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 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.

VII. List of Subjects in 30 CFR 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 26, 1995.

Charles E. Sandberg,

Acting Assistant Director, Western Support 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 926—MONTANA

1. The authority citation for Part 926 continues to read as follows:

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

2. Section 926.15 is amended by adding paragraph (l) to read as follows:

§ 926.15 Approval of amendments to State regulatory program.

* * * * *

- (I) With the exception of the word "reasonable" in the last sentence of MCA 84–4–226(8), concerning right of entry to inspect prospecting operations under notices of intent, revisions of the following statutes, as submitted to OSM on June 16 and July 28, 1993, and as supplemented with explanatory information on July 28, 1994, are approved effective February 1, 1995:
- 82–4–203, MCA, subsections (14), (16), (21), (23), (29), (34), (35), and (36), definitions; repeal of 82–4–224, MCA, surface owner consent; 82–4–226, MCA, subsections (1), (2), (3), (5), (6), and (8), prospecting permits and notices of intent 82–4–227, MCA, subsections (1), (2), (3), (7), (8), (9), (10), (11), (12), and (13), permit approval/denial criteria.

3. Section 926.16 is amended by revising the introductory paragraph, by adding paragraphs (g) through (j), and by removing the parenthetical at the end of the section to read as follows:

§ 926.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Montana is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with Montana's established administrative or legislative procedures.

- (g) By April 3, 1995, Montana shall revise MCA 82–4–227(10), or otherwise modify its program, to require that no permit or major permit revision may be issued unless the coal conservation plan affirmatively demonstrates that failure to conserve coal will be prevented.
- (h) By April 3, 1995, Montana shall revise MCA 82–4–226(8), or otherwise modify its program, to prohibit prospecting under notices of intent when more than 250 tons of coal are to be removed.
- (i) By April 3, 1995, Montana shall revise MCA 82–4–266(8) to delete the word "reasonable" in the final sentence.
- (j) By April 3, 1995, Montana shall revise MCA 82-4-226(8), or otherwise modify its program, to provide authority for the inspection of monitoring equipment and prospecting methods for prospecting conducted under notices of intent, and access to and copying of any records required by the Montana program on such prospecting operations, at any reasonable time without advance notice upon presentation of appropriate credentials. and to provide for warrantless right of entry for prospecting operations conducted under notices of intent, to be no less effective in meeting SMCRA's requirements than 30 CFR 840.12 (a) and (b).

[FR Doc. 95–2445 Filed 1–31–95; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN-0720-AA18

[DoD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospice Care

AGENCY: Office of the Secretary, DoD. **ACTION:** Final rule.

SUMMARY: This final rule revises DoD 6010.8-R which implements the Civilian Health and Medical Program of the Uniformed Services. The rule establishes a hospice benefit for the terminally ill that offers an alternative to traditional therapeutic treatment which may no longer be appropriate or desirable. Hospice care is palliative rather than curative, generally emphasizing home care rather than institutional care, and treating the social, psychological, spiritual, and physical needs of the entire family. **EFFECTIVE DATE:** This final rule is effective June 1, 1995.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Service (OCHAMPUS), Program Development Branch, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: David Bennett, Program Development Branch, OCHAMPUS, Aurora, Colorado 80045–6900, telephone (303) 361–1094. SUPPLEMENTARY INFORMATION: In FR Doc. 93–21950, appearing in the Federal Register on September 10, 1993 (58 FR 47692), The Office of the Secretary of Defense published for public comment a proposed rule establishing a hospice benefit under CHAMPUS.

Background

The Defense Authorization Act for FY 1992-93, Public Law 102-190, directed CHAMPUS to provide hospice care in the manner and under the conditions provided in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)). This section of the Social Security Act sets forth coverage/benefit guidelines, along with certification criteria for participation in a hospice program. Since it is Congress' specific intent to establish a benefit identical to that of Medicare, CHAMPUS has adopted the provisions currently set out in Medicare's hospice coverage/benefit guidelines, reimbursement methodologies (including national hospice rates and wage indices), and certification criteria for participation in