

to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### *Public Meeting*

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

#### **IV. Procedural Determinations**

##### *Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### *Executive Order 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

##### *National Environmental Policy Act*

In environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program

provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

##### **List of Subjects in 30 CFR Part 920**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 5, 1995.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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#### **DEPARTMENT OF DEFENSE**

##### **Office of the Secretary**

##### **32 CFR Part 57**

##### **Hearing on the Provision on Early Intervention and Special Education Services to Eligible DoD Dependents in Overseas Areas**

**AGENCY:** Department of Defense.

**ACTION:** Notice of hearing.

**SUMMARY:** Notice is hereby given of a forthcoming hearing on draft revised DoD Instruction 1342.12, which was published as a proposed rule entitled "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents in Overseas Areas" (32

CFR part 57, FR 28362) on May 31, 1995. This notice formally announces this hearing.

**DATES:** The hearing will be held on August 4, 1995, 0800-1200.

**ADDRESSES:** Department of Defense Education Activity (DoDEA), 4040 N. Fairfax Dr., 9th Floor Conference Room, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** Dr. Rebecca Posante, Special Education Coordinator, (703) 696-4493, extension 147.

**SUPPLEMENTARY INFORMATION:** Prior to 1991 the Department of Defense Dependents Schools (DoDDS) was required by Public Law 95-561, Defense Dependents' Education Act of 1978, to adhere to the provisions of the Education of All Handicapped Children's Act Public Law 94-142. With the enactment of Public Law 102-119, Individuals With Disabilities Education Act Amendments of 1991, DoD was required to implement a program of early intervention services for eligible DoD dependent children with disabilities from birth through 2 years of age and to make revisions to the Department of Defense's existing special education program for eligible DoD dependent children with disabilities, ages 3 through 21. This proposed rule will, if published as a final rule, update the existing rule on special education and implement an early intervention program to conform to the legislative mandates. Oral presentations will be limited to 10 minutes. Individuals wishing to make a presentation must indicate their intent to present and submit a written text of comments to Dr. Posante by July 28. Written submissions to accompany oral presentations may be submitted by FAX (703) 696-8924 or mail at the above address and must be received by July 28, 1995. To make a reservation to attend the public hearing, members of the public are requested to call Dr. Posante at (703) 696-4493, extension 147 by July 28, 1995.

Dated: July 7, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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