

**PART 943—TEXAS**

1. The authority citation for Part 943 continues to read as follows:

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

2. Section 943.15 is amended by adding paragraph (p) to read as follows:

**§ 943.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(p) With the exceptions noted below, the recodification of Article 5920–11, Vernon’s Texas Civil Statutes, Sections 1 through 38 to Chapter 134 of Title 4, Natural Resources Code, Sections 134.001 through 134.188, the revisions to and the addition of statutes to the Texas Surface Coal Mining and Reclamation Act as submitted to OSM on August 24, 1995, and supplemented with explanatory information on April 2 and July 30, 1996, are approved effective January 30, 1997.

(1) The Director is not approving Chapter 134, Section 134.022(c) which extends the date for valid existing rights to May 9, 1979, for the provisions relating to areas unsuitable for mining.

(2) The Director is not approving Chapter 134, Section 134.068, which requires an applicant to file a schedule listing only notices of violations of Chapter 134 or of a law, rule, or regulation of the United States or Texas pertaining to air or water environmental protection.

(3) The Director is approving Chapter 134, Section 134.176, except to the extent that the recodified statute does not include the previously approved provision that the person charged with a penalty waives all legal rights to contest the violation or amount of the penalty unless the proposed penalty is paid within 30 days.

3. Section 943.25 is revised to read as follows:

**§ 943.25 Approval of abandoned mine land reclamation plan amendments.**

(a) The amendment, as submitted by Texas on May 11 and 26, 1989, and clarified by it on April 13, 1992, certifying completion of reclamation on all lands adversely impacted by past coal mining, is approved effective August 19, 1992.

(b) The recodification of Article 5920–11, Vernon’s Texas Civil Statutes, Section 3(7) to Chapter 134 of Title 4, Natural Resources Code, Section 134.142 and revision to statutes of the Texas Surface Coal Mining and Reclamation Act concerning the Texas abandoned mine land reclamation plan as submitted to OSM on August 24,

1995, are approved effective January 30, 1997.

[FR Doc. 97–2329 Filed 1–29–97; 8:45 am]

BILLING CODE 4310–05–M

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**32 CFR Parts 220 and 352**

**Third Party Collection Program and Comptroller of the Department of Defense Organizational Chart; Removal**

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This document removes the Department of Defense’s Third Party Collection (TPC) Program and the organizational charter on the Comptroller of the Department of Defense codified in the CFR. The parts have served the purpose for which they were intended and are no longer necessary in the CFR.

**EFFECTIVE DATE:** January 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** L. Bynum or P. Toppings, 703-697–4111.

**SUPPLEMENTARY INFORMATION:** DoD Instruction 6010.15, “Third Party Collection (TPC) Program” (32 CFR part 220) was replaced by DoD Instruction 6015.23. DoD Directive 5118.3, “Comptroller of the Department of Defense (C, DoD)” (32 CFR part 352) was revised by a January 6, 1997 version. Copies of the DoD Instruction 6015.23 and DoD Directive 5118.3 may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

List of Subjects

*32 CFR Part 220*

Claims, Health care, Health insurance, Military personnel.

*32 CFR Part 352*

Organization and functions.

**PARTS 220 AND 352—[REMOVED]**

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR parts 220 and 352 are removed.

Dated: January 24, 1997.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 97–2249 Filed 1–29–97; 8:45 am]

BILLING CODE 5000–04–M

**POSTAL SERVICE**

**39 CFR Part 7**

**Board of Governors Bylaws**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the United States Postal Service has approved amendments to its bylaws. The amendments repeal unnecessary provisions of the Board’s regulations concerning the Government in the Sunshine Act. One change removes a provision for publishing in the Federal Register a notice not required to be published there by the Act. The other change removes an unused provision concerning Sunshine Act practice by committees of the Board.

**EFFECTIVE DATE:** January 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Koerber, (202) 268–4800.

**SUPPLEMENTARY INFORMATION:** The Board’s bylaws, in §§ 7.4(e) and 7.5(d), have required publication in the Federal Register of two separate notices for each closed meeting of the Board. These are first, under § 7.4(e), a notice of the vote to close the meeting, which is published immediately after the vote; and second, under § 7.5(d), a notice of the time, date, place, and subject of the meeting, which is published about 10 days before the meeting.

The amendment repeals § 7.4(e), in order to remove the bylaws’ requirement for Federal Register publication of the first of these notices, which goes beyond legal requirements and other agencies’ practice. The Government in the Sunshine Act requires that notice of votes to close a meeting be made available to the public immediately after such a vote, but does not require that this notice be published in the Federal Register. The Act does require Federal Register publication of the notice of time, date, place, and subject of the meeting, as provided for in bylaw § 7.5(d), which is not changed. Other federal agencies ordinarily publish only this latter notice. As required by the Sunshine Act, 5 U.S.C. 552b(d)(3), the notice of votes to close a future meeting will continue to be made publicly available through the office of the Secretary to the Board, although no longer published in the Federal Register.

The other amendment repeals § 7.4(d) of the bylaws. This provision has provided that a committee of the Board may determine to close all of its meetings if it finds that most of them fall under certain exemptions under the Government in the Sunshine Act. This

section parallels a provision in the Sunshine Act, 5 U.S.C. § 552b(d)(4). On July 11, 1996, the Board of Governors published amendments to its bylaws to delete certain other provisions prescribing procedural rules applicable only to committees of the Board, so that committee procedure is governed by the Board's general Sunshine Act rules in Part 7 of the bylaws, and by the terms of the Act itself. Ordinarily, the committees of the Board do not hold "meetings" as defined in the Sunshine Act. See 61 FR 36498. Repeal of section 7.4(d) is consistent with the purposes of the previous amendments.

#### List of Subjects in 39 CFR Part 7

Sunshine Act.

For the reasons set forth above, 39 CFR Chapter I, Subchapter A, is amended as follows:

### PART 7—PUBLIC OBSERVATION (ARTICLE VII)

1. The authority citation for part 7 continues to read as follows:

Authority: 39 U.S.C. 401(a), as enacted by Pub. L. 91-375, and 5 U.S.C. 552b(a)-(m) as enacted by Pub. L. 94-409.

#### § 7.4 [Amended]

2. Section 7.4 is amended by removing paragraphs (d) and (e).

Stanley F. Mires,

*Chief Counsel, Legislative.*

[FR Doc. 97-2247 Filed 1-29-97; 8:45 am]

BILLING CODE 7710-12-P

### 39 CFR Part 963

#### Rules of Practice in Proceedings Relative to Violations of the Pandering Advertisements Statute

AGENCY: Postal Service.

ACTION: Final rule.

**SUMMARY:** The Postal Service has established a new organization to process administrative violation cases under the Pandering Advertisements Statute. It has also adopted a new application form for obtaining the statutory remedy. This rule makes technical amendments reflecting these actions.

**EFFECTIVE DATE:** January 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Diane Mego, Staff Attorney, Judicial Officer Department (202) 268-5438.

**SUPPLEMENTARY INFORMATION:** The Postal Service has established a new organization, called the Prohibitory Order Processing Center, to assume the administrative functions performed by Customer Service & Sales Districts

under the Pandering Advertisements Statute, 39 U.S.C. 3008. One of those functions is issuing complaints when there is evidence indicating that mailers of pandering advertisements have committed violations of prohibitory orders. The statute provides for an administrative hearing if duly requested by a mailer receiving such a complaint. The procedural rules for conducting the hearing are contained in 39 CFR part 963. Such rules are issued and revised, as needed, by the Judicial Officer of the Postal Service, pursuant to 39 CFR 226.2(e)(1).

Amendment of part 963 is needed to substitute references to the Prohibitory Order Processing Center Manager for references to the Customer Services District Manager. An additional amendment is needed to insert the number and title of the new form used to apply for a 39 U.S.C. 3008 prohibitory order—viz., PS Form 1500, *Application for Listing and/or Prohibitory Order*—in place of the number and title of the superseded form—viz., PS Form 2150, *Notice for Prohibitory Order Against Sender of Pandering Advertisement in the Mails*. Also, several grammatical amendments are needed to reflect gender neutrality.

The Judicial Officer is making these revisions that are to be adopted by the Postal Service. They are changes in agency rules of procedure that do not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

#### List of Subjects in 39 CFR Part 963

Administrative practice and procedure, Advertising, Postal Service.

Accordingly, the Postal Service adopts amendments to 39 CFR part 963 as specifically set forth below:

### PART 963—[AMENDED]

1. The authority citation for Part 963 continues to read as follows:

Authority: 39 U.S.C. 204, 401, 3008.

#### § 963.2 [Amended]

2. Section 963.2 is amended by adding "the Prohibitory Order Processing Center Manager" after removing "a Customer Services District Manager".

#### § 963.3 [Amended]

3. Section 963.3(a) is amended by adding "or her" after "his".

4. Section 963.3(c) is amended by adding "1500, *Application for Listing and/or Prohibitory Order*" after removing "2150, *Notice for Prohibitory*

*Order Against Sender of Pandering Advertisement in the Mails*".

5. Section 963.3(e) is amended by adding "or her" after "his".

#### § 963.4 [Amended]

6. Section 963.4(a) is amended by adding "or her" after "his".

#### § 963.8 [Amended]

7. Section 963.8, introductory text, is amended by adding "or her" after "his" wherever it appears.

#### § 963.11 [Amended]

8. Section 963.11 is amended by adding "or her" after "his".

#### § 963.14 [Amended]

9. Section 963.14 is amended by adding "or she" after "he".

Stanley F. Mires,

*Chief Counsel, Legislative.*

[FR Doc. 97-2248 Filed 1-29-97; 8:45 am]

BILLING CODE 7710-12-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CO-001-0009a; FRL-5674-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation No's. 3 and 7 for Pioneer Metal Finishing Inc. and a Revision to Regulation No. 7 for Lexmark International Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** EPA is approving the revisions to the Colorado State Implementation Plan (SIP) as submitted by the Governor on August 25, 1995, and October 16, 1995. The revisions consist of amendments to Regulation No. 3, "Air Contaminant Emissions Notices," and Regulation No. 7, "Regulation To Control Emissions of Volatile Organic Compounds." The revisions to Regulations Nos. 3 and 7 for Pioneer Metal Finishing Inc. (PMF) consist of a source-specific SIP revision to allow PMF to purchase banked Volatile Organic Compound (VOC) emission reduction credits (ERC) from Coors Brewing Company (Coors), to enable PMF to come into compliance with the VOC Reasonable Available Control Technology (RACT) requirements of Regulation No. 7 (Reg. 7). The revision to Reg. 7 for Lexmark International Inc. (Lexmark) consists of a source-specific SIP revision to allow