

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.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 12, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97-33430 Filed 12-22-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA-112-FOR]

Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment revises numerous provisions of the Virginia program for

surface coal mining and reclamation operations. The amendment is intended to revise the State program to be consistent with the Federal regulations.

DATES: Written comments must be received by 4:00 p.m., on January 22, 1998. If requested, a public hearing on the proposed amendment will be held on January 20, 1998. Requests to speak at the hearing must be received by 4:00 p.m., on January 7, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Robert A. Penn, Director, Big Stone Gap Field Office at the first address listed below.

Copies of the Virginia program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303

Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (703) 523-8100

FOR FURTHER INFORMATION CONTACT:

Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Discussion of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record VA-938), the Virginia Department of Mines, Minerals and Energy (DMME) submitted numerous amendments to the Virginia

program. The DMME stated that the purpose of the amendments is to address issues identified by OSM pursuant to 30 CFR 732.17(d). The DMME stated that the proposed amendments are intended to be materially consistent with the corresponding Federal standards.

The proposed amendments are as follows:

4VAC 25-130-701.5 Definitions. Two definitions are amended: "Previously mined area" and "other treatment facilities."

4VAC 25-130-779.22 Land use information. This provision is proposed for deletion.

4VAC 25-130-779.25 Cross sections, maps, and plans. Subsections (a) and (b) are amended.

4VAC 25-130-780.23 Reclamation Plan; Land Use Information. Subsections (a), (b), and (c) are amended.

4VAC 25-130-780.25 Reclamation Plan: Siltation Structures, Impoundments, Banks, Dams and Embankments. Subsections (a), (b), (c), and (f) are amended.

4VAC 25-130-780.35 Disposal of excess spoil. Subsection (b) is amended.

4VAC 25-130-783.25 Cross sections, maps and plans. Subsection (a) is amended and renumbered.

4VAC 25-130-784.15 Reclamation Plan: Land Use Information. The existing language is deleted and replaced with new language.

4VAC 25-130-784.16 Reclamation Plan: Siltation Structures, Impoundments, Banks, Dams, and Embankments. Subsections (a), (b), (c), and (f) are amended.

4VAC 25-130-784.23 Operation plan; maps and plans. Subsections (b) and (c) are amended.

4VAC 25-130-800.40 Requirements for release of performance bond. New subsection (a)(3) is added.

4VAC 25-130-816.46 Hydrologic balance; siltation structures. Subsections (a), (b), and (c) are amended.

4VAC 25-130-816.49 Impoundments. Subsections (a) and (c) are amended.

4VAC 25-130-816.74 Disposal of excess spoil; preexisting benches. Subsections (a) through (g) are amended.

4VAC 25-130-816.81 Coal mine waste; general requirements. Subsections (a) and (c) are amended.

4VAC 25-130-816.89 Disposal of noncoal mine wastes. Subsection (d) is deleted.

4VAC 25-130-816.104 Backfilling and grading; thin overburden. The existing introductory paragraph is

deleted and replaced by new language, and existing paragraph (a) is revised and renumbered.

4VAC 25-130-816.105 Backfilling and grading; thick overburden. The existing introductory paragraph is deleted and replaced by new language, and existing paragraph (a) is revised and renumbered.

4VAC 25-130-817.46 Hydrologic balance; siltation structures. Subsections (a), (b), and (c) are amended.

4VAC 25-130-817.49 Impoundments. Subsections (a) and (c) are amended.

4 VAC 25-130-817.74 Disposal of excess spoil; preexisting benches. Subsections (a) through (g) are amended.

4 VAC 25-130-817.81 Coal mine waste; general requirements. Subsections (a) and (c) are amended.

4 VAC 25-130-817.89 Disposal of noncoal mine wastes. Subsection (d) is deleted.

4 VAC 25-130-823.11 Applicability. Subsection (a) is amended.

4 VAC 25-130-840.11 Inspections by the division. Subsections (f), (g), and (h) are amended.

4 VAC 25-130-843.14 Service of notices of violation, cessation orders, and show cause orders. Subsection (a)(2) is amended.

4 VAC 25-130-845.17 Procedures for assessment of civil penalties. Subsection (b) is amended.

4 VAC 25-130-845.18 Procedures for assessment conference. Subsections (a) and (b), and new subsection (d) is added.

4 VAC 25-130-845.19 Request for hearing. Subsection (a) is amended.

4 VAC 25-130-846.17 Assessment of an individual civil penalty. Subsection (b)(3) is deleted and replaced by a new subsection (c).

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Virginia satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Virginia program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Big Stone Gap Field Office will not necessarily be

considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on January 7, 1998. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment 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 amendments may request a meeting at the Big Stone Gap Field Office 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 in advance at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made part of the Administrative Record.

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**.

VI. 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 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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

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 (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.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 10, 1997.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97-33431 Filed 12-22-97; 8:45 am]

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DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 199**

[DoD 6010.8-R]

RIN 0720-AA39

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Revisions to the Eligibility Requirements

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the comprehensive CHAMPUS regulation pertaining to basic CHAMPUS benefits in accordance with several statutory changes. This proposed rule: sets forth the requirements for reinstatement of CHAMPUS eligibility for beneficiaries under age 65 who would otherwise have lost eligibility for CHAMPUS due to eligibility for Medicare as a result of disability or end-stage renal disease (ESRD); establishes new classes of CHAMPUS eligibles; establishes the Transitional Assistance Management Program which provides transitional health care for members (and their dependents) who served on active duty in support of a contingency operation and for members (and their dependents) who are involuntarily separated from active duty; allows former spouses who buy a conversion health policy to keep CHAMPUS eligibility for twenty-four (24) months for preexisting conditions that are not covered by the conversion policy; and makes minor technical revisions to the double coverage provisions. This proposed rule also adds a new category of eligible beneficiary under the Continued Health Care Benefit Program.

DATES: Comments must be received by February 23, 1998.

ADDRESSES: Send comments to the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT:

Stephen E. Isaacson, Program Development Branch, OCHAMPUS, telephone (303) 361-1172.

SUPPLEMENTARY INFORMATION:**I. Eligibility Requirements**

This proposed rule adds or revises a number of eligibility provisions. Following is a brief summary of the classes of beneficiaries affected by this proposed rule. Generally, each class is eligible for CHAMPUS as a result of the change, and we have included the other salient points regarding each, but the reader should refer to the subsequent discussion for details regarding the specific conditions and requirements for each class.

CHAMPUS/Medicare dual eligibles.

- Must be under age 65, eligible for Medicare due to disability or end-stage renal disease, and enrolled in Medicare Part B.

- Applies to all categories of CHAMPUS beneficiaries except dependents of active-duty members.

- Effective October 1, 1991.

Dependents of a person who dies of an injury, illness, or disease incurred on the way to or from training with a duration of 30 days or less.

- Retiree cost-sharing.

- Effective November 14, 1986.

Victims of abuse.

- By a member who was discharged or dismissed as a result of a court-martial conviction for the abuse.

- Eligibility limited to one year from member's separation.

- Coverage limited to treatment of conditions resulting from abuse.

- Effective November 14, 1986.

- By a member of former member who loses eligibility to retired pay as a result of the abuse.

- Effective October 23, 1992.

Students who become incapable of self-support.

- Must be full-time student.

- The incapacitating condition must occur between the ages of 21 and 23.

- Effective October 23, 1992.

Dependents of an active duty member who dies while on active duty.

- These individuals have always been eligible for CHAMPUS with retiree cost-sharing.

- The most recent change provides that all care is to be cost-shared as active duty.

- Special cost-sharing is limited to one year.

- Effective October 1, 1993.

- For dependents of active-duty members who die while on active duty between January 1, 1993, and October 1, 1993, only care for pre-existing

conditions is to be cost-shared as active duty.

Dependents placed in the custody of a member or former member by a court or a recognized placement agency.

- Effective July 1, 1994, if placed by a court.

- Effective October 5, 1994, if placed by a recognized placement agency.

- This category of beneficiary is also added to the Continued Health Care Benefit Program effective October 5, 1994.

Transitional Assistance Management Program (TAMP)

- Claims for all individuals eligible under TAMP are cost-shared as active-duty dependents.

- Members released from active duty in connection with contingency operations.

- Eligible up to thirty (30) days.

- Effective April 6, 1991.

- Members involuntarily separated with less than six (6) years of service.

- Eligible up to sixty (60) days.

- Effective October 1, 1990.

- Members involuntarily separated with six (6) or more years of service.

- Eligible up to 120 days.

- Effective October 1, 1990.

II. Reinstatement of CHAMPUS Eligibility for Certain Medicare Beneficiaries

A. Regulation Amendment

The regulation is being amended to implement a series of laws enacted to reinstate CHAMPUS eligibility for certain individuals who, under previous laws, would have lost their CHAMPUS eligibility due to their eligibility for Medicare. This section briefly describes the amendment. A discussion of the legislative enactments will then follow, providing further explanation of the amendment and the various interim actions taken for implementation.

The amendment provides that CHAMPUS eligibility will be reinstated for beneficiaries:

1. Under age 65;

2. Who would otherwise have lost eligibility for CHAMPUS due to eligibility for Medicare as a result of disability (as defined in 42 U.S.C. 426(b)(2)) or as a result of end stage renal disease (ESRD) (as defined in 42 U.S.C. 426-1(a)); and,

3. Who are enrolled in the supplementary medical insurance program under Medicare Part B.

Under this amendment, CHAMPUS eligibility will be reinstated effective upon the date the individual meets all three requirements cited above *except* that eligibility cannot be reinstated for care received prior to October 1, 1991.

Initially, a special coordination of benefits procedure was established by