applicant; OAC 460:20–35–6 (a) and (b), extension of SOAP funding to other program services and requirements for collection of specific kinds of data; and OAC 460:20–35–7, liability periods. OSM notified Oklahoma of the concerns by letter dated November 22, 1994 (administrative record No. OK–964.09).

Oklahoma responded in a letter dated December 20, 1994, by submitting additional explanatory information and revisions to these rules (administrative record No. OK–964.11). In addition, Oklahoma proposed revisions to OAC 460:20–35–1, definitions.

Based upon the revisions to and additional explanatory information for the proposed program amendment submitted by Oklahoma, OSM reopened the public comment period in the December 30, 1994, **Federal Register** (59 FR 67693, administrative record No. OK–964.12). The public comment period ended on January 17, 1995.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Oklahoma on September 14, 1994, and as revised by it on December 20, 1994, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to Oklahoma's Rules

Oklahoma proposed revisions to the following previously-approved rules that are nonsubstantive in nature (the corresponding Federal regulation provisions are listed in parentheses):

- OAC 460:20–35–3 (a)(2)(D) and (b), (30 CFR 795.6 (a)(2)(iv) and (b)), eligibility for assistance;
- OAC 460:20–35–6(d), (30 CFR 795.9(d)), program services and data requirements; and
- OAC 460:20–35–7(a), (30 CFR 795.12(a)), applicant liability.

Because Oklahoma's proposed revisions of these previously-approved rules are nonsubstantive in nature, the Director finds that the proposed rules are no less effective than the Federal regulations and is approving them.

2. Substantive Revisions to Oklahoma's Rules That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

Oklahoma proposed revisions to the following rules that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding

Federal regulation provisions (listed in parentheses).

- OAC 460:20–35–1, (30 CFR 795.3), definitions;
- OAC 460:20–35–3(a)(2), (a)(2) (A), and (B), (30 CFR 765.6(a)(2), (i) and (ii)), eligibility for assistance;
- OAC 460:20–35–6 (a) and (b) (1) through (6), (30 CFR 795.9 (a) and (b) (1) through (6)), program services and data requirements; and
- OAC 460:20–35–7(a) (2) and (3), (30 CFR 795.12(a) (2) and (3)), applicant liability.

Because the proposed revisions to these Oklahoma rules are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they are no less effective than the Federal regulations. The Director approves these proposed rules.

IV. Summary and Disposition of Comments

Following are summaries of all written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Oklahoma program (administrative record No. OK–964.02).

The Bureau of Mines responded in a letter dated September 27, 1994, that it had no comment on Oklahoma's proposed revisions (administrative record No. OK–964.04).

The U.S. Army Corps of Engineers stated in a letter dated September 30, 1994, that it found the changes to be satisfactory (administrative record No. OK–964.05).

The Bureau of Land Management responded in a letter dated October 12, 1994, that the modification to Oklahoma's SOAP provisions seemed appropriate (administrative record No. OK–964.06).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water

Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Oklahoma proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. OK–964.02). It responded on October 13, 1994, that it had no objections to the approval of Oklahoma's proposed regulations (administrative record No. OK–964.07).

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and the ACHP (administrative record No. OK–964.02). Neither the SHPO nor the ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, the Director approves Oklahoma's proposed amendment as submitted on September 14, 1994, and as revised on December 20, 1994.

The Director approves, as discussed in: Finding No. 1, OAC 460:20–35–3 (a)(2)(D) and (b), eligibility for assistance, OAC 460:20–35–6(d), program services and data requirements, and OAC 460:20–35–7(a), applicant liability; and finding No. 2, OAC 460:20–35–1, definitions, OAC 460:20–35–3(a)(2) (A) and (B), eligibility for assistance, OAC 460:20–35–6 (a) and (b) (1) through (6), program services and data requirements, and OAC 460:20–35–7(a) (2) and (3), applicant liability.

The Director approves the rules as proposed by Oklahoma with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 936, codifying decisions concerning the Oklahoma program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12886 (Regulatory Planning and Review).