

location of informal conferences; and finding No. 13, UCA 40–10–20(2)(e)(ii), concerning contest of the violation or the amount of the civil penalty.

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

The Federal regulations at 30 CFR Part 944, codifying decisions concerning the Utah program and Utah plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program and plan 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 12866 (Regulatory Planning and Review).

2. 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 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 or AMLR plans and revisions thereof since each such program or plan 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 the Federal regulations at 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. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. 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.*).

5. 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 that 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 established by SMCRA or 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 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 13, 1995.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 944—UTAH

1. The authority citation for Part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.15 is amended by adding paragraph (ff) to read as follows:

§ 944.15 Approval of amendments to State regulatory program.

* * * * *

(ff) The revisions to or additions of the following sections of the Utah Code Annotated 1953 (UCA), Title 40, and the Utah Administrative Rules (Utah Admin. R.) for Coal Mining, as submitted to OSM on April 14, 1994, and as revised and supplemented with explanatory information on December 7, 1994, are approved effective July 19, 1995.

UCA 40–10–2 (1) through (6)	Purpose.
40–10–3(1)	Definition of “Adjudicative Proceeding.”
40–10–3 (2) through (7), (9) through (20), and (22)	Recodification of Definitions.
40–10–3 (8) and (21)	Definitions of “Lands Eligible for Remining” and “Unanticipated Event or Condition.”
40–10–4	Repeal of the Applicability Provisions of 40–8.
40–10–6.5(1)	Rulemaking Authority.
40–10–6.5 (2) and (3)	Recodification of Rulemaking Procedures.
40–10–6.5(3)	Deletion of Administrative Procedures.
40–10–6.7	Administrative Procedures.
40–10–7(1)	Prohibited Financial Interests in Mining Operations.
40–10–8 (1) and (3)	Exploration Rules Issued by Division and Penalty for Violations.
40–10–10(2)	Submission of Applications and Reclamation Plans.
40–10–11 (1), (2)(a) through (d), (e)(ii), (f) (i) and (iii), and (4) (a) and (b).	Division of Oil, Gas and Mining (Division) Action on Permit Applications, Requirements for Approval, and Restoration of Prime Farmland.
40–10–11(3)	Schedule of Applicant’s Mining Law Violations and Pattern of Violations Determination.