

public. The Office of Management and Budget requires that an agency that has collections of information contained in its regulations must publish approved OMB control numbers for such collections in the Federal Register to ensure that this information is available to the public and that it is included in the Code of Federal Regulations.

This technical amendment includes only OMB control numbers for information collection requirements in 25 CFR Part 274 and 25 CFR Part 277.

These rules are procedural in nature and therefore not subject to notice and comment requirements as provided by 5 U.S.C. 553(b).

List of Subjects

25 CFR Part 274

Government contracts, Indians-education, Indians-self determination, School construction.

25 CFR Part 277

Government contracts, Indians-education, Indians-self determination, School construction.

Accordingly, 25 CFR Part 274 and 25 CFR Part 277 are amended as set forth below:

PART 274—SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

1. The authority citation for Part 274 continues to read as follows:

Authority: Secs. 204 and 208, Pub. L. 93-638, 88 Stat. 2203, 2214-2216 and 2216-2217 (25 U.S.C. 458 and 458d).

2. A new § 274.6 is added to subpart A to read as follows:

§ 274.6 Information collection.

The information collection requirements contained in §§ 274.13, 274.15 and 274.40 are those necessary to comply with the application requirements of the Office of Management and Budget (OMB) Circular No. A-102. The Standard Form 424 and attachments prescribed by such circular are approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned approval number 0348-0006. Sections 274.13, 274.15, and 274.40 describe the types of information that would satisfy the application requirements of Circular A-102 for this school construction program.

Information necessary for an application for Federal assistance will be submitted on Standard Form 424 which may be obtained with application materials in accordance with §§ 274.13, 274.15 and 274.40. This information is collected for the purpose of applying for Federal assistance and will be used in

determining eligibility. The obligation to respond is a requirement to obtain a benefit.

PART 277—SCHOOL CONSTRUCTION CONTRACTS FOR PUBLIC SCHOOLS

3. The authority citation for Part 277 continues to read as follows:

Authority: Sec. 207, Pub. L. 93-638; 88 Stat. 2216 (25 U.S.C. 458c(b)).

4. A new § 277.5 is added to subpart A to read as follows:

§ 277.5 Information collection.

The information collection requirements contained in §§ 277.30 and 277.33 are those necessary to comply with the application requirements of the Office of Management and Budget (OMB) Circular No. A-102. The Standard Form 424 and attachments prescribed by such circular are approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned approval number 0348-0006. Sections 277.30 and 277.33 describe the types of information that would satisfy the application requirements of Circular A-102 for this school construction program. Information necessary for an application for Federal assistance will be submitted on Standard Form 424 which may be obtained with application materials in accordance with §§ 277.30 and 277.33. This information is being collected for the purpose of applying for Federal assistance and will be used in determining eligibility. The obligation to respond is a requirement to obtain a benefit.

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

[FR Doc. 86-24468 Filed 10-28-86; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, 7, 19, 240, 250, and 251

[T.D. ATF-242]

Form Number Change for Forms 1648, 1649, and 1650

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has combined and renumbered ATF Forms 1648, 1649, and 1650. The new number is ATF Form 5100.31. This Treasury

decision amends ATF regulations to reflect the number change by substituting the new number for the old ones. The revision will not necessitate resubmission of any forms for approval.

EFFECTIVE DATE: November 28, 1986.

FOR FURTHER INFORMATION CONTACT: James Ficaretta or Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566-7626.

SUPPLEMENTARY INFORMATION: For the convenience of industry, and in order to reduce Government paperwork, three official forms relating to label approval under the Federal Alcohol Administration Act have been combined into a single form. The three forms are: ATF Form 1648 ("Application for Certificate of Exemption from Label Approval"), ATF Form 1649 ("Application for and Certification of Label Approval Under Federal Alcohol Administration Act"), and ATF Form 1650 ("Certificate of Exemption from Label Approval Under the Federal Alcohol Administration Act"). The new form is ATF Form 5100.31, titled "Application for and Certification/Exemption of Label/Bottle Approval." Only very minor revisions have been made on the new form. Approvals already granted on the old forms shall continue to be valid. For the sake of clarity in regulations, ATF has decided to issue this Treasury decision, so that all regulations making reference to the obsolete forms may be amended to refer to the new form number.

Administrative Procedure Act

As authorized by Section 553 of Title 5 of the United States Code, the regulatory changes in this final rule are being made without prior notice. Public participation in these changes is deemed unnecessary, since this decision merely deletes references to obsolete forms and inserts instead the correct form reference. Therefore, ATF has determined that it is unnecessary to issue this rule with notice and public comment under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

In compliance with Executive Order 12291 of February 17 1981, ATF has determined that this final rule is not a "major rule" since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries,

Federal, state, or local government agencies, or geographic regions; or

(c) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 604) are not applicable to this final rule, because ATF was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule, because it imposes no requirement to collect information.

Drafting Information

The principal author of this document is Steven C. Simon of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Spices and flavorings, Surety bonds, Security measures, Stills, Transportation, U.S. possessions, Vinegar, Warehouses, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Vinegar, Warehouses, Wine.

27 CFR Part 250

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Electronic fund transfers, Excise taxes, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Transportation, U.S. possessions, Warehouses, Wine.

27 CFR Part 251

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Excise taxes, Imports, Labeling, Liquors, Packaging and containers, Perfume, Reporting and recordkeeping requirements, Transportation, Wine.

Issuance

Accordingly, Parts 4, 5, 7, 19, 240, 250 and 251 of Title 27 of the Code of Federal Regulations are amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Paragraph 1. The authority citation for Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 4.40 is amended by replacing the words "Form 1649," wherever they appear, with the words "ATF Form 5100.31."

Par. 3. Paragraph (a) of § 4.50 is amended by replacing the words "Form 1649" with the words "ATF Form 5100.31."

Par. 4. Paragraph (b) of § 4.50 is amended by replacing the second sentence with the following: "Application for exemption shall be made on ATF Form 5100.31 in accordance with instructions on the form. If the application is approved, a certificate of exemption will be issued on the same form."

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Par. 5. The authority citation for Part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805; 27 U.S.C. 205.

Par. 6. Paragraphs (a) and (b) of § 5.51 are amended by replacing the words "Form 1649," wherever they appear, with the words "ATF Form 5100.31."

Par. 7. Paragraph (d) of § 5.51 is amended by replacing the words "Forms 1649" with the words "ATF Forms 5100.31."

Par. 8. Paragraph (a) of § 5.55 is amended by replacing the words "Form 1649" with the words "ATF Form 5100.31."

Par. 9. Paragraph (b) of § 5.55 is amended by replacing the words "Form 1650" with the words "ATF Form 5100.31," and by replacing the words "Form 1648" with the words "that form."

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Par. 10. The authority citation for Part 7 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 11. Section 7.31 is amended by replacing the words "Form 1649," wherever they appear, with the words "ATF Form 5100.31."

Par. 12. Section 7.41 is amended by replacing the words "Form 1649," wherever they appear, with the words "ATF Form 5100.31."

PART 19—DISTILLED SPIRITS PLANTS

Par. 13. The authority citation for Part 19 continues to read as follows:

Authority: 26 U.S.C. 5001, 5002, 5004-5006, 5008, 5041, 5061, 5062, 5066, 5101, 5111-5113, 5171-5173, 5175, 5176, 5178-5181, 5201-5207, 5211-5215, 5221-5223, 5231, 5232, 5235, 5236, 5241-5243, 5271, 5273, 5301, 5311-5313, 5362, 5370, 5373, 5501-5505, 5551-5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 14. Section 19.633 is amended by replacing the words "Form 1649/5100.31," wherever they appear, with the words "ATF Form 5100.31"; and by replacing the words "Forms 1649/5100.31" in paragraph (b) with the words "ATF Forms 5100.31."

PART 240—WINE

Par. 15. The authority citation for Part 240 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5111-5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5332, 5351, 5353, 5354, 5356-5358, 5361, 5362, 5364-5373, 5381-5388, 5391, 5392, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 16. Section 240.580 is amended by removing the words "Form 1649" and the comma following them, and by replacing the words "Form 1650" with the words "ATF Form 5100.31."

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Par. 17. The authority citation for Part 250 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5146, 5205, 5207, 5232, 5301, 5314, 5555, 6001, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 18. Section 250.314 is amended by replacing the words "Form 1649/5100.31," wherever they appear, with the words "ATF Form 5100.31"; and by replacing the words "Forms 1649/5100.31," wherever they appear, with the words "ATF Forms 5100.31."

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINE, AND BEER

Par. 19. The authority citation for Part 251 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5365, 5555, 5662, 6302, 7805.

Par. 20. Section 251.58 is amended by replacing the words "(Form 1649)," in the first sentence, with the words "on ATF Form 5100.31"; by removing the words "(Form 1649)" from the second sentence; and by replacing the words "(Form 1650)," in the second sentence, with the words "on ATF Form 5100.31."

Par. 21. The second sentence of § 251.59 is amended by removing the words "(Form 1649)," and by replacing the words "(Form 1650)" with the words "on ATF Form 5100.31."

Par. 22. Section 251.204 is amended by replacing the words "Form 1649/5100.31," wherever they appear, with the words "ATF Form 5100.31"; and by replacing the words "Forms 1649/5100.31," wherever they appear, with the words "ATF Forms 5100.31."

Signed: September 16, 1986.

W.T. Drake,
Acting Director.

Approved: October 14, 1986.

Michael H. Lane,
Acting Assistant Secretary (Enforcement).
[FR Doc. 86-24473 Filed 10-28-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendments for the State of Ohio

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of certain amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By letter dated July 10, 1986, the Ohio Department of Natural Resources, Division of Reclamation, submitted proposed amendments to Ohio's regulatory program at Ohio Administrative Code (OAC) 1501:13-9-06. These are Ohio's use of explosives rules. OSMRE published a notice in the Federal Register on August 14, 1986, inviting public comment on the adequacy of the proposed amendments (51 FR 29112). The public comment period closed on September 15, 1986.

After providing an opportunity for public comment and conducting a thorough review of the program amendments and the public comments received, the Director of OSMRE has determined that the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving these program amendments. The Federal rules at 30 CFR 935 which codify decisions on the Ohio program are being amended to implement this decision.

EFFECTIVE DATE: October 29, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 Hamilton Road, Columbus, Ohio 43232; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by the notice published in the August 10, 1982 Federal Register. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio

program can be found in the August 10, 1982 Federal Register (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11 and 935.15.

II. Discussion of Amendments

By letter dated July 10, 1986, the Ohio Department of Natural Resources, Division of Reclamation (ODNR), submitted proposed amendments to the use of explosives rules at OAC 1501:13-9-06. The proposed amendments consist of the following:

(1) 1501:13-9-06(A)(4) defines a "certified mine foreman";

(2) 1501:13-9-06(A)(5) requires any certified blaster responsible for blasting operations to give direction and on-the-job training to uncertified persons on the blasting crew;

(3) 1501:13-9-06(A)(7) requires that copies of the blasting plan and the permit map be kept at the permit site or at the mine office closest to the permit site;

(4) 1501:13-9-06(C)(2) extends the time in which a permittee or permit applicant must conduct a preblast survey and prepare a written report to forty-five days;

(5) 1501:13-9-06(C)(5) requires the permittee to give the resident or owner of a dwelling or structure a copy of any preblast survey performed by the permittee without the written request of the resident or owner;

(6) 1501:13-9-06(E)(4) requires the certified blaster to define the limits of danger from flyrock; it also requires the certified mine foreman to keep people out of the blasting area until it is all clear;

(7) 1501:13-9-06(E)(5) requires the preblast warning signal to be repeated if the blast does not occur within two minutes of the signal;

(8) 1501:13-9-06(E)(6) requires all permit applications submitted after January 1, 1988, to contain standard warning and all-clear signals;

(9) 1501:13-9-06(F)(2)(a) prohibits blasting within three hundred feet of public water towers, public reservoir dams, transmission lines, tunnels or major oil and gas distribution pipelines, except where written permission is obtained from the controlling authorities or owners on a prescribed form;

(10) 1501:13-9-06(F)(2)(b) prohibits blasting within 500 feet of an active underground mine unless permission is obtained on a prescribed form;

(11) 1501:13-9-06(F)(13) requires all seismic measuring systems used to prove compliance with the ground vibration limits to have an upper-end

flat-frequency response of at least 200 hertz and a lower-end flat-frequency response no higher than 5 hertz;

(12) 1501:13-9-06(G)(3)(n) requires a statement of the type of blasting machine or other power source, and types of trunklines and downline systems used, if not readily apparent from other information in the blast record;

(13) 1501:13-9-06(G)(3)(v) deletes the requirement to describe any misfired explosive charge;

(14) 1501:13-9-06(G)(4) requires when using bulk explosives, completion of data in the blast record as soon as the quantity of bulk explosives is determined; and

(15) miscellaneous corrections of typographical errors.

On August 14, 1986, OSMRE published an announcement of the receipt of the amendments and invited public comment on the adequacy of the proposed amendments (51 FR 29112). The notice stated that a public hearing would be held only if requested. A request for a hearing was made and later withdrawn; therefore, a hearing was not held. The comment period closed on September 15, 1986. One public comment was received.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Ohio on August 14, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII.

This final rule is being made effective immediately to expedite the State program amendment process and encourage States to bring their programs into conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

Ohio Administrative Code

1501:13-9-06 (A)(4) and (A)(7) define a certified mine foreman as a foreman who has a valid blaster certification, and require copies of the blasting plan and permit map be kept at the permit site or mine office closest to it, respectively. There are no Federal counterparts to these State provisions; however, they are not inconsistent with SMCRA and the Federal provisions in 30 CFR Chapter VII. Section 1501:13-9-06(A)(5) which requires any certified blaster responsible for blasting operations to give direction and on-the-job training to the blasting crew is no less effective than the Federal regulation at 30 CFR 850.13(a)(2).

1501:13-9-06(C)(2) sets forth the time in which the permittee must conduct a

preblast survey and prepare a written report. The Federal regulations at 30 CFR 816.62(b) require the operator to promptly conduct the survey and to promptly prepare the written report. Ohio's rule allows the permittee forty-five days for this. The Director finds this timeframe to conduct the survey and to prepare the written report to be reasonable. Therefore, he finds the Ohio revisions no less effective than the Federal regulations.

1501:13-9-06(C)(5) states that if the permittee conducts a preblast survey of a dwelling or structure without a written request for one from the resident or owner, the permittee shall provide the resident or owner with a copy of the survey. There is no Federal counterpart to this Ohio amendment. However, the Director finds that these provisions are not inconsistent with the requirements of SMCRA and 30 CFR Chapter VII.

1501:13-9-06(E)(4) requires the certified blaster to define the limits of danger from flyrock on the permit area. It further requires the certified mine foreman to keep all persons out of the blast area until the all-clear has been signaled and checked. 1501:13-9-06(E)(5) requires the preblast warning signal to be repeated if the blast does not occur within two minutes of the signal, and 1501:13-9-06(E)(6) requires all permit applications submitted after January 1, 1988, to contain a standard warning and all-clear signal. The Director finds that these requirements are no less effective than the Federal regulations at 30 CFR 816.66(c).

1501:13-9-06(F)(2) requires permission to blast within 300 feet of public facilities or within 500 feet of an active underground mine be obtained in writing on a prescribed form. The Director finds that while there are no specific counterpart Federal regulations to these requirements in the Ohio program, they are no less effective than the general requirements concerning the use of explosives, 30 CFR 816.61-68.

1501:13-9-06(F)(13) sets forth the standards which all seismic measuring systems used to prove compliance with ground vibration limits must meet. The Director finds these standards no less effective than the Federal regulations at 30 CFR 816.67.

1501:13-9-06(G) sets forth specific requirements for the blasting record to include the type of blasting machine and blasting information specific to the amount of bulk explosives used. This section also deletes the requirement to describe any misfired explosives charge as do the Federal rules. This section is no less effective than the Federal regulations at 30 CFR 816.68, and the Director so finds.

IV. Public Comments

Comments were received from an energy supply and service company in Ohio. The commenter expressed concern that the proposed amendments would place additional burdens on operators and create an adverse environment between the United Mine Workers of America (UMWA) and operators. The Director finds that the amendments amplify and expand some of the Ohio use of explosives rules but do not increase the burden on the operator.

The commenter pointed to a seeming contradiction between 1501:13-9-06(B) and 13-9-06(F). Section 13-9-06(B) requires an anticipated blast design be submitted to the regulatory authority before blasting within 500 feet of an active or abandoned coal mine. Section 13-9-06(F) requires blasting to be conducted in a manner to prevent adverse impacts to any underground mine and adds a further safeguard of obtaining written permission to blast within 500 feet of an active underground mine. The Director finds this is a reasonable requirement since miners and others are likely to be in and around active coal mines, and the other provisions of 13-9-06 (B) and (F) adequately prevent damage to abandoned underground mine workings.

The commenter has addressed comments to 1501:13-9-06(B)(1)(b) which was not amended by the Ohio submission of July 10, 1986. The comments are, therefore, outside the scope of this rulemaking.

The commenter requests the ODNr define "active" in the phrase "active underground mine," in section 1501:13-9-06(F)(2)(b). The word "active" replaces the previously used term "underground mine not totally abandoned." The OSMRE believes that "active underground mine" is a commonly used term whose meaning is readily apparent. Therefore, the Director has no reason to require ODNr to amend its rule to include a definition of "active."

The commenter has addressed comments to 1501:13-9-06(2)(b) regarding the obtaining of permission from all State and Federal regulatory authorities concerned with the health and safety of underground miners. This portion of this section of the Ohio regulations was not amended by the Ohio submission of July 10, 1986. ODNr has merely added a requirement that the permissions be given on a form prescribed by the Chief, ODNr. Therefore, the comment is outside the scope of this rulemaking.

The commenter objects to having a potential situation arise where one certified mine foreman acting as a certified blaster must report to another certified mine foreman. The Director interprets the amendment as providing an additional safety check of the blasting area before allowing people to re-enter and does not believe that this additional safety feature would create any problems.

The commenter also sought clarification of the terms "communication or high voltage transmission tower" and "major oil or gas distribution pipeline." The Director believes these terms are self-explanatory and finds no basis to require ODNR to amend its rule to include definitions of "communication or high voltage transmission tower" or "major oil or gas distribution pipeline."

V. Director's Decision

The Director, based on the above findings, is approving the use of explosives rules as submitted to OSMRE on July 10, 1986. The Director is amending Part 935 of 30 CFR Chapter VII to reflect approval of the State program amendments.

VI. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 23, 1986.

James W. Workman,
Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 935—OHIO

30 CFR Part 935 is amended as follows:

1. The authority citation for Part 935 continues to read as follows:

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. In Part 935, § 935.15 is amended by adding a new paragraph (y) as follows:

§ 935.15 Approval of regulatory program amendments.

(y) The following amendment submitted to OSMRE on July 10, 1986, is approved effective October 29, 1986. Ohio Administrative Code, Section 1501:13-9-06, use of explosives.

[FR Doc. 86-24427 Filed 10-28-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Part 1003

Medicare and Medicaid Programs; Fraud and Abuse; Correction

AGENCY: Office of the Secretary, HHS; Office of the Inspector General (OIG).

ACTION: Correction of final rule.

SUMMARY: This document corrects technical errors that appeared in the final rule, published September 30, 1986, that established a new 42 CFR Chapter V—"Office of Inspector General—Health Care, Department of Health and Human Services."

FOR FURTHER INFORMATION CONTACT: Joel Schaer (202) 472-5270.

SUPPLEMENTARY INFORMATION: On September 30, 1986, a new Chapter V—"Office of Inspector General—Health Care, Department of Health and Human Services"—was published in the Federal Register (51 FR 34764) to specifically reflect the OIG's fraud and abuse authority and responsibilities under Medicare and Medicaid. In establishing the new Chapter V, several technical amendments addressing the OIG's civil

money penalty authorities, originally published in the Federal Register on September 13, 1985 (50 FR 37370), were inadvertently omitted in the recodification package.

To correct these omissions in 42 CFR Part 1003, we are making the following corrections:

§ 1003.100 [Corrected]

A. Page 34777: In column 2, § 1003.100(a), in the fourth line, the citation "1320a-7c" is corrected to read as "1320a-7(c)."

§ 1003.106 [Corrected]

A. Page 34779: In column 1, § 1003.106(c)(1), in the sixth line, "§ 1003.103" is corrected to read as "§§ 1003.103 and 1003.104."

B. Page 34779: In column 1, § 1003.106(c)(2), in the sixth line, "§ 1003.103" is corrected to read as "§§ 1003.103 and 1003.104."

§ 1003.115 [Corrected]

A. Page 34780: In column 1, § 1003.115(b)(5), in the second line after the word "Medicare", the words "and Medicaid" are added.

§ 1003.116 [Corrected]

A. On page 34780: In column 2, § 1003.116(b)(1)(ii), which was corrected to read § 1003.116(b)(2)(ii) at 51 FR 37577, October 23, 1986, is further corrected in the first line after the word "Medicare", by adding the words "and Medicaid".

(Catalog of Federal Domestic Assistance Programs, No. 13.714, Medical Assistance Program; No. 13.773, Medicare—Hospital Insurance Program; and No. 13.744, Medicare—Supplementary Medical Insurance Program)

Dated: October 22, 1986.

Barbara S. Wamsley,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86-24446 Filed 10-28-86; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1780

[Circular No. 2589; WO-150-06-4830-11]

Advisory Committees; Appointment and Reappointment to District Advisory Councils, etc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.