

historical, cultural, or geographic connection to an Indian tribe.

The Tribal Self-Governance Act of 1994 requires the Secretary, upon request of a majority of self-governance tribes, to initiate procedures under the Negotiated Rulemaking Act, 5 U.S.C. 561 *et seq.*, to negotiate and promulgate regulations necessary to carry out the tribal self-governance program. The Act calls for a negotiated rulemaking committee to be established pursuant to 5 U.S.C. 565 comprised of Federal and tribal representatives, with a majority of the tribal representatives representing self-governance tribes. The Act also authorizes the Secretary to adapt negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and the Indian tribes. On November 1, 1994, a majority of self-governance tribes wrote the Secretary requesting the immediate initiation of negotiated rulemaking. On February 15, 1995, the self-governance negotiated rulemaking committee was established.

On the same date, an interim rule was published in the Federal Register announcing the criteria for tribes to be included in an applicant pool and the establishment of the selection process for tribes/consortia to negotiate agreements pursuant to the Tribal Self-Governance Act of 1994. This interim rule was added to Title 25 of the Code of Federal Regulations at Part 1001 of Chapter VI. While it may be changed by later rulemaking, the Act stipulates that the lack of promulgated regulations will not limit its effect. The interim rule allowed an additional 20 new tribes/consortia to negotiate compacts and annual funding agreements for fiscal year 1996 and calendar year 1996 as authorized by the Act. To date, a total of 54 compacts and annual funding agreements have been negotiated.

#### Purpose of Notice

This notice is intended to allow up to 20 new tribes/consortia to be selected to negotiate compacts and annual funding agreements in fiscal year 1997 and calendar year 1997. The interim rules established at 25 CFR 1001.1 to 1001.5 will be used to govern the application and selection process for tribes/consortia to begin their participation in the tribal self-governance program in fiscal year 1997 and calendar year 1997. Applicants should be guided by the requirements in 25 CFR 1001.1 to 1001.5 in preparing their applications. Copies of the interim rules published in the Federal Register on February 15, 1995, may be obtained from the

information contact person identified in this notice.

The Director's decision on the actual number of tribes that will enter negotiations will be made at a later date. Tribes already in the applicant pool will retain their existing ranking with tribes entering the applicant pool under these rules receiving a lower ranking. Being in the applicant pool will not guarantee that a tribe will actually be provided the opportunity to negotiate in any given year. However, it does mean that a tribe will not be passed over by a tribe with a lower ranking in the applicant pool or by a tribe not in the applicant pool, with the exception of a tribe already in the negotiation process.

For example, if the Department determines that 20 tribes will be afforded the opportunity to negotiate self-governance agreements in 1997, the tribes with the highest 20 rankings would be notified and negotiations would be scheduled. The tribe ranked 21 on the list would then have the highest ranking to negotiate a self-governance agreement in 1998 or might enter negotiations in 1997 if one of the first 20 tribes discontinued negotiations. In such a case, the tribe that discontinued negotiations would remain in the applicant pool with its original ranking and would be the first to be selected in 1997 for negotiating agreements commencing in 1998.

Dated: January 26, 1996.  
William A. Sinclair,  
*Director, Office of Self-Governance.*  
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## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Chapter XIV

#### Older Workers Benefit Protection Act of 1990 (OWBPA)

**AGENCY:** Equal Employment Opportunity Commission (EEOC).

**ACTION:** Third Meeting of Negotiated Rulemaking Advisory Committee.

**SUMMARY:** EEOC announces the revised dates of the third meeting of the "Negotiated Rulemaking Advisory Committee for Regulatory Guidance on Unsupervised Waivers of Rights and Claims under the Age Discrimination in Employment Act" (the Committee). A Notice of Intent to form the Committee was published in the Federal Register on August 31, 1995, 60 FR 45388, and a Notice of Establishment of the Committee was published in the

Federal Register on October 20, 1995, 60 FR 54207.

**DATES:** The third meeting will be held on March 6-7, 1996, beginning at 10:00 a.m. on March 6. It is anticipated that the meeting will last for two days. The session of March 7, 1996 will commence at 9:00 a.m..

**ADDRESSES:** The meeting will be held at the EEOC Headquarters, 1801 L Street, N.W., Washington, D.C. 20507.

**FOR FURTHER INFORMATION CONTACT:** Joseph N. Cleary, Paul E. Boymel, or John K. Light, ADEA Division, Office of Legal Counsel, EEOC, 1801 L Street, N.W., Washington, D.C. 20507, (202) 663-4692.

**SUPPLEMENTARY INFORMATION:** All Committee meetings, including the meeting of March 6-7, will be open to the public. Any member of the public may submit written comments for the Committee's consideration, and may be permitted to speak at the meeting if time permits. In addition, all Committee documents and minutes will be available for public inspection on EEOC's Library (6th floor of the EEOC Headquarters).

Persons who need assistance to review the comments will be provided with appropriate aids such as readers or print magnifiers. To schedule and appointment call (202) 663-4630 (voice), (202) 663-4630 (TDD). Copies of this notice are available in the following alternate formats: large print, braille, electronic file on computer disk, and audio tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663-4395 (voice), (202) 663-4399 (TDD).

**Purpose of Meeting/Summary of Agenda:** At the meeting, the Committee will continue to discuss the unsupervised waiver legal issues that will be considered by the Committee in drafting a recommended notice of proposed rulemaking for EEOC approval.

Dated: January 26, 1996.  
Francess M. Hart,  
*Executive Officer.*  
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### 29 CFR Chapter XIV

#### Older Workers Benefit Protection Act of 1990 (OWBPA); Cancellation of Meeting

**AGENCY:** Equal Employment Opportunity Commission (EEOC).

**ACTION:** Cancellation of Meeting of Negotiated Rulemaking Advisory Committee.

**SUMMARY:** On January 19, 1996, 61 FR 1282, EEOC announced the scheduled dates, February 6–7, 1996, for a meeting of EEOC's Negotiated Rulemaking Advisory Committee for Regulatory Guidance on Unsupervised Waivers of Rights and Claims under the Age Discrimination in Employment Act" (the Committee). The meeting scheduled for February 6–7, 1996 has been cancelled.

**FOR FURTHER INFORMATION CONTACT:** Joseph N. Cleary, Paul E. Boymel, or John K. Light, ADEA Division, Office of Legal Counsel, EEOC, 1801 L Street, N.W., Washington, D.C. 20507, (202) 663–4692.

**SUPPLEMENTARY INFORMATION:** Copies of this notice are available in the following alternate formats: large prints, braille, electronic file on computer disk, and audio tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663–4395 (voice), (202) 663–4399 (TDD).

Dated: January 26, 1996.

Frances M. Hart,  
*Executive Officer.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 931

[SPATS NO. NM–036–FOR]

#### New Mexico Regulatory Program

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the New Mexico regulatory program (hereinafter, the "New Mexico program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and/or additions of rules pertaining to definitions; procedures for designating lands unsuitable for coal mining; permit application requirements concerning compliance information, the reclamation plan, and the subsidence information and control plan; procedures concerning permit application review; criteria for permit approval or denial; procedures concerning improvidently issued

permits; permit conditions; requirements concerning ownership and control information; and performance standards for coal exploration, hydrologic balance, permanent and temporary impoundments, coal processing waste, disposal of noncoal waste, protection of fish, wildlife, and related environmental values, revegetation success, subsidence control, and roads. The amendment is intended to revise the New Mexico program to consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by the revised Federal regulations, and improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.s.t., March 4, 1996. If requested, a public hearing on the proposed amendment will be held on February 26, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t., on February 16, 1996.

**ADDRESSES:** Written comments should be mailed or hand delivered by Guy Padgett at the address listed below.

Copies of the New Mexico program, the proposed amendment, 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 requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Guy Padgett, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue, NW., Suite 1200, Albuquerque, New Mexico 87102  
Mining and Minerals Division, New Mexico Energy & Minerals Department, 2040 South Pacheco Street, Santa Fe, New Mexico 87505, Telephone: (505) 827–5970

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: (505) 248–5081.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the New Mexico Program

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. General background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the New Mexico program can be found in the December 31, 1980, Federal Register (45 FR 86459). Subsequent actions concerning New

Mexico's program and program amendments can be found at 30 CFR 931.11, 931.15, 931.16, and 931.30.

#### II. Proposed Amendment.

By letter dated January 22, 1996, New Mexico submitted a proposed amendment to its program (administrative record No. NM–766) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment at its own initiative and in response to the required program amendments at 30 CFR 931.16 (a), (c), (d), and (f) through (s) (55 FR 48841, November 23, 1990; 56 FR 67520, December 31, 1991; and 58 FR 65907, December 17, 1993).

The provisions of the Coal Surface Mining Commission (CSMC) rules that New Mexico proposes to revise are:

CSMC Rule 80–1–5, by (1) adding new definitions for "applicant/violator system or avs," "drinking, domestic or residential water supply," "federal violation notice," "material damage," "noncommercial building," "occupied residential dwelling and associated structures," "OSM," "ownership or control link," "replacement of water supply," "SMCRA," "state violation notice," and "qualified laboratory," and (2) revising existing definitions for "road and" "violation notice;"

CSMC Rule 80–4–15(b)(1), concerning procedures for designating land unsuitable for coal mining, by adding the requirement that the regulatory authority notify the general public of the receipt of the petition and request submissions of relevant information through the publication of a notice in the New Mexico State Register;

CSMC Rule 80–7–14(c), concerning permit application requirements for compliance information, by adding the requirement for information on violations received pursuant to SMCRA, its implementing regulations, and to any State or Federal law, rule or regulation enacted or promulgated pursuant to SMCRA;

CSMC Rules 80–9–25(a)(2), (a)(3), and (c), concerning permit application requirements for the reclamation plan, by adding the requirement that certain existing design specifications apply to structures that meet the U.S. Soil Conservation Service Class B or C criteria for dams in this agency's Technical Release No. 60 (210–VI–TR60, October 1985), "Earth Dams and Reservoirs;"

CSMC Rules 80–9–39(a) through (c), concerning permit application requirements for the subsidence information and control plan, to (1) add the requirement for a description of the measures to be taken to mitigate or