implementation of 480–03–19.816/ 817.102(e) (1) and (2) by amending the Virginia program as follows:

(1) Define the term "suitable." The definition should clarify the criteria, both physical and chemical, to be used to distinguish between materials which can and cannot be used for the backfilling of pre-existing benches or mined-out areas;

(2) Add a requirement to the Virginia rules to explicitly require the determination of the location of seeps, springs, or other discharges in the designing of a backfill;

(3) Add to 480–03–19.773.17 a specific requirement that a permit condition be imposed requiring a quarterly analysis of coal mine waste as it is placed in a refuse pile or in an area being backfilled;

(4) Add a definition of "small" to mean that there are no channeled flows, that during storm events there is only sheet flow, and that no variance would be approved if the drainage area above the pile on any point exceeds 500 feet, measured along the slope; and

(5) Add a requirement that whenever coal refuse is placed on pre-existing benches for the purpose of returning the benches to AOC, the performance standards for the placement of excess spoil on pre-existing benches will be followed.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 92

RIN 0790-AG18

Revitalizing Base Closure Communities and Community Assistance—Community Redevelopment and Homeless Assistance

AGENCY: Office of the Assistant Secretary of Defense for Economic Security, DoD.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule promulgates policies and procedures, developed by both the Departments of Defense and Housing and Urban Development, for implementing the Base Closure Community Redevelopment and Homeless Assistance Act (the ''Redevelopment Act'). The Department of Housing and urban Development will be making a similar publication in 24 CFR part 586.

DATES: This part is effective August 8, 1995. Comments must be received by October 10, 1995.

ADDRESSES: Comments must be forwarded to the Office of the Assistant Secretary of Defense (Economic Security), 3300 Defense Pentagon, Room 1D760, Washington, DC 20301–3300. This rule was written jointly by the Department of Defense and the Department of Housing and Urban Development. All public comments will be reviewed by both Departments and subsequent amendments will be drafted together.

FOR FURTHER INFORMATION CONTACT: Robert Hertzfeld, Office of Assistant Secretary of Defense (Economic Security), Department of Defense, 3300 Defense Pentagon, Room 1D-760, Washington, DC 20301-3300, (703) 695-1470 or Thelma Moore, Deputy Assistant Secretary for Planning/ Community Viability, Office of Community Planning and Development, Room 7204, Department of Housing and urban Development, 451 7th Street, SW, Washington, DC 20410, (202) 708-2484 or, TDD number for hearing and speechimpaired, (202) 708-0738 (these telephone numbers are not toll-free). SUPPLEMENTARY INFORMATION: The Redevelopment Act amends the Base Closure and Realignment Act of 1988 and the Defense Base Closure and Realignment Act of 1990, both as amended by the National Defense Authorization Act for Fiscal Year 1994.

I. Certification

It has been determined that this interim rule is not a significant regulatory action. This part is not subject to the Regulatory Flexibility Act because it would not have a significant economic impact on a substantial number of small entities. This interim rule doe not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980.

II. Other Matters

A. Justification for Interim Rulemaking

Although rulemaking procedures generally require the publication of a proposed rule before regulations are made final and effective, there exists good cause to publish this rule for effect without first soliciting public comment. Forty-five military installations from the 1988, 1991, or 1993 base closure/ realignment rounds have elected to be included under this new process. HUD anticipates the receipt of applications in the very near future from the LRAs representing these closure/realignment sites. Moreover, a fourth round of military base closures and realignments was initiated with the Secretary of Defense submitting a list of proposed closures/realignments to the Defense Base Closure and Realignment Commission on February 28, 1995. The Commission submitted its recommendations to the President on June 30, 1995. Upon approval by the President and Congress, this rule will apply immediately to the installations on this 1995 closure/realignment list.

To delay the implementation of this law until publication of a final rule would mean that base reuse would be delayed until a final rule is published. LRAs are awaiting the guidance contained in this rule, necessitating implementation through this interim rule.

DoD and HUD invite public comment on this interim rule within the 60-day comment period. All comments will be considered during the development of the final rule.

B. Impact on the Environment

HUD has made a Finding of No Significant Impact with respect to the environment in accordance with HUD regulations in 24 CFR part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays in the Department of Housing and Urban Development, Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

C. Impact on the Family

The General Counsel of HUD, as the Designated Official under Executive Order 12606, The Family, has determined that this interim rule would not have a potentially significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order.

III. Background

A. Legislative Summary

This interim rule promulgates policy and procedures for implementing the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 ("Redevelopment Act") (Pub. L. 103– 421). The Redevelopment Act amends the Base Closure and Realignment Act of 1988 (Pub. L. 100–526) and the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101–510) (both at 10 U.S.C. § 2687, note), both as amended by the National Defense