

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 and Tribal abandoned mine land reclamation plans and revisions since each plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans submitted by a State or Tribe must be based solely on a determination of whether the submittal is consistent with Title IV of SMCRA (30 U.S.C. 1231-1243) and whether the other requirements of 30 CFR Parts 884 and 888 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. *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 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 15, 1997.

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97-1600 Filed 1-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Bureau of Transportation Statistics****49 CFR Ch. XI****Negotiated Rulemaking Committee to Revise the Motor Carrier Financial and Operating Data Collection Program; Meeting and Extension of Comment Period on Proposed Establishment**

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice of meeting; extension of comment period.

SUMMARY: The Bureau of Transportation Statistics (BTS) has proposed the establishment of a negotiated rulemaking advisory committee (the Committee) to examine the relevant issues and attempt to reach a consensus in developing regulations governing the collection of financial and operating data from motor carriers of property. Before making a final decision on formation of the Committee, BTS will hold a public meeting to help decide whether a negotiated rulemaking advisory committee is needed, and, if so, to help determine the appropriate Committee membership and issues for consideration. The meeting will be held Monday, February 10, 1997, 9:30 am to 3:00 pm, Eastern Standard Time. BTS is also extending the comment period on the proposal to establish the negotiated rulemaking committee, on the proposed membership of the Committee, and on the proposed issues for consideration by the Committee. Persons are invited to submit applications or nominations for membership on the Committee. The comment period is extended to February 28, 1997.

DATES: *Meeting.* The meeting will be held Monday, February 10, 1997, 9:30 am to 3:00 pm, Eastern Standard Time.

Comment period. Interested parties may file comments and nominations for

committee membership on or before February 28, 1997.

ADDRESSES: *Meeting.* The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C., in conference room 2230 of the Nassif Building. Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify David Mednick on (202) 366-8871 prior to February 7. Attendance is open to the interested public but limited to space available.

Comment period. When sending comments and/or nominations, send the original plus three copies. Mail to Docket Clerk, Docket No. BTS-96-1979, Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, D.C. 20590. Commenters desiring notification of receipt of comments must include a stamped, self-addressed postcard. The Docket Clerk will date stamp the postcard and mail it back to the commenter.

FOR FURTHER INFORMATION CONTACT:

David Mednick, Bureau of Transportation Statistics, K-2, 400 Seventh Street, SW., Washington, D.C. 20590; by phone at (202) 366-8871; by e-mail at david.mednick@bts.gov; or by Fax at (202) 366-3640.

SUPPLEMENTARY INFORMATION:**Background**

Under Section 103 of the ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (1995) (to be codified at 49 U.S.C. 14123), the Secretary of Transportation has authority to establish regulations for the collection of certain data from motor carriers of property and others. On December 9, 1996, BTS published a notice in the Federal Register (the Notice) proposing to establish a negotiated rulemaking advisory committee (the Committee) under the Federal Advisory Committee Act and the Negotiated Rulemaking Act. 61 FR 64849. The Committee would consider the relevant issues and attempt to reach a consensus on regulations governing the collection of financial and operating data from motor carriers of property. This effort also is in response to the President's Regulatory Reinvention Initiative, which specifically directed agencies to increase use of regulatory negotiation in rulemaking proceedings. The Committee would be composed of people who represent the interests that would be substantially affected by the rule.

The Notice proposing establishment of the Committee listed potential topics

for the negotiated rulemaking process. It also listed entities identified as interested parties that should be included in the negotiated rulemaking process either directly as members of the Committee or as part of a broader caucus of similar or related interests. The Notice requested comments on the proposal to establish a negotiated rulemaking advisory committee, on the proposed membership of the Committee, and on the proposed issues for consideration by the Committee. BTS has decided to supplement its request for comments by (1) holding a public meeting on this matter; and (2) extending the comment period until after the public meeting.

Announcement of BTS Public Meeting

To better determine the utility of negotiating a rule on this matter, BTS will hold a public meeting on February 10, 1997, 9:30 am to 3:00 pm, Eastern Standard Time. The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C., in conference room 2230 of the Nassif Building. Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify David Mednick on (202) 366-8871 prior to February 7. Attendance is open to the interested public but limited to space available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Mr. Mednick at (202) 366-8871 at least seven days prior to the meeting.

While negotiated rulemaking would attempt to resolve issues surrounding the motor carrier data collection program, several initial matters deserve attention. First, do we need to amend the existing rule and, if so, is negotiated rulemaking the best process for updating the motor carrier data collection program? Second, if so, what are the core issues in dispute and differing legitimate needs of the interested parties? Third, which organizations or interests should be represented on the Committee?

While comments received have been helpful, BTS does not have enough information to determine whether to pursue negotiated rulemaking. The public meeting will bring together the various interest groups. A facilitator will be on hand to help develop potential issues and promote open discussion. In addition to helping BTS decide whether to pursue the negotiated rulemaking, it should also help lay the groundwork for the proposed Committee.

All those interested in this rulemaking, including the potential

participants listed in the Notice and those submitting applications or nominations for membership, are encouraged to attend.

Extension of Comment Period

Because BTS has not reached a final decision on whether to use a negotiated rulemaking process for this rule, it is extending the comment period on its proposal published December 19, 1996, 61 FR 64849. The comment period is extended to February 28, 1997. BTS is soliciting comments on the proposal to establish a negotiated rulemaking advisory committee, on the proposed membership of the Committee, and on the proposed issues for consideration by the Committee. BTS is also accepting applications and nominations for membership on the Committee. Please refer to the original Notice for full details.

Issued in Washington, DC, on January 16, 1997.

Robert A. Knisely,

Deputy Director, Bureau of Transportation Statistics.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AA98

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Reports and Other Data Pertaining to the Listing of the Bruneau Hot Springsnail

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on reports and other data pertaining to the listing of the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) is reopened. A notice of availability that opened the original public comment period was published on September 12, 1995 (60 FR 47339). The Service extended the comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). The Service hereby reopens the comment period and solicits new information and public comment on all information and data received since the listing of the species in 1993.

DATES: The comment period is reopened until March 10, 1997. Any comments and materials received by the closing date will be considered in the final determination.

ADDRESSES: Comments and materials concerning the reports and other information pertaining to the listing of the Bruneau hot springsnail should be submitted to the U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709. Reports and other data cited in this notice, and public comments and other materials received will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Ruesink, Supervisor, at the address listed above (telephone 208/378-5243, facsimile 208/378-5262).

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1993, the Service published a final rule in the Federal Register determining the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) to be an endangered species (58 FR 5946). In its decision to list the springsnail the Service relied, in part, on a provisional draft of a U.S. Geological Survey (USGS) report (Berenbrock 1992) analyzing the hydrology of the geothermal aquifer in the Bruneau Valley area. The USGS provided the Service with the draft report, but did not release it to the public and requested that the Service not release the report to the public, pending agency review and approval.

On May 7, 1993, the Idaho Farm Bureau Federation, Owyhee County Farm Bureau, Idaho Cattleman's Association, and Owyhee County Board of Supervisors challenged the listing decision on several grounds in a lawsuit filed in United States District Court for the District of Idaho. The plaintiffs argued that the Service committed a number of procedural errors during the listing process, including not allowing the public to review the draft USGS report. On December 14, 1993 the district court determined that the Service committed several procedural errors and set aside the final rule listing the springsnail as an endangered species.

The district court decision was appealed to the United States Court of Appeals for the Ninth Circuit by two intervening conservation groups, the Idaho Conservation League and Committee for Idaho's High Desert. On June 29, 1995, the appellate court overturned the district court decision