column 2, paragraph 2, line 17, "act" is corrected to read "Act".

On page 15140, Section 816.22, column 3, paragraph 2, line 9, "concures" is corrected to read "concurs".

On page 15141, Section 816.22, column 1, paragraph 2, line 2, "(e) (4)." is corrected to read "(e)(4) of the proposed regulations.", and line 12, "(e)(4)" is corrected to read "(e)(2) of these rules".

On page 15141, Section 816.23, column 2, paragraph 4, lines 10 and 11, "distributed" is corrected to read "disturbed".

On page 15142, Section 816.41-816.57, column 3, paragraph 2, line 4, "22-66" is corrected to read "22-26".

On page 15142, Section 816.41-816.57, column 3, paragraph 6, line 1, "Bhutani, J., et al. 1975, 'Impact of Hydrologic Modifications on Water Quality.' EPA-600/2-75-007 office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. 20460. 530 pp. (Sec. 816.42(a))" is corrected to read "Bhutani, J., et al. 1975. *Impact of hydrologic modifications on water quality.* (Prepared by Mitre Corp., McLean, Va.) U.S. Environmental Protection Agency Report EPA-600/2-75-007. (Available from U.S. Department of Commerce, NTIS PB-248 523. 530 pp.)

On page 15142, Section 816.41-816.57, column 3, paragraph 9, line 3, "Proceedings-Planning" is corrected to read "Proceeding, Planning".

On page 15143, 816.41-816.57, column 1, paragraph 2, line 2, "Transactions American Geophysical Union" is corrected to read "American Geophysical Union Transactions".

On page 15143, Section 816.41-816.57, column 1, paragraph 4, lines 3 and 4, "Engineers, Transactions, Paper" is corrected to read "Engineers Transactions Paper".

On page 15143, Section 816.41-816.57, column 2, paragraph 6, lines 4 and 5, "Davis, grant" is corrected to read "Davis, Grant".

On page 15144, Section 816.41-57, column 1, paragraph 11, line 1, "Ryder, P.B." is corrected to read "Ryder, P.D.".

On page 15144, Section 816.41-57, column 2, paragraph 1, line 1, "Barfield B.T." is corrected to read "Barfield, B.J.".

On page 15145, Section 816.41-57, column 2, paragraph 4, line 2, "Wastewater Engineering, Collection" is corrected to read, "Wastewater Engineering: Collection".

On page 15146, Section 816.41-816.57, column 2, paragraph 7, line 4, "Davis, G. Eds." is corrected to read "Davis, Grant, editors".

On page 15149, Section 816.42, column 3, paragraph 3, line 1, "816.42(a)(b)" is corrected to read "816.42(a)(6)".

On page 15150, Section 816.42, column 1, paragraph 2, line 19, "1978." is corrected to read "1978).", and line 41, "implied" is corrected to read "implied".

On page 15152, Section 816.42, column 1, last paragraph line 2, "Ch. 206," is corrected to read "Ch. 20-6".

On page 15152, Section 816.42, column 1, paragraph 1, line 22, "Wyoming²" is corrected to read "Wyoming.²" In addition, similar effluent limitation requirements for all phases of mining were directly imposed upon the industry under several State's laws as noted below, prior to and at the time of passage of the Act."

On page 15152, Section 816.42, column 1, footnote 2, the following sentence is deleted "In addition, similar effluent limitations requirements for all phases of mining were directly imposed upon the industry under several States laws as noted below prior to and at the time of passage of the Act".

On page 15153, Section 816.42, column 1, line 6, "lead" is corrected to read "led"; column 2, paragraph 1, line 15, "tice" is corrected to read "tive"; and column 3, paragraph 2, line 3, "production coal", is corrected to read "production, coal", line 4, "involved" is corrected to read "involve", and line 20, "over large areas down from" is corrected to read "downward from large".

On page 15154, Section 816.42, column 1, paragraph 3, line 14 "applies" is corrected to read "apply"; and column 2, paragraph 2, lines 18-23, "coal mines. These data indicate that many of these mines have been able to discharge pollutants (specifically total suspended solids). In lower concentrations than Eastern coal mines." is corrected to read "coal mines."

On page 15154, Section 816.42, column 3, paragraph 2, line 11, "McWhorther" is corrected to read "McWorter".

On page 15155, Section 816.42, column 3, paragraph 2, line 12, "limitation consitute" is corrected to read "limitations constitute", column 3, paragraph 4, line 12, "816.42(a)(7)" is corrected to read "816.42(a)(7)".

On page 15156, Section 816.42, column 1, line 4, "hydrozides" is corrected to read "hydroxides".

On page 15156, Section 816.43, column 2, paragraph 3, lines 1 and 2, "U.S. Department of Interior, 1960" is corrected to read "U.S. Bureau of Reclamation, 1973."

On page 15156, Section 816.43, column 3, paragraph 4, line 5, "stated the" is corrected to read "stated in the".

On page 15157, Section 816.44, column 2, paragraph 5, line 1, "established" is corrected to read "establishes"; and column 3, line 14, "discussing" is corrected to read "discussion".

On page 15158, Section 816.44, column 2, line 2, "(1974," is corrected to read "(1964,"

On page 15161, Section 816.46, column 1, paragraph 3, line 18, "5" is corrected to read "51".

On page 15165, Section 816.46(g), column 2, line 22, "SCS, Pond 278-313 (1977)" is corrected to read "U.S. Soil Conservation Service, Pond Section 378, 8 pp. (1977s)".

On page 15166, Section 816.46(j), column 1, paragraph 1, line 11, "SCS (No.) Pond 378-2 (1977)" is corrected to read "U.S. Soil Conservation Service, Pond Practice Standard 378".

On page 15166, Section 816.46(k), column 1, paragraph 3, lines 11 and 12, "SCS (No.) Pond 378-2 (1977)" is corrected to read "U.S. Soil Conservation Service, Pond Section 378-2, (1977s)".

On page 15166, Section 816.46(k), column 1, paragraph 4, line 19, "Reclamation at 202 (1960)" is corrected to read "Reclamation, (1973, p. 202)".

On page 15168, Section 816.47, column 1, line 14, "Hyne" is corrected to read "Hynes".

On page 15168, Section 816.48, column 2, paragraph 1, lines 10 and 11 "(Kinney, 1964; Warner, 1973; Turner, 1958; Striffler, 1973)" is corrected to read "(Kinney, 1964, p. 27; Striffler, 1973, pp. 175-190; Turner, 1958, pp. 192-193; Warner, 1973, pp. 227-236)".

On page 15169, Section 816.49, column 2, line 25, "PL 504" is corrected to read "PL 78-534".

On page 15169, Section 816.49, column 2, paragraph 1, line 19, "programs. SCS" is corrected to read "programs (Johnson, 1978). SCS".

On page 15169, Section 816.49, column 3, paragraph 1, line 12, "W. Va." is corrected to read "See also W. Va.".

On page 15169, Section 816.49, column 3, paragraph 2, line 9, "W. Va." is corrected to read "See also W. Va.".

On page 15169, Section 816.49, column 3, paragraph 3, line 12, "W. Va." is corrected to read "See also W. Va."; and line 13, "(date)". See also "Comptroller" is corrected to read "(date) and Comptroller".

On page 15179, Sections 816.61-816.68, column 2, paragraph 2, line 1, "Ash, R.L." is corrected to read "Pfleider, E.P.".

On page 15179, Sections 816.61-816.68, column 2, paragraph 2 line 1, "Ash, R.L." is corrected to read "Pfleider, E.P.".

On page 15179, Sections 816.61-816.68, column 2, paragraph 6, line 1, "5. Committee" is corrected to read "5. National Academy of Sciences, Committee".

On page 15179, Section 816.61-816.68, column 2, paragraph 7, lines 2 and 3, "Geotysikalni Shornik" is corrected to read "Geophysical Institute Report".

On page 15179, Section 816.61-816.68, column 2, paragraph 8, "Agency No. 1BB040" is corrected to read "Agency Publication EPA-67012-74093".

On page 15179, Section 816.61-816.68, column 3, paragraph 10, lines 1 and 3, "Bureau of Mines Special Study Submitted to OSM, 5 pp." is corrected to read "Memorandum from Geophysicist, U.S. Bureau of Mines".

On page 15179, Section 816.61-816.68, column 3, paragraph 12, lines 1 and 2, "University of Maryland, An Investigation into Delay Blasting 1975" is corrected to read "Winkler, S.R. 1978".

On page 15179, Section 816.61-816.68, column 3, paragraph 13, line 1, "W. J. Devine" is corrected to read "W. # J., and Devine, J. 1968".

On page 15179, Section 816.61-816.68, column 2, paragraph 12, lines 5 and 6, "strip mines and auger regulations" is corrected to read "strip mine and auger mine regulations".

On page 15179, Section 816.61-816.61, column 3, paragraph 14, "Grubb and Ryder, 1972" is corrected to read "Grubb, H.F., and Ryder, P.D., 1972, Effects of Coal Mining on the Water Resources of the Tradewater River Basin, Kentucky, U.S. Geological Survey Water Supply Paper 1940, 83 pp."

On page 15179, Section 816.61-816.68, column 3, paragraph 15, line 1, "USGS, 1974(a), vol. 1." is corrected to read "U.S. Geological Survey, 1974, Proposed Plan of Mining and Reclamation, Big Sky Mine, Peabody Coal Company, Coal Lease M-15965, Colstrip, Montana, U.S. Geological Survey Final Environmental Statement FEES 74-12, vol. 1, 438 pp."

On page 15180, Section 816.61-816.68, column 3, paragraph 2, line 4, "exist" is corrected to read "exists".

On page 15182, Section 816.61, column 1, paragraph 1, line 1, line 8, "personnel" is corrected to read "personal".

On page 15182, Section 816.61, column 1, paragraph 2, line 10, "is is" is corrected to read "it is".

On page 15183, Section 816.62, column 3, paragraph 2, line 7, "alternative 2" is corrected to read "alternatives 1 and 2", and paragraph 8, lines 1 and 2, "did not adopt" is corrected to read "adopted".

On page 15184, Section 816.62, column 1, paragraph 3, line 6, "where restrictions" is corrected to read "where blasting is proposed to be conducted within the distance restriction".

On page 15186, Section 816.64, column 2, paragraph 2, line 1, "limited" is corrected to read "limiting".

On page 15186, Section 816.65, column 2, paragraph 4, title, "Section 816.65(a)" is corrected to read "I. Section 816.65(a)".

On page 15187, Section 816.65, column 2, paragraph 2, title, "(III) Section 816.65(b)." is corrected to read "II. Section 816.65(b).".

On page 15187, Section 816.65, column 2, paragraph 4, line 1, "MSHA's is second" is corrected to read "MSHA's second".

On page 15188, Section 816.65, column 1, paragraph 1, line 2, "menter's objection, that the" is corrected to read "menter objected to the"; and lines 3 and 4, "establish, was rejected" is corrected to read "establish. This would imply that if no schedule existed, no emergency provision would be necessary. This comment was rejected".

On page 15188, Section 816.65, column 3, paragraph 3, lines 9 and 10, "variable," is corrected to read "variable interpretations".

On page 15193, Section 816.65, column 1, line 15, heading, "Sections" is corrected to read "Section".

On page 15193, Section 816.65, column 1, paragraph 1, line 33, "alternative" is corrected to read "alternatives".

On page 15193, Section 816.65, column 3, footnote 6, line 5, " $62.4 \times 0 = \pi(.5)^2$ " is corrected to read " $62.4 \times \pi(.5)^2$ ".

On page 15194, Section 816.65, column 1, paragraph 1, line 4, "the" is corrected to read "that"; and line 13, heading Section 816(g) (816.65(h) (in proposed rule)) is corrected to read "Section 816.65(g) (816.65(h) in proposed rule)".

On page 15195, Section 816.65, column 2, paragraph 4, line 5, "pp. 83," is corrected to read "pp. 83-".

On page 15197, Section 816.65, column 3, paragraph 3, line 11, "Moreover, the" is corrected to read "Moreover, to the".

On page 15197, Section 816.65, column 1, paragraph 4, line 10, "because the" is corrected to read "because".

On page 15197, Section 816.65, column 1, paragraph 1, lines 14-22 and footnote 9, "cent."

$$\begin{aligned} 60 &= 1,000/\sqrt{W} \\ \sqrt{W} &= 1,000/60 & 50 &= 1,000/\sqrt{W} \\ \sqrt{W} &= 16.667 & \sqrt{W} &= 1,000/50 \\ \sqrt{W} &= 278 \text{ lb/delay} & \sqrt{W} &= 20 \\ \sqrt{W} &= 400 \text{ lb/delay} \\ 278/400 &= 70\% \end{aligned}$$

If an operator is currently blasting at or near two-inches-per-second, he

⁹ Calculated by comparing the two scaled distance equations: SD = distance/Charge weight.

Example: Calculation comparing scaled distance of 50 to 60 using an absolute distance of 1,000 feet.

is corrected to read: "cent."

If an operator is currently blasting at or near two inches per second, he or she

⁹ Calculated by comparing the two scaled distance equations: SD = distance/charge weight.

Example: Calculation comparing scaled distance of 50 to 60 using an absolute distance of 1,000 feet.

60=1,000/W	50=1,000/W
W=1,000/60	W=1,000/50
W=278 lb/delay	W=20
278/400=70%	W=400 lb/delay"

On page 15198, Section 816.65, column 1, line 5, "17" is corrected to read "71".

On page 15200, Section 816.65, column 1, paragraph 3, line 12, "emloying" is corrected to read "employing".

On page 15201, Section 816.65, column 1, line 30, "limits" is corrected to read "limit".

On page 15202, Sections 816.71-816.74, column 3, paragraph 10, lines 1-6, "Presentation at Public Hearings October 26, 1978, and submitted as written comments on the letterhead of Casagrande Consultants, October 27, 1978, 3 pp. with 4 page attachment" is corrected to read "Statement presented at the hearing on proposed regulatory program for the Office of Surface Mining in Washington, D.C., on October 27, by Casagrande Consultants for the Consolidation Coal Co. 3 pp. and attachment."

On page 15203, Sections 816.71-816.74, column 1, paragraph 7, lines 2-5, "Development of classification Index for Clay Shales TRS-71-G, pp. 95. Report 1 Waterways Experiment Station, U.S. Army Corps of Engineers" is corrected to read "engineering Properties of Clay Shales; Report 1, Development of Classification Indexes for Clay Shales. (Conducted by U.S. Army Engineer Waterways Experiment Station, Technical Report S-71-6, 89 pp)".

On page 15203, Sections 816.71-816.74, column 1, paragraph 13, "Robins, J.D., Hutchins, J.C. and Permeuter, D.A. 1977. Environmental assessment of surface mining methods: Head-of-hollow file and mountaintop removal (interim report). Prepared by Skelly and Loy, Harrisburg, Pa.) U.S. Environmental Protection Agency Contract No. 68-03-2356 report." is inserted.

On page 15203, Sections 816.71-816.74, column 2, line 7, "353" is corrected to read "343".

On page 15203, Section 816.71, column 3, paragraph 1, line 10, "H-7582" is corrected to read "H-7584".

On page 15204, Section 816.71-816.74, column 1, lines 3 and 4, "Cedegren" is corrected to read "Cedergren".

On page 15204, Section 816.71, column 1, "816.71" is corrected to read "816.72".

On page 15204, Section 816.71, column 1, paragraph 1, line 16, "Skelly and Loy, and others, 1978" is corrected to read "Loy, L.D. et al. 1978".

On page 15204, Section 816.71, column 1, paragraph 2, line 15, "Paker, 1965, Fig. 1" is corrected to read "Packer, P.E.

1976"; and line 16, "Meyerhoff" is corrected to read "Meyerhof".

On page 15205, Section 816.71, column 2, line 4, "Cedegren" is corrected to read "Cedergren".

On page 15206, Section 816.73, column 2, paragraph 1, line 20, "Green, 1978" is corrected to read "Greene, B.C., 1978sa".

On page 15206, Section 816.73, column 3, paragraph 4, line 6, "1974" is corrected to read "1975".

On page 15207, Section 816.73, column 1, lines 12 and 13 "Wahler, 1978, pp. 69-70, 78" is corrected to read "USEPA, 1978sc pp. 69 and 70"; and line 15, "U.S. Department of the Navy" is corrected to read "U.S. Navy Bureau of Yards and Docks, 1971 (revised 1974)".

On page 15207, Section 816.73, column 1, paragraph 4, line 6, "Hinger, 1978, pp. 7-22)" is corrected to read "Robins, Hutchins and Permeuter, 1977, pp. 7-22)".

On page 15207, Section 816.74, column 3, line 10, "Young, 1978" is corrected to read "Young, S.G. 1979".

On page 15208, Section 816.74, column 1, paragraph 7, line 14, "Cumming and others" is corrected to read "Cummins, D.G. et al. 1965".

On page 15208, Section 816.74, column 2, paragraph 1, lines 15 and 16, "1978" is corrected to read "1978sc".

On page 15209, Section 816.81, column 3, last line, "Canadian Department" is corrected to read "Canada, Department".

On page 15210, Section 816.81, column 1, paragraph 6, line 9, "EPA. 1978 p. 73-79." is corrected to read "EPA 1978sc. p. 73-79."

On page 15210, Section 816.82, column 1, paragraph 7, line 15, "Wood et al" is corrected to read "Wood, L.E. et al. 1976".

On page 15210, Section 816.83, column 2, paragraph 6, line 16, "EPA 1976" is corrected to read "EPA 1976b".

On page 15211, Section 816.85, column 1, paragraph 2, line 21, "National Coal Board 1973" is corrected to read "National Coal Board, 1972".

On page 15211, Section 816.83, column 1, paragraph 3, line 22, "Perterson and Gachwind" is corrected to read "Peterson and Gschwind".

On page 15213, Section 816.87, column 1, paragraph 4, line 9, "Dixon, 1978 Part II pp 1-16" is corrected to read "Dixon, E.F. 1968, Part II pp. 1-16".

On page 15213, Section 816.91, column 3, paragraph 9, line 6, "697 pp." is corrected to read "696 pp.".

On page 15214, Section 816.91, column 1, paragraph 14, line 6, "24, 1974, 1974" is corrected to read "24, 1974".

On page 15214, Section 816.91, column 3, paragraph 5, lines 2 and 3, "coal-

mining" is corrected to read "coal-mine".

On page 15215, Sections 816.91-816.93, column 1, paragraph 2, line 5, "p. 46" is corrected to read "46 pp.".

On page 15216, Section 816.91, column 1, paragraph 6, line 4, "22 pp." is corrected to read "222 pp.".

On page 15216, Sections 816.91-816.93, column 1, paragraph 8, line 5, "pl 1207-1225" is corrected to read "pp. 1207-1225".

On page 15216, Section 816.91, column 1, paragraph 13, line 2, "Glevenger" is corrected to read "Clevenger".

On page 15216, Section 816.91, column 1, paragraph 14, lines 2 and 3, "materials without use topsoil" is corrected to read "material without use of topsoil".

On page 15216, Sections 816.91-816.93, column 2, paragraph 1, line 5, "p. 15" is corrected to read "15 pp.".

On page 15216, Section 816.91, column 2, paragraph 6, lines 5 and 6, "SR-76" is corrected to read "SR-78".

On page 15216, Section 816.91, column 2, paragraph 10, lines 3 and 4, "1110-20-1603" is corrected to read "1110-2-1603".

On page 15216, Section 816.91, column 2, paragraph 12, lines 3 and 4, "Report of Congress" is corrected to read "Report to Congress".

On page 15216, Section 816.91, column 3, paragraph 2, line 1, "Navigation Waters" is corrected to read "Navigable Waters".

On page 15217, Section 816.91, column 1, paragraph 10, lines 1-3, "—, 1976a. Earth dams and reservoirs. U.S. Soil Conservation Service Technical Release No. 60.57 pp." is corrected to read "—, 1976a. Earth embankments and foundations, Chapter 5 in Earth dams and reservoirs. U.S. Soil Conservation Service Technical Release No. 60. pp. 5-1 to 5-5."

On page 15217, Section 816.91, column 1, paragraph 11, lines 1-4, "—, 1977a. National Handbook of Conservation Practices. U.S. Department of Agriculture" is corrected to read "—, 1977s. Classification of soil series of the United States. Soil Conservation Service. Part 1, 171 pp.; Part 2, 139 pp.".

On page 15217, Section 816.91, column 2, paragraph 4, line 3, "applies" is corrected to read "applied".

On page 15217, Section 816.91, column 3, paragraph 3, line 15, "ASCE, 1969" is corrected to read "ASCE, 1966".

On page 15218, Section 816.92, column 1, line 1, "Woods" is corrected to read "Wood".

On page 15218, Section 816.93, column 3, paragraph 3, line 10, "1976" is corrected to read "1969".

On page 15219, Section 816.93, column 1, paragraph 2, line 18, "1974" is corrected to read "1973".

On page 15219, Section 816.93, column 1, paragraph 3, line 8, "1974" is corrected to read "1977".

On page 15220, Section 816.93, column 1, paragraph 2, line 8, "1967b" is corrected to read "1976b".

On page 15220, Section 816.93, column 2, paragraph 2, line 14, "216-1" is corrected to read "77.216-1".

On page 15221, Section 816.95, column 2, paragraph 4, lines 5 and 6, "PEDCO Report at 65 (1978)" is corrected to read "Axetell, K. (1978)."; and lines 23 and 24, "PEDCO Report at 56 (1978)" is corrected to read "Axetell, K. (1978)".

On page 15222, Section 816.95, column 1, paragraph 3, line 7, "PEDCO Report at 76-84. 1976" is corrected to read "USEPA 1976c".

On page 15222, Section 816.95, column 2, paragraph 4, line 7, "Where We Agree At 207 (1977)" is corrected to read "Murray, F.X., Editor 1978".

On page 15223, Section 816.97, column 3, paragraph 3, line 2, "REA Bulletin 60-10" is corrected to read "U.S. Rural Electrification Administration (1972)".

On page 15223, Section 816.97, column 3, paragraph 4, line 3, "Impact, Mitigation and Monitoring" is corrected to read "Impacts, Mitigation and Monitoring in the Rocky Mountains".

On page 15223, Section 816.97, column 3, paragraph 5, line 1-3, "Methods of Assessment and Prediction of Universal Mining, Impacts on Aquatic Communities" is corrected to read "Methods for the Assessment of Mineral Mining Impacts on Aquatic Communities".

On page 15225, Sections 816.97, column 2, paragraph 20, line 12, "posing" is corrected to read "and thus pose".

On page 15228, Sections 816.101-816.105, column 2, paragraph 1, line 10, "Curtis and Superfesky, 1977" is corrected to read "Curtis, W. R. and Superfesky, M. J., 1978".

On page 15229, Sections 816.101-816.105, column 3, paragraph 2, line 30, "Gaston, 1976," is corrected to read "Gasper, 1976,".

On page 15231, Sections 816.111-816.117, column 3, paragraph 3, line 2, "plans" is corrected to read "plants".

On page 15231, Sections 816.111-816.117, column 3, last paragraph, line 1, "Arnger," is corrected to read "Arming".

On page 15232, Sections 816.111-816.117, column 1, paragraph 5, line 1, "Guidelines for reclamation of surface mined areas in Utah, 1972" is corrected to read "USSCS 1975d. Reclamation of Utah's Surface Mined areas".

On page 15232, Sections 816.111-816.117, column 1, paragraph 11, line 1, "Iowa, State of" is corrected to read "Schaller, F. and Hertel, G. No date".

On page 15232, Sections 816.111-816.117, column 1, paragraph 12, line 1, "Kentucky Guidelines" is corrected to read "USSCS 1973bb Kentucky guide for classification, use, and vegetative treatment of surface mine spoil."

On page 15232, Sections 816.111-816.117, column 1, paragraph 17, line 1, "New York, Mined Land Reclamation Mine Operator Handbook, p. III 1-43." is corrected to read "New York Department of Conservation Developing a Mined Land Use Plan, in Mine Operators Handbook, pp. III 1-43".

On page 15232, Sections 816.111-816.117, column 1, paragraph 18, line 2, "undated" is corrected to read "1964".

On page 15232, Sections 816.111-816.117, column 2, paragraph 1, line 1, "A Guide" is corrected to read "Davis, Grant, Chairman, 1965. A Guide".

On page 15232, Sections 816.111-816.117, column 2, paragraph 5, line 1, "Bos. I." is corrected to read "Bos, T.".

On page 15232, Sections 816.111-816.117, column 2, paragraph 8, line 1, "Use and requirements of lime" is corrected to read "Requirements and use of fertilizer, lime".

On page 15232, Sections 816.111-816.117, column 2, paragraph 9, line 4, "in R. S. Hutnik and Grant Davis (ed.)." is corrected to read "in Hutnik, R. J., and Davis, Grant, editors.".

On page 15232, Sections 816.111-816.117, column 2, paragraph 10, line 1, "Wahlquist, B. T. and others, 1975. Mined-land revegetation without supplemental irrigation in the arid southwest pp. 29, 31, 32." is corrected to read "Wahlquist, B. T., Dressler, R. L. and Sowards, W. 1975. Mined-land revegetation without supplemental irrigation in the arid southwest in third symposium on surface mining and reclamation, at NCA/BCR Coal Conference and Expo II, October 21-23f. 1975, Louisville, Ky. National Coal Association, Washington, D.C. Vol I. pp. 29-39".

On page 15233, Section 816.111, Column 1, paragraph 3, line 12, "785.12" is corrected to read "785.17".

On page 15233, Section 816.112, column 3, paragraph 4, line 2, "made" is corrected to read "make".

On page 15234, Section 816.112, column 1, paragraph 2, line 10, "availability" is corrected to read "availability".

On page 15234, Section 816.113, column 2, paragraph 4, line 9, "pp." is corrected to read "p.".

On page 15235, Section 816.114, column 1, line 5, "Plass (1978)" is

corrected to read "(Plass, 1978, Reclamation of Coal Mined Land in Appalachia. Journal of Soil and Water Conservation. Vol. 33, No. 2, pp. 56-61.)"; and line 11, "Vogel (1974)" is corrected to read "(Vogel, 1974, Requirements and use of fertilizer, lime and mulch for vegetating acid mine spoils. USDA, Forest Service Report ARC-71-66-T4. pp. 260-281.)".

On page 15235, Section 816.114, column 2, paragraph 6, line 1, "5" is deleted.

On page 15235, Section 816.114, column 3, paragraph 1, lines 5 and 6, "redistributed within 5 working days after completion of backfilling and regarding." is corrected to read "redistributed.".

On page 15235, Section 816.115, column 3, paragraph 3, line 6, "Aldon and Springfield, 1977" is corrected to read "(Aldon, S.F., and Springfield H.W. 1973. Revegetating coal spoils in New Mexico: U.S. Forest Service Research Note RM-245, pp) 4.)".

On page 15236, Section 816.115, column 1, paragraph 1, line 11, delete comma after "Since".

On page 15236, Section 816.115, column 3, paragraph 1, line 6, "authorities" is corrected to read "authority's".

On page 15236, Section 816.116, column 3, paragraph 2, line 9, "Kuchlers" is corrected to read "Kuchler's".

On page 15236, Section 816.116, column 3, paragraph 3, line 1, "Technical guides published by United States Department of Agriculture (USDA) or United States Department of the Interior" is corrected to read "Technical guides such as *National Handbook and Handbook for Making Resource Inventories* published by the United States Department of Agriculture (USDA) or United States Department of the Interior"; and line 18, "delete comma after "specific".

On page 15237, Section 816.116, column 3, paragraph 2, line 14, "complete" is corrected to read "compete".

On page 15237, Section 816.116, column 3, paragraph 3, line 11, "achievements" is corrected to read "achievement".

On page 15238, Section 816.116, column 1, paragraph 1, line 5, "will" is corrected to read "well"; and lines 8-10 "mimumum" is corrected to read "minimum".

On page 15238, Section 816.116, column 2, paragraph 4, line 12, "suggest" is corrected to read "suggested".

On page 15239, Section 816.116, column 1, paragraph 1, line 17, and paragraph 3, line 11, "office" is corrected to read "Office".

On page 15242, Section 816.133, column 1, paragraph 5, line 6, "better or higher" is corrected to read "higher or better".

On page 15242, Section 816.133, column 2, paragraph 3, line 1, "Clenkner" is corrected to read "Clickner".

On page 15242, Section 816.133, column 3, paragraph 8, line 1, "Livingston and Blayney, Inc. Public Costs are Expensive in Hillside areas. Foothills Environmental Design Study, Report No. 3 to the City of Palo Alto, Calif. Palo Alto Planning Department, Palo Alto, Calif. 1970" is corrected to read "California, Palo Alto Planning Commission 1971. Land use Alternatives, Report No. 3 in Open Space vs. development (formerly named Foothills Environmental design study). Prepared by Livingston and Blayney, San Francisco, Calif.) pp. 84-162."

On page 15242, Section 816.133, column 3, paragraph 10, line 1, "Coughlin, R.E. and Hammer, T.R. Stream Quality Preservation Through Planned Urban Development. U.S. GPO, Washington, D.C. 1973" is corrected to read "Coughlin, R.E., and Hammer, T.R. 1973. Stream quality preservation through planned urban development (Prepared by Regional Science Institute, Philadelphia, Pa.) U.S. Environmental Protection Agency, Socioeconomic Environmental Studies Series, Report EPA-Rj-5-73-019. 227 pp. (Available from U.S. Department of Commerce, NTIS DB-22 177)

On page 15242, Section 816.133, column 3, paragraph 11, line 5, "Notes 29. 1968." is corrected to read "Notes 29. 1969".

On page 15242, Section 816.133, column 3, paragraph 12, line 1, "Moore, G.T. Emerging" is corrected to read "Moore, G.T. editor 1970. Emerging".

On page 15242, Section 816.133, column 3, paragraph 13, line 1, "Johnson, A.H., Berger, J. and McHarg, I.L. Landscape Analysis for Ecologically Sound Land Use Planning, Department of Landscape Architecture and Regional Planning, University of Penna., Phila., PA. 1978" is corrected to read "Johnson, A. H., Berger, J. and McHarg, I.L. 1978. Landscape analysis for ecologically sound land use planning (*title changed to A Case Study in Ecological Planning, the Woodlands*), Chapter 39 in Land use planning. (Prepared by University of Pennsylvania, Department of Landscape Architecture and Regional Planning, Philadelphia, Pa.) American Society of Agronomy (In press)."

On page 15243, Section 816.133, column 1, line 1, "Klingebiel, A.D." is corrected to read "Klingebiel, A.A.".

On page 15244, Section 816.133, column 2, paragraph 1, line 10, "Paragraph 2" is corrected to read "Section 816.133 (c)(2)".

On page 15245, Sections 816.150-816.176, column 3, paragraph 3, line 1, "1975" is corrected to read "1965". "Specifications for transportation materials and methods of sampling and testing Part I Specifications. Part II, Methods of sampling and testing. American Association of State Highway and Transportation Officials, Washington, D.C. Part I, 828 pp.; Part II, 998 pp. 1978s".

On page 15245, Section 816.150-816.176, column 3, paragraph 10, line 1, "U.S. Department of Transportation, Public Roads, March, 1978, Vol. 41, No. 4. Albert Demillio" is corrected to read "DiMillio, Albert F. 1978. Status of Shale Embankment Research. Public Roads, a journal on highway research and development. Vol. 41, No. 4 pp. 153-164".

On page 15245, Section 816.150-816.176, column 3, paragraph 11, line 1, "AASHTO, T-99" is corrected to read "American Association of State Highway and Transportation Officials, T-99, 1978s".

On page 15245, Section 816.150-816.176, column 3, paragraph 11, line 1, "AASHTO, T-99" is corrected to read "American Association of State Highway and Transportation Officials, T-180, 1978s".

On page 15245, Sections 816.150-816.176, column 3, paragraph 13, line 1, "AASHTO, T-91" is corrected to read "American Association of State Highway and Transportation Officials T-91, 1978s".

On page 15245, Sections 816.150-816.176, column 3, paragraph 13, line 3, "of Coal." is corrected to read "Coal. U.S. Environmental Protection Agency Publication EPA-670/2-74-093. pp. 276".

On page 15256, Section 816.153(A)(1), 816.163(a)(1) and 816.173(a)(1), column 3, paragraph 2, line 7, "U.S. Bureau of Mines Circular No. 8758, 1977. (Kaufman, W.W. and Ault, 1977)." is corrected to read "Kaufman, W.W. and Ault, J.C. 1977".

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS

On page 15263, Sections 817.13-817.15, column 1, paragraph 6, line 1, "Penrose, Jr., et al., EPA 68 010135, 1973. Laboratory study of self-sealing limestone plugs for mine openings—EPA 43019-73-011" is corrected to read "Penrose, R. G., Jr., et al., 1973. Laboratory study of self-sealing limestone plugs for mine openings. (Prepared by NUS Corp. and

D'Appolonia Consulting Engineers, Inc., Pittsburgh, Pa.) U.S. Environmental Protection Agency Report EPA 670/2-73-081. 217 pp. (Available from U.S. Department of Commerce, NTIS PB-228 586. 217 pp.)".

On page 15263, Sections 817.13-817.15, column 1, paragraph 9, line 1, "Penrose, R. G., Jr., and Holuber, Igor, 1973. Laboratory study of self-sealing limestone plugs for mine operations. EPA670/2-73-081" is deleted.

On page 15263, Sections 817.13-817.15, column 1, paragraph 10, line 3, "EPA-67012-73-092" is corrected to read "EPA-670/2-73-092".

On page 15263, Sections 817.13-817.15, column 1, paragraph 11, lines 2 and 3, "1973. Processes, activities, EPA-43019-73-011." is corrected to read "1973b. Processes, procedures, and methods to control pollution from mining activities. EPA-430/9-73-011."

On page 15263, Sections 817.13-817.15, column 1, paragraph 11, line 1, "U.S.E.P.A. 1965." is corrected to read "Robins, J. D. and Hutchins, J. C. 1975."

On page 15263, Sections 817.13-817.15, column 2, paragraph 1, line 7, "Halliburton Co. 1970, pp 5-6, 9-10, 20-21" is corrected to read "U.S. Federal Water Quality Administration, 1970".

On page 15263, Sections 817.13-817.15, column 3, paragraph 3, line 13, "by" is corrected to read "be".

On page 15266, Section 817.42, column 2, paragraph 2, line 15, "Clear" is corrected to read "Clean".

On page 15267, Section 817.50, paragraph 1, line 10, "Broley" is corrected to read "Braley".

On page 15269, Sections 817.61-817.68, line 12, "contains" is corrected to read "contain".

On page 15272, Sections 817.121-817.126, column 1, paragraph 6, line 9, "1977" is corrected to read "1978".

On page 15272, Section 817.121-817.126, column 2, paragraph 1, "Subsidence Engineers Handbook National Coal Board" is corrected to read "National Coal Board (Great Britain) 1975. Subsidence Engineers Handbook. 111 pp."

On page 15272, Sections 817.121-817.126, column 2, paragraph 1, line 3, "1966, 1974" is corrected to read "1975".

On page 15272, Sections 817.121-817.126, column 3, paragraph 4, line 2, "Mallis" is corrected to read "Mallio".

On page 15272, Section 817.121-817.126, column 3, paragraph 8, line 1, "Amuedo and Ivey" is corrected to read "A. R. Myers" et al., 1975".

On page 15272, Sections 817.121-817.126, column 3, paragraph 14, line 4, "874-3832" is corrected to read "374-383".

On page 15272, Sections 817.121-126, column 3, paragraph 11, line 5, "1966" is corrected to read "1970".

On page 15273, Sections 817.121-817.126, column 1, paragraph 6, line 12, "GAI, 1977" is corrected to read "U.S. Bureau of Mines, 1977C."

On page 15273, Sections 817.121-817.126, column 1, paragraph 7, line 16, "Baker, pp. 40-42, 1974;" is corrected to read "Appalachian Regional Commission and the Pennsylvania Department of Environmental Resources, pp. 40-42, 1974;"

On page 15273, Sections 817.121-817.126, column 1, paragraph 7, line 17, "Grey et al p. II-26 1974" is corrected to read "Gray, R. E., et al 1974".

On page 15273, Sections 817.121-817.126, column 1, paragraph 5, line 1, "USGS, 1962" is corrected to read "Osterwald, F. W., 1962".

On page 15273, Sections 817.121-817.126, column 2, paragraph 2, line 14, "(Legger, pp. 374-83, 1972)" is corrected to read "(Leggett, pp. 374-383, 1972)".

On page 15273, Sections 817.121-817.126, Column 1, paragraph 2, line 1, "Curtis" is corrected to read "Cortis".

On page 15278, Sections 817.150-817.176, column 1, paragraph 2, line 13, "Parker, P.E. 1965" is corrected to read "Packer, P.E. 1967".

PART 819—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—AUGER MINING

On page 15280, Section 819.11, column 2, line 1, "and" is corrected to read "or".

PART 823—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS FOR OPERATIONS ON PRIME FARMLAND

On page 15285, Part 823, column 1, paragraph 3, line 1, "1974" is corrected to read "1947"; and line 29, "pp. 571" is corrected to read "pp. 517".

On page 15285, Section 823.14, column 2, paragraph 6, last line, "overmerge burden" is corrected to read "overburden".

On page 15286, Section 823.14, column 1, lines 13 and 14, "Agriculture" is corrected to read "Agricuture".

On page 15286, Section 823.14, column 2, paragraph 1, line 16, "famland" is corrected to read "farmland".

PART 826—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON STEEP SLOPES

On page 15291, Section 826.12, column 1, paragraph 1, line 17, "Kimball, 1974, p. 35" is corrected to read "Appalachian Regional Commission and the Kentucky

Department for Natural Resources and Environmental Protection, 1974, Vol. 1, p. 35".

PART 828—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—IN SITU PROCESSING

On page 15293, Part 828, column 3, paragraph 3, line 13, "Edgar, pp. 47-49" is corrected to read "Edgar, T.F. 1978".

SUBCHAPTER L—INSPECTION AND ENFORCEMENT

On page 15294, Subchapter L, column 1, paragraph 1, lines 2 and 3, "Inspection and Enforcement by the State Regulatory Authority" is corrected to read "State Regulatory Authority Inspection and Enforcement"; and line 4, "Inspections) Part" is corrected to read "Inspections), Part".

PART 840—STATE REGULATORY AUTHORITY INSPECTION AND ENFORCEMENT

On page 15296, Section 840.13, column 1, paragraph 4, line 1, "Furthermore" is corrected to read "Furthermore".

On page 15297, Section 840.14, column 1, last paragraph, line 3, "878.15" is corrected to read "786.15".

On page 15297, Section 840.15, column 2, paragraph 3, line 4, the quotation is corrected to begin at the margin.

On page 15297, Section 840.15, column 2, paragraph 4, line 15, "(1977);" is corrected to read "(1977) (emphasis added);".

On page 15297, Section 840.15, column 2, paragraph 5, lines 5 and 6, "coal mining" is corrected to read "coal surface mining".

On page 15297, Section 840.15, column 3, line 11, "is not and cannot be" is corrected to read "is not, and cannot be,".

On page 15297, Section 840.15, column 3, paragraph 2, line 13, "841.15" is corrected to read "842.15".

On page 15298, column 3, paragraph 4, lines 19 and 20, "Sections 842.11(b) and 842.12(a)(1) and (b)(1)" is corrected to read "Sections 842.11(b)(1)(i), which is referred to in Section 842.12(a)".

On page 15299, Section 842.11, column 1, paragraph 2, line 3, insert "(1)" between "(b)" and "(ii)".

On page 15299, Section 842.12, column 3, paragraph 6, line 7, delete "731.14(g) (4) and".

On page 15300, Section 842.12, column 1, line 3, "affected section" is corrected to read "affected under Section".

On page 15300, Section 842.14, column 2, paragraph 2, lines 10-12, "within 10 days of the Federal inspection or within 30 days of the complaint, if there is no inspection." is corrected to read "the

person alleged to be in violation, within 30 days of the receipt by the Regional Director of the request for review".

On page 15303, Section 843.13, column 1, paragraph 3, line 11, "requirements" is corrected to read "and were renumbered as Sections 843.13(a)(2) and (3)".

On page 15305, Section 843.17, column 1, paragraph 2, line 26, "\$ 842.11(d)" is corrected to read "842.11(a)".

On page 15308, column 1, line 3, "845.15(c)" is corrected to read "845.15(a)".

On page 15308, Section 845.15, column 1, paragraph 5, lines 1-3 are deleted and paragraph 5 is corrected to read "A new subsection (c) was added to clarify the manner in which both the mandatory \$750/day penalty for failure to abate and the discretionary penalty for continuing violations will be assessed, and to provide for reassessment to take account of good faith compliance or other facts not available at the time the initial assessment was made. As in the case of good faith points, the mandatory \$750/day penalty and the discretionary penalty for continuing violations cannot properly be finally assessed until after the violation is abated. The new subsection (c) provides for authority for reassessment and clarifies how modifications of assessment should be served.

Regulations

Table of Contents

On page 15312, Table of Contents, Part 783, column 3, lines 3 and 4, "in the permit and adjacent areas" is deleted.

SUBCHAPTER A—GENERAL

PART 700—GENERAL

§ 700.4 [Amended]

On page 15314, Section 700.4(a)(2), is corrected to read "(2) Designation of non-Federal lands or Federal lands without the concurrence of the Federal surface managing agency as unsuitable for all or certain types or surface coal mining operations under Section 522 of the Act and as unsuitable of non-coal mining under Section 601 of the Act; and".

§ 700.5 [Amended]

On page 15314, Section 700.5, line 1, "chapter" is corrected to read "Chapter."

On page 15315, Section 700.5, line 22-23, "provided" is corrected to read "Provided."

§ 700.11 [Amended]

On page 15315, Section 700.11(f), line 2, "25 CFR 177," is corrected to read "25 CFR Part 177."

PART 701—PERMANENT REGULATORY PROGRAM**§ 701.1 [Amended]**

On page 15316, Section 701.1(b)(3), line 6, "authority:" is corrected to read "authority."

§ 701.5 [Amended]

On page 15319, Section, 701.5(c), lines 4 and 5, "hay occasional" is corrected to read "occasional hay".

On page 15320, Section 701.5, column 2, paragraph 2, line 4, "Register Vol. 4 No." is corrected to read "Register Vol. 43 No.".

SUBCHAPTER C—PERMANENT REGULATORY PROGRAMS FOR NON-FEDERAL AND NON-INDIAN LANDS**PART 736—FEDERAL PROGRAMS FOR A STATE**

On page 15330, Section 736.4(a), lines 3-6, "Office with exclusive jurisdiction and makes the Director" is corrected to read "Director with exclusive jurisdiction and makes the Office".

SUBCHAPTER D—FEDERAL LANDS PROGRAM**PART 741—PERMITS****§ 741.4 [Amended]**

On page 15333, Section 741.4(b), line 2 and 3, "Cooperative Agreement" is corrected to read "cooperative agreement".

On page 15333, Section 741.4(d), lines 4 and 5, "includes the operation and reclamation plan for the life of the mine" is corrected to read "includes the mining and operation plan for the life of the mine."

§ 741.13 [Amended]

On page 15334, Section 741.13(c)(1), line 2, "30 CFR 771.23" is corrected to read "30 CFR 771.23 and 771.27".

§ 741.14 [Amended]

On page 15334, Section 741.14(E), line 6, "state" is corrected to read "State".

§ 741.17 [Amended]

On page 15335, Section 741.17, lines 4 and 5, "and the Director finds," is corrected to read "and the Director, in addition to making the findings required in Part 786, finds,".

§ 741.19 [Amended]

On page 15335, Section 741.19(a), line 3, "state" is corrected to read "State".

On page 15335, Section 741.19(b) line 3, "paragraph" is corrected to read "Paragraph".

On page 15335, Section 741.19(b), lines 6-9, "CONFIDENTIAL INFORMATION"

is corrected to read "COMPANY PROPRIETARY INFORMATION".

§ 741.19 [Amended]

On page 15335, Section 741.21(a)(4)(i), line 14, "state" is corrected to read "State".

On page 15335, Section 741.21(a)(4)(iii), lines 6 and 9, "state" is corrected to read "State".

PART 742—BONDS AND LIABILITY INSURANCE ON FEDERAL LANDS**§ 742.17 [Amended]**

On page 15337, Section 742.17, line 6, "States" is corrected to read "States"; and line 7, "state" is corrected to read "State".

PART 744—PERFORMANCE STANDARDS FOR FEDERAL LANDS**§ 744.11 [Amended]**

On page 15338, Section 744.11(a), line 5, "817.14 drill" is corrected to read "817.14, drill".

On page 15339, Section 744.11(c), lines 13 and 19 "paragraph" is corrected to read "Paragraph".

PART 745—STATE-FEDERAL COOPERATIVE AGREEMENTS**§ 745.1 [Amended]**

On page 15339, Section 745.1, line 1, "part" is corrected to read "Part".

§ 745.2 [Amended]

On page 15339, Section 745.2, lines 9 and 10, "mining reclamation" is corrected to read "mining and reclamation".

§ 745.11 [Amended]

On page 15340, Section 745.11(b)(5), lines 7 and 8, "pararaph" is corrected to read "Paragraph".

On page 15340, Section 745.11(d), line 2, "paragraph" is corrected to read "Paragraph".

SUBCHAPTER F—AREAS UNSUITABLE FOR MINING**PART 761—AREAS DESIGNATED BY ACT OF CONGRESS****§ 761.12 [Amended]**

On page 15343, Section 761.12(h), line 1, "determination of" is corrected to read "determination by".

PART 762—CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS**§ 762.5 [Amended]**

On page 15344, Section 762.5, column 2, paragraph 2, line 13, "or of the" is corrected to read "or the".

PART 769—PETITION PROCESS FOR DESIGNATION OF FEDERAL LANDS AS UNSUITABLE FOR ALL OR CERTAIN TYPES OF SURFACE COAL MINING OPERATIONS AND FOR TERMINATION OF PREVIOUS DESIGNATION**§ 769.3 [Amended]**

On page 15347, Section 769.3, line 5, "affected, to" is corrected to read "affected to".

§ 769.4 [Amended]

On page 15347, Section 769.4(a), line 5, "on, act, and" is corrected to read "on, and."

§ 769.14 [Amended]

On page 15348, Section 769.14(g)(2), line 7, "petition, and" is corrected to read "petition and".

SUBCHAPTER G—SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMITS AND COAL EXPLORATION SYSTEMS UNDER REGULATORY PROGRAMS

On page 15349, Subchapter G, title, line 3, "PROCEDURES SYSTEMS" is corrected to read "SYSTEMS UNDER REGULATORY PROGRAMS."

4PART 771—GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS**§ 771.21 [Amended]**

On page 15351, Section 771.21(b)(2), line 2, "permit shall" is corrected to read "permit under 30 CFR 788.13-788.14 shall."

On page 15351, Section 771.21(b)(3), line 2, "permit shall" is corrected to read "permit under 30 CFR 788.12 shall".

PART 779—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES**§ 779.24 [Amended]**

On page 15356, Section 779.24(i), line 6, "or" is corrected to read "and."

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATIONS PLAN

On page 15357, Part 780, title, line 2, "APPLICATION" is corrected to read "APPLICATIONS" and line 4, "OPERATIONS" is corrected to read "OPERATION".

§ 780.14 [Amended]

On page 15358, Section 780.14(c)(2), lines 1 and 2, "Spoil disposal facilities, maps, plans, and cross-sections" is corrected to read "Maps, plans, and

cross-sections of spoil disposal facilities".

§ 780.23 [Amended]

On page 15360, Section 780.23(a), line 3, "reclamation of" is corrected to read "reclamation, of".

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

§ 783.24 [Amended]

On page 15365, Section 783.24(g), line 3, "and, within" is corrected to read "and within".

On page 15365, Section 783.24(i), line 6, "or" is corrected to read "and".

§ 783.27 [Amended]

On page 15366, Section 783.27(d)(1), line 5, "submit application" is corrected to read "submit an application".

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

§ 784.13 [Amended]

On page 15367, Section 784.13(a), last line, "784.25" is corrected to read "784.26".

§ 784.20 [Amended]

On page 15369, Section 784.20, paragraph 1, line 20, "and" is corrected to read "or".

§ 784.23 [Amended]

On page 15370, Section 784.23(b)(10), line 5, "784" is corrected to read "784.16", and last line, "784" is corrected to read "784.19".

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

§ 785.13 [Amended]

On page 15371, Section 785.13(a), line 4, "and" is corrected to read "or".

§ 785.18 [Amended]

On page 15374, Section 785.18(d)(8), line 4, "J, of" is corrected to read "J of".

PART 786—REVIEW, PUBLIC PARTICIPATION, AND APPROVAL OR DISAPPROVAL OF PERMIT APPLICATIONS AND PERMIT TERMS AND CONDITIONS

§ 786.17 [Amended]

On page 15379, Section 786.17(a)(2), line 4, "784.20" is corrected to read "784.21".

§ 786.19 [Amended]

On page 15380, Section 786.19(c), lines 4 and 5, are corrected by deleting "as

described in 30 CFR 780.21(c) or 784.14(c)".

§ 786.21 [Amended]

On page 15380, Section 786.21(a)(1), line 4, "701.11(c)(1)(i)" is corrected to read "701.11(e)(1)(i)".

§ 786.21 [Amended]

On page 15380, Section 786.21(a)(1)(i), line 2, "act" is corrected to read "Act".

On page 15380, Section 786.21(a)(2)(i), line 4, "701.11(C)(1)(ii)" is corrected to read "701.11(e)(1)(ii)".

On page 15380, Section 786.21(a)(2)(i)(A), line 2, "act" is corrected to read "Act".

On page 15380, Section 786.21(a)(2)(ii) lines 3-5, "of Paragraphs (b)(1) (i) and (ii) of this Section, but does not meet the criterion of Paragraph (b)(1)(iii) of this Section" is corrected to read "of 30 CFR 701.11(e)(1)(iii)".

§ 786.27 [Amended]

On page 15381, Section 786.27, line 2, "shall endure that" is corrected to read "shall ensure and contain specific conditions requiring that".

On page 15381, Section 786.27(b)(2), line 4, "842" is corrected to read "840 and 842".

SUBCHAPTER J—BOND AND INSURANCE REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

PART 805—AMOUNT AND DURATION OF PERFORMANCE BOND

§ 805.14 [Amended]

On page 15387, Section 805.14(b), last three lines are corrected to read "bond release subject to the procedures in 30 CFR 807.11."

PART 806—FORMS, CONDITIONS, AND TERMS OF PERFORMANCE BONDS AND LIABILITY INSURANCE

On page 15388, Section 806.11(b)(4)(iii)(C), line 4, "this" is corrected to read "a permit".

PART 807—PROCEDURES CRITERIA AND SCHEDULE FOR SEEKING RELEASE OF PERFORMANCE BOND

§ 807.11 [Amended]

On page 15390, Section 807.11(a), line 15, "bond liability." is corrected to read "bond liability. The procedures of this Section also apply to requests made pursuant to 30 CFR 805.14(b)".

SUBCHAPTER K—PERMANENT PROGRAM PERFORMANCE STANDARDS

PART 815—PERMANENT PROGRAM PERFORMANCE STANDARDS—COAL EXPLORATION

On page 15394, Section 815.11(a), line 7, "776.12" is corrected to read "776.11".

On page 15394, Section 815.11(b), line 10, "776.13" is corrected to read "776.12".

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

§ 816.11 [Amended]

On page 15396, Section 816.11(f)(3), line 6, "use and" is corrected to read "use, and".

§ 816.14 [Amended]

On page 15396, Section 816.14, lines 1 and 2, "other than drill" is corrected to read "other drill".

§ 816.49 [Amended]

On page 15401, Section 816.49(a)(5), line 11, "77-126(a)" is corrected to read "77-216(a)".

§ 816.55 [Amended]

On page 15403, Section 816.55(b), line 7, "and is" is corrected to read "and the discharge is".

§ 816.61 [Amended]

On page 15404, Section 816.61(c), last line, "30 CFR 850" is corrected to read "Subchapter M".

§ 816.65 [Amended]

On page 15405, Section 816.65(e)(2), line 4, "200" is corrected to read "1,100".

§ 816.112 [Amended]

On page 15413, Section 816.112(b), line 7, "780.23" is corrected to read "780.23;" and Section 816.112(c), line 3, "region" is corrected to read "region; and".

§ 816.116 [Amended]

On page 15414, Section 816.116(b)(2)(i), column 1, paragraph 2, lines 2, 3, 6, 7, and 11, change single quotation mark to double in all six places.

On page 15414, Section 816.116(b)(3), column 1, paragraph 4, line 8, "shrublands" is corrected to read "shrub lands" and on lines 8 and 9, "productively" is corrected to read "productivity".

§ 816.133 [Amended]

On page 15415, Section 816.133(c), the italicized words in lines 1 and 2, are corrected to be in standard type.

§ 816.153 [Amended]

On page 15417, Section 816.153(c)(1)(iii), line 2, "area" is corrected to read "ditches".

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES**§ 817.55 [Amended]**

On page 15430, Section 817.55(a), column 2, line 6, "and is" is corrected to read "and the discharge is".

§ 817.61 [Amended]

On page 15430, Section 817.61(c), last line, "30 CFR 850" is corrected to read "Subchapter M".

§ 817.65 [Amended]

On page 15431, Section 817.65, table, last line, last entry, "109°C." is corrected to read "109C".

§ 817.112 [Amended]

On page 15438, Section 817.112(a), line 6, "use; or" is corrected to read "use;".

§ 817.116 [Amended]

On page 15439, Section 817.116(b)(1), line 11, "initiates" is corrected to read "begins".

On page 15439, Section 817.116(b)(2)(i), lines 2, 3, 6, 7, and 11, change single quotation marks to double in all six places.

On page 15439, Section 817.116(b)(3)(i), line 2, "reclaimed, to" is corrected to read "reclaimed to".

§ 817.153 [Amended]

On page 15444, Section 817.153(c)(iii), line 2, "area" is corrected to read "ditches".

PART 823—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLANDS**§ 823.15 [Amended]**

On page 15452, Section 823.15(c), line 5, "As" is corrected to read "At".

PART 824—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—MOUNTAINTOP REMOVAL**§ 824.11 [Amended]**

On page 15452, Section 824.11(a)(7), lines 2 and 5, "1/v" is corrected to read "1/v".

PART 840—STATE REGULATORY AUTHORITY INSPECTION AND ENFORCEMENT

On page 15455, insert before Part 840 "SUBCHAPTER L—PERMANENT

PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES".**PART 843—FEDERAL ENFORCEMENT**

On page 15460, Section 843.14, title, "Service of notices of violation and cessation orders" is corrected to read "Service of notices of violation, cessation orders, and show cause orders".

On page 15460, Section 843.14(b), last line is corrected by deleting "(2)".

[FR Doc. 79-26383 Filed 8-23-79; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE**39 CFR Part 233****Inspection Service Authority; Mail Covers; National Security**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service amends its mail cover regulations so as to: (1) define more specifically when the issuance of a mail cover order is necessary to protect the national security; and (2) provide that the requesting authority for national security mail cover order shall be the head of the law enforcement agency requesting the cover. The purpose of both regulatory amendments is to show generally that the "national security" mail cover program is a carefully limited and well-focused program which does significantly protect the national security, but which does not significantly affect the general privacy of the mails or impair First Amendment values. This rule is a revision of a proposal on which public comments were invited on April 24, 1979.

EFFECTIVE DATE: August 24, 1979.

ADDRESS: Comments on this rule are welcome and will be considered toward making changes in the regulations in the future. Questions about the rule or requests to amend or repeal it should be directed to Assistant General Counsel, Special Projects, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun, 202-245-4620.

SUPPLEMENTARY INFORMATION: The text of this final rule is stated below, at the end of this Supplementary Information Section. This rule is a revision of a proposal which was published in the Federal Register for public comment on April 24, 1979.¹ Based on the comments received and other available

information, the Postal Service adopts the proposal modified by two amendments discussed further in this Section.

The Postal Service received about 180 written comments on the April 24 proposal from various members of the public, private organizations, executive departments, and committees and members of Congress. Many of the individuals and private organizations apparently were misinformed about the proposal, and thus their comments contained analysis and recommendations which were not directly relevant to it. Nearly half of the comments, for example, expressed opposition to a supposed mail opening scheme or a supposed plan to disobey or circumvent a court decision. The Postal Service has already written individually to these commenters to provide a copy of the actual proposal and to correct particular misapprehensions.

The comments in general showed strong public support for generally safeguarding the privacy of the mails, and for preserving civil liberties. They expressed opposition to vaguely defined "national security" programs which might lead to governmental investigative abuses. The comments thus supported the principal purpose of the Postal Service's proposal, which was to define the grounds for ordering national security mail covers more specifically. Several commenters who first wrote to express opposition to the proposal as they originally understood it later wrote to express their general understanding and support after they had received a letter of explanation and a copy of the actual proposal from the Postal Service.

The governmental bodies whose representatives commented in writing on the proposal were the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, and the Departments of Defense and Justice. The two executive departments are the only federal agencies which are or would be authorized under postal regulations to request national security mail covers. The two intelligence committees have legislative oversight responsibilities over these and other executive agencies insofar as they make use of national security mail cover information. The House Judiciary Subcommittee has conducted oversight hearings in the past two Congresses to review present mail cover regulations and practices, whether related to the national security or not, and to consider the need for mail cover legislation.

¹ 44 FR 24111-24115.

The governmental comments showed a broad consensus in both the Legislative and Executive branches in favor of the basic objective of the Postal Service's proposal: to provide for a continuation of the existing national security mail cover program, but under clear, specific, and more tightly drawn guidelines. The Chairman and Vice Chairman of the Senate Committee stated in this regard: "The Senate Select Committee on Intelligence is pleased to note that the Postal Service is undertaking to clarify the regulations governing foreign counterintelligence mail covers, as proposed in the Federal Register of April 24, 1979. The proposal is a constructive response to concerns for the privacy of the mails. * * * The Select Committee fully supports the efforts of the Postal Service to provide authority for meeting United States counterintelligence requirements in a manner that will be clearly understood and accepted by the American people." Similarly, the General Counsel of the Department of Defense wrote: "Although the Department of Defense does not request mail covers frequently, we have found them to be very valuable in acquiring information necessary for effective law enforcement and protection of the national security * * * [T]he Department of Defense strongly supports your efforts to ensure that [national security] mail covers are employed only for limited purposes and only when approved by senior officials * * *"

It is the intent of existing mail cover regulations, the April 24 proposal, and the mail cover regulations as amended by this final rule to authorize mail cover assistance to protect the "national security" only in support of the following two types of investigations: (1) "domestic" national security investigations, conducted by the F.B.I., aimed at detecting terrorism, violence, or certain other activities conducted by domestic groups not believed to be acting under the control or at the instigation of a foreign power; and, (2) "foreign" counterintelligence investigations, conducted by the counterintelligence components of the F.B.I. or the Department of Defense, aimed at detecting and taking countermeasures against espionage, terrorism, or other activities perpetrated by a hostile foreign power through its agents.

Such mail cover support is authorized only in limited circumstances which are stringently defined in postal regulations so as to prevent excesses or abuses insofar as it is practicable for the Postal Service to prevent them.

The second type of "national security" investigation—counterintelligence—is an essential and limited activity directed at taking countermeasures against the significantly threatening activities of hostile foreign powers. There have been no known abuses in this area, and the secrecy in which counterintelligence investigations are conducted tends to insure that the information collected in such investigations is not widely disseminated, even within the government itself.

The first type—"domestic" national security investigations—is one as to which abuses have been alleged but not proved. These investigations embrace a delicate area in which it is sometimes difficult to distinguish sharply between groups merely possessing extreme views and extremist groups having violent or criminal intentions. Heretofore it has been possible to afford mail cover cooperation to "domestic" national security investigations under the "national security" part of the mail cover regulations. Under the proposal and the final rule, such postal assistance would continue to be possible, but only to the extent necessary to detect evidence of the commission or attempted commission of a crime. Mail cover assistance for such investigations thus would be permitted only under a part of present mail cover regulations which has been repeatedly upheld by the courts.²

In sum, only the counterintelligence effort is intended to be assisted by the national security mail cover regulation as proposed or as amended by this final rule. A continuation of this assistance on this basis is fully supported by all the governmental commenters mentioned above.

Based on its own experience as well as the comments it received, the Postal Service is aware of the possibility of abuses in the "national security" area. The basic responsibility, however, for preventing abuses in national security investigations lies with the President, the appropriate Cabinet members, Congress, the appropriate Congressional oversight committees, and other authorized oversight entities such as the General Accounting Office. These are the officials or organizations which are responsible either for direct executive supervision or legislative oversight of national security investigations and operations. Mail cover information provides only a limited amount of support to an investigation. Withholding that support from an investigation is not

a practicable means of generally preventing investigatory abuses. Furthermore, the Postal Service has no general mandate to police or second-guess the F.B.I. or any other government agency in the performance of its functions. Nevertheless, the Postal Service is responsible for defining and controlling the extent of its voluntary cooperation with other government agencies, in the mail cover area and otherwise, so as to prevent insofar as practicable an abuse of its willingness to cooperate in support of other authorized federal programs.

Other governmental comments indicated a full understanding of the fact that the job of preventing intelligence or national security abuses cannot reasonably be left to the Postal Service or postal regulations alone. The Senate Committee, for example, wrote that: "[Postal] regulations need not substitute for more detailed procedures of other agencies under Executive Order 12036, which governs United States counterintelligence activities. Nor should the Postal Service monitor compliance with such procedures. * * * In a similar vein, the Attorney General advised: "The Administration is presently developing intelligence charter legislation to regulate on a comprehensive basis all United States intelligence activities which affect the privacy of Americans. The President has personally approved some of those proposals and is now reviewing certain other proposals."

It was argued against the continuation of the national security mail cover program on any basis that nothing in the proposal could "guarantee" against future investigatory abuses affecting the privacy of U.S. citizens. However, the risks of abuse should both be considered in the light of the precautions embodied in the final rule designed to reduce such risks, and balanced against the risks to national security inherent in discontinuing the program altogether. The Postal Service believes that the program should be continued, subject to new controls that should reduce the risks of abuse substantially. The more specific regulations that are here adopted will require more detailed explanations in support of national security mail cover requests. This is one precaution against abuses. Requiring high level personal approval of the request establishes another precaution.

One commenter asked why it was necessary to have national security mail covers in support of counterintelligence in view of the regulatory authorization for mail covers to detect evidence of crime: " * * * [I]t is not even clear why

² See footnote 7 of the Supplementary Information Section of the proposal, 44 FR at 24112.

there is a need for mail covers based on 'protecting the national security' * * *. It is difficult to imagine a genuine threat to national security which a mail cover might reveal which does not involve violation of the criminal law * * *. It is unclear why 'foreign' national security investigations cannot also be investigated under the same part of the regulations [entailing investigation of crimes]."

Since counterintelligence investigations are kept secret, a questioning of their need for limited mail cover information support, without regard to the investigation of crime, is understandable. The basic answer is that the part of the mail cover regulations applying to crime detection is interpreted to be limited to those circumstances where the requesting authority is seeking to detect evidence of a crime or attempted crime, and is conducting a good faith criminal investigation which potentially leads to indictment (or its equivalent) and prosecution. In counterintelligence investigations, criminal activities are generally being investigated, but principally for the purpose of gathering information needed for taking preventive or corrective measures. Such information may incidentally be evidence of crime, but is not necessarily so. There usually is no good faith intention to indict or prosecute, because the perpetrators may be protected by sovereign or diplomatic immunity, or by a *de facto* immunity typically arising out of the natural unwillingness of the Government to risk a public trial which might expose classified information or endanger certain U.S. counterintelligence efforts.³ The knowledge that a hostile foreign power may gain about U.S. counterintelligence efforts from such a trial may more than offset the foreign power's loss of its agent or collaborator—a loss which in any event is as conjectural as the outcome of any litigation. Instead of stretching the crime detection part of the regulations to encompass investigations in which the detection of crime is an incidental—but not the controlling—purpose of the investigation, the Postal Service prefers a clear-cut but limited authorization for providing mail cover information in support of this necessary activity.

³ For a more detailed description of the problems inherent in attempting to prosecute crimes under United States law where classified data might be disclosed, see the House Government Operation Committee's recent report, "Justice Department Handling of Cases Involving Classified Data and Claims of National Security," H.R. Rep. No. 96-280, 96th Cong., 1st Sess. 1-23 (June 18, 1979).

The details of the proposal consisted of, first, a proposed definition of protecting the national security, and, second, proposed limitations on who might request a national security mail cover. The proposed definition had—in the interest of achieving greater specificity—enumerated four categories of possible threats to the national security.⁴ Certain private organizations and members of the public interested in protecting civil liberties objected to the proposed fourth category on the ground that it was itself too broad and vague, and might serve as a pretext for conducting surveillance of groups expressing dissenting views.⁵ Both of the intelligence oversight committees questioned the need for the proposed fourth category; on the limited ground that it was not clear whether it fell within official definitions of counterintelligence—definitions that appeared to correspond only to proposed categories (ii) and (iii).⁶ The Department of Justice and the Minority of the House Permanent Select Committee on Intelligence questioned the general clarity of proposed category (iv). In light of these comments, the Postal Service has deleted proposed category (iv) from the final rule.

The Senate Committee also expressed concern that it be made clear that proposed category (i)—"an attack or other grave hostile act"—meant acts of war or the like and not mere criticism or hostile commentary. An interpretation of category (i) as embracing expressions of views would be entirely inconsistent with the statement of intent accompanying the proposal to the effect that it was intended—" * * * to show generally that the 'national security'

⁴ Proposed 39 CFR 233.2(c)(5)(i)-(iv), 44 FR 24114.

⁵ The proposed fourth category of possible threats by a hostile foreign power or its agents to the national security was: " * * * (iv) the conduct of foreign affairs or military policies in opposition to those foreign and military policies of the United States which are intended to protect the United States from the foregoing enumerated actual or potential threats."

⁶ "Counterintelligence means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs." Exec. Order No. 12,036, January 24, 1978, sec. 4-202, 43 FR 3691. "FOREIGN COUNTERINTELLIGENCE: Investigative operations conducted within the United States to protect the national security from activities of foreign intelligence services, or to prevent terrorist activities undertaken pursuant to the direction of a foreign power." FBI Guidelines for Foreign Intelligence Collection and Foreign Counterintelligence Investigations, May 28, 1976, sec. III E, in: Hearings before the S. Select Committee on Intelligence, 95th Cong., 2d Sess., on S. 2525, page 777 (1978).

mail cover program * * * does not * * * impair First Amendment values."⁷ In this context, the words "attack or other grave hostile act" refer only to military or paramilitary actions, acts of economic warfare, or similar acts, and do not refer to hostile words, thoughts, arguments, views, or propaganda.⁸

The proposed limitations on the requesting authority for national security mail covers⁹ were not the subject of much public comment. Governmental comments, however, indicated support for the general idea of requiring high-level approval of national security mail cover requests, but doubts about whether the approving authority had been properly specified in the proposal. The executive departments and the two intelligence committees supported the proposed requirement that the requesting authority for a national security mail cover be the law enforcement agency head (proposed § 233.2(f)(7)), but questioned the proposed requirement for executive department head approval of extensions (proposed § 233.2(f)(8)). The House Judiciary Subcommittee took the opposite tack, approving the executive head requirement, but urging that it be modified so that the Attorney General would be required to approve all mail cover requests.

The basic purpose of both proposed (f)(7) and proposed (f)(8) was essentially the same: to require high level approvals in the requesting agency for national security mail cover requests. The executive agencies affected by the proposal, supported by their oversight committees, objected to proposed (f)(8). The basic purpose of this aspect of the proposal—to secure a high level assumption of responsibility for the request in the requesting agency—can be accomplished by adopting only proposed (f)(7). The final rule accordingly omits proposed § 233.2(f)(8). In view of this revision, section § 233.2(f)(7)—which requires law enforcement agency head approval for all national security mail cover requests—will apply to all requests for national security mail covers, regardless of whether the request is for a new cover or an extension of one already in effect.

⁷ 44 FR at 24111.

⁸ The words "actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power", as used in the Foreign Intelligence Surveillance Act of 1978, are similarly construed not to extend to "criticism". FISA, sec. 101(e)(1)(A), 92 Stat. 1784; S. Rep. No. 95-701, 95th Cong., 2d Sess., note 13 at page 32 (1978).

⁹ Proposed 39 CFR 233.2(f)(7) and (f)(8), 44 FR 24114.

Both executive departments suggested the need to amend the proposal's references to the agency or department "head" so as to state explicitly "head or acting head". The Department of Justice alternatively suggested "an explanatory statement in the notice accompanying publication of the final rule." The notice accompanying the proposal indicated the Postal Service's intention—in the interest of not interfering with "ongoing administration"—to construe the "head" of the department or agency to include the "acting head".⁹ The Postal Service reaffirms its intentions on that point here.

The record of 180 or so comments includes several suggestions which the Postal Service decided not to adopt or propose for adoption. One of these suggestions was to require judicial control of the issuance of mail covers. This was not adopted because it would require legislation to be adopted: the Postal Service has no authority to assign extra duties to the courts.¹⁰

Another suggestion was to require the requesting authority to certify that the request complied with " * * * the provisions of applicable statutes and executive orders relating to United States intelligence activities." Such a certification requirement, however, seemed unnecessary. Such a certification would be conclusory, and would not give the Postal Service any information which would assist it in independently determining whether to honor the request. Implicit in any request by a responsible official for mail cover assistance is a representation that the requesting official believes the request to be advanced in good faith compliance with all constitutional, legal, and regulatory requirements applicable to that official and his subordinates, not just those imposed by applicable laws and executive orders. The suggestion is accordingly not adopted.

A further suggestion was to authorize mail cover assistance for foreign intelligence investigations. Foreign intelligence investigations are conducted by many federal government agencies in order to gather general information about the plans and capabilities of foreign powers (whether hostile or not).¹¹ The foreign intelligence

mission is thus a wide-ranging one. The usefulness, however, of mail cover information to foreign intelligence collection has not been demonstrated. None of the federal agencies which collect foreign intelligence information filed written comments seeking or attempting to justify an authorization of mail covers for foreign intelligence purposes. Both intelligence oversight committees, moreover, clearly indicated that their support for national security mail covers was limited to those conducted in support of counterintelligence operations. In view of these circumstances, the suggestion of authorizing mail covers for foreign intelligence purposes is not adopted.

The Postal Service's policy is generally not to let a final rule which it publishes in the *Federal Register* become effective until 30 days after the date of the publication of the rule. This policy coincides with the general rule-making policy of the Administrative Procedure Act, which requires such a 30-day advance notice period except in certain specially defined circumstances or if the agency determines otherwise "for good cause found and published with the rule."¹²

On July 31, a federal district judge issued an opinion stating in part as follows: ". . . I am prepared to issue a permanent injunction barring any new or present national security mail covers until a new [postal] regulation [on national security mail covers] is effective. This injunction is effective only for the temporary period it may last; that is, until the promised new regulation is promulgated and effected * * *. A permanent injunction shall issue barring any new national security mail covers and shall be effective until the new amendment is published. Counsel for the defendants shall submit an order within three (3) days."¹³ On August 1, 1979, the Postal Service was advised that amendments of the opinion would be filed that would strike the words "or present" in the first quoted sentence, and add, before the end of the third sentence, the words, "and becomes effective". The Postal Service has been advised that an injunction against new national security mail covers was issued on August 9, effective August 10, 1979.

capabilities, intentions and activities of any foreign power relevant to the national security or to the conduct of foreign affairs of the United States." FBI Guidelines, cited in note 6 above, sec. 1 D, in: Hearings cited in note 6 above at page 774.

¹² 5 U.S.C. 553(d) (1976).

¹³ *Paton v. LaProde*, D. N.J. Civ. No. 1091-73, opinion dated July 30, 1979, page 8 (footnote omitted).

It is readily inferable from the court's opinion, especially its explicit finding that national security mail cover regulations "further a substantial governmental interest which is unrelated to the suppression of free expression * * *"¹⁴ that its injunction is not intended to place an obstacle in the path of legitimate executive branch efforts which are necessary to protect the national security. The purpose of the injunction instead appears to be, at least in part, to encourage the Postal Service to set a final rule on national security mail covers into effect as soon as possible.¹⁵

The 30-day notice period, moreover, is normally provided to give affected persons reasonable advance notice of requirements about to be imposed on them, so that they will have time to prepare to comply with them. The direct effect of this final rule, however, is solely an intragovernmental one. The Postal Service believes that all affected government agencies can immediately comply with it.

Based on the foregoing considerations, the Postal Service has found that good cause exists to let this final rule become effective immediately upon its publication in the *Federal Register*.

The Postal Service appreciates the assistance and support it received from the public, Committees and members of Congress, and government agencies, in developing a final rule on this subject. Further suggestions for improvement in these regulations are welcome with a view toward making further changes in the regulations in the future.

In view of the foregoing considerations, the Postal Service adopts the following revision of title 39 of the Code of Federal Regulations.

PART 233—INSPECTION SERVICE AUTHORITY

In § 233.2 add new paragraphs (c)(5) and (f)(7), reading as follows:

§ 233.2 Mail covers.

* * * * *

(c) * * *

* * * * *

(5) To protect the national security means to protect the United States from any of the following actual or potential threats to its security by a foreign power or its agents: (i) an attack or other grave hostile act; (ii) sabotage, or international

¹⁴ *Id.* at page 4.

¹⁵ The opinion stated that the court retained jurisdiction to hear a motion for an injunction against national security mail cover regulations as amended by this final rule. *Id.* at pages 5 and 6.

⁹ 44 FR at 24114 (1st column).

¹⁰ The Constitution assigns to Congress the authority to create federal court jurisdiction not otherwise established in the Constitution itself. Art. I, sec. 8, cl. 9; Art. III, sec. 1.

¹¹ "Foreign Intelligence means information relating to the capability, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities." Exec. Order No. 12,036, sec. 4-205, 43 FR 3691 (1978). "FOREIGN INTELLIGENCE" Information concerning the

terrorism; or, (iii) clandestine intelligence activities.

(f) * * *

(7) Any national security mail cover request must be approved personally by the head of the law enforcement agency requesting the cover.

(39 U.S.C. 101, 401, 403, 404, 410, 411)

W. Allen Sanders,

Acting Deputy General Counsel.

[FR Doc. 79-26356 Filed 8-23-79; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs, Equal Employment Opportunity

41 CFR Parts 60-30, 60-250, 60-741

Procedures for Filing Administrative Complaints

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: This rule authorizes the Associate Solicitor for Labor Relations and Civil Rights and Regional Solicitors/Attorney of the Department of Labor, Office of the Solicitor, to file administrative complaints under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 directly with the Office of Administrative Law Judges. This change will expedite the processing of cases under the Executive Order, section 503 of the Rehabilitation Act of 1973, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974.

DATES: This regulation is a procedural change which is effective August 24, 1979.

FOR FURTHER INFORMATION CONTACT: Stephen F. Feigin, Deputy Associate Solicitor, Office of the Solicitor, Room N-2414, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8235.

SUPPLEMENTARY INFORMATION: Enforcement proceedings before an Administrative Law Judge under the Executive Order, section 503 of the Rehabilitation Act and section 402 of the Vietnam Era Veterans Readjustment Assistance Act presently are instituted either by the Solicitor of Labor (E.O. 11246) or the Associate Solicitor for Labor Relations and Civil Rights (sections 503 and 402). To expedite the bringing of such proceedings, this rule

also authorizes the Associate Solicitor for Labor Relations and Civil Rights and Regional Solicitors/Attorney to bring such actions.

Because these amendments affect only rules of internal agency procedure and practice, the rulemaking procedure prescribed by 5 U.S.C. 553(c) is not required under 5 U.S.C. 553(b)(3)(A). Also, the regulations proposed herein do not fall within the criteria for significant regulations set forth in Department of Labor guidelines (44 FR 5570, January 26, 1979) issued to implement Executive Order 12044 (43 FR 12661, March 23, 1978).

Accordingly, 41 CFR 60-30.5(a), 41 CFR 60-250.29(b)(1) and 41 CFR 60-741.29(b)(1) are amended to read as set forth below.

Dated: August 20, 1979.

Ray Marshall,

Secretary of Labor.

1. 41 CFR 60-30.5(a) is amended to read as follows:

PART 60-30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246

§ 60-30.5 Administrative complaint.

(a) *Filing.* The Solicitor of Labor, Associate Solicitor for Labor Relations and Civil Rights Regional Solicitors and Regional Attorney upon referral from the Office of Federal Contract Compliance Programs, are authorized to institute enforcement proceedings by filing a complaint and serving the complaint upon the contractor which shall be designated as the defendant. The Department of Labor, OFCCP, as shall be designated on plaintiff.

2. 41 CFR 60-250.29(b)(1) is amended to read as follows:

PART 60-250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

§ 60-250.29 Formal hearings.

* * *

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30. Complaints may be issued by the Solicitor, Associate Solicitor for Labor Relations and Civil Rights, Regional Solicitors and the Regional Attorney.

3. 41 CFR 60-741.29(b)(1) is amended to read as follows:

PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

§ 60-741.29 Formal hearings.

* * *

(b) *Hearing practice and procedure.*

(1) All hearings conducted under section 503 of the Rehabilitation Act of 1973, as amended, and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30. Complaints may be issued by the Solicitor, Associate Solicitor for Labor Relations and Civil Rights, Regional Solicitors, and the Regional Attorney.

[FR Doc. 79-26413 Filed 8-23-79; 8:45 am]

BILLING CODE 4510-27-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

Designation of a new starting point for assigning frequencies in the Business Radio Service in the Miami, Florida metropolitan area in the 470-512 MHz band

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order).

SUMMARY: This Order establishes new starting points for assigning frequencies in the Business Radio Service in the 470-512 MHz range in the Miami, Florida area. The new starting points are 470.3125/473.3125 and 471.2625/474.2625 MHz.

EFFECTIVE DATE: August 30, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau, (202) 632-6497.

Adopted: August 15, 1979; Released: August 17, 1979.

By the Chief, Private Radio Bureau.

In the matter of the designation of a new starting point for assigning frequencies in the Business Radio Service in the Miami, Florida metropolitan area in the 470-512 MHz band.

1. In the Fifth Report and Order in Docket 18261 the Commission provided a flexible frequency assignment plan for the 470-512 MHz band frequencies available in Dallas and Houston, Texas,