

NA-227). The Navajo Nation submitted the proposed amendment at its own initiative and in response to the final rule **Federal Register** notice acknowledging that the Navajo Nation would amend its AMLR Code of 1987 to provide for the reclamation of interim program coal sites (59 FR 49178, 48181, finding No. 1(f), September 27, 1994; administrative record No. NA-225). The Navajo Nation proposed the addition of new language at section 404(b) of its AMLR Code to provide for such reclamation.

OSM announced receipt of the proposed amendment in the February 10, 1995, **Federal Register** (60 FR 7926), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. NA-232). Because no one has requested a public hearing or meeting, none has been held. The public comment period ends on March 10, 1995.

OSM would like to take this opportunity to correct an error in the February 10, 1995, **Federal Register** document. In the first column on page 7927, part of the original language of the proposed amendment submitted by the Navajo Nation is incorrectly cited. Subsection 404(b)(4) should read as follows:

The site qualifies as a priority one or two site pursuant to section 403(a) (1) and (2) of SMCRA. Priority will be given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon a community.

During its review of the proposed amendment, OSM identified concerns relating to the provisions of the Navajo AMLR Code of 1987 at section 404(b)(2) pertaining to (1) the dates used to define interim program coal sites, and (2) the requirement that a determination be made that any funds available for reclamation or abatement pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site. OSM notified the Navajo Nation of the concerns in a telephone conversation on February 23, 1995 (administrative record No. NA-233). The Navajo Nation responded in a letter dated February 23, 1995, by submitting a revised amendment (administrative record No. NA-234).

The Navajo Nation proposes revisions to section 404(b)(2) of the Code as it pertains to the dates used to define interim program coal sites, and the addition of the requirement that there be insufficient funds for completion of reclamation or abatement activities.

IV. Public Comment Procedures

OSM is extending by an additional 15 days the comment period on the proposed Navajo plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.14 and 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Navajo plan.

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 Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

V. Procedural Determinations

1. 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).

2. 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 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 or Tribal AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed State or Tribe AMLR plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribe AMLR plans and revisions thereof categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. 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.*).

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 Tribal submittal which is the subject of this rule is based upon 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 established by SMCRA or previously promulgated by OSM will be implemented by the Tribe. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 756

Abandoned mine land reclamation program, Indian lands.

Dated: March 3, 1995.

Charle E. Sandberg,

Acting Assistant Director, Western Support Center.

[FR Doc. 95-5924 Filed 3-9-95; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 773

RIN 1029-AB80

Notification and Permit Processing

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

ACTION: Proposed rule; reopening of public comment period and notice of public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) published a proposed rule in response to a petition for rulemaking regarding notification and permit processing provisions of 30 CFR part 773. OSM has received requests to hold a public hearing on the proposed rule and is announcing that public hearings will be held, and the comment period reopened in order to accommodate the hearing. **DATES: Public Hearings:** A public hearing is scheduled for March 16, 1995, in Vincennes, Indiana, at 6 p.m. local time.

Written Comments: OSM will accept written comments on the proposed rule until 5 p.m. Eastern time on March 23, 1995.

ADDRESSES: Public Hearings: The public hearing will be held at the Executive Inn, One Executive Boulevard, Vincennes, Indiana.

Written Comments: Hand deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 660, 800 North Capitol St., Washington, DC; or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 660 NC, 1951 Constitution Avenue NW, Washington, DC 20240.

Comments may also be sent electronically through the INTERNET to: OSMRULES@OSMRE.GOV. Please note that this address is different from the address specified in the proposed rule (59 FR 53884).

FOR FURTHER INFORMATION CONTACT: Scott Boyce, Branch of Research and Technical Standards, Office of Surface Mining Reclamation and Enforcement, Room 640 NC, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202-343-3938.

SUPPLEMENTARY INFORMATION: On October 26, 1994 (59 FR 53884), OSM published a proposed rule which would amend its regulations in response to a petition for rulemaking. The rulemaking would require that the regulatory authority provide to each person who was a party to an informal conference its written findings granting, requiring modification of, or denying a permit application. The rulemaking would also require both that an approved permit contain in its permit area only lands for which the applicant has established a right-to-enter and commence surface coal mining and reclamation operations, and that compliance with an approved permit be based on activities to be conducted solely upon such lands.

On December 23, 1994 (59 FR 66286), as a result of a commenter's request, the comment period was extended to February 27, 1995. OSM has received requests to hold a public hearing on the proposed rule. Therefore, in order to accommodate the public hearing, OSM will reopen the comment period. Comments will now be accepted until 5 p.m. local time on March 23, 1995.

Refer to **DATES** and **ADDRESSES** for the times, dates and locations for the hearing. The hearing will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSM requests that persons who testify at a

hearing give the transcriber a written copy of their testimony.

Any disabled individual who needs special accommodations to attend this public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: March 7, 1995.

Mary Josie Blanchard,

Acting Assistant Director, Reclamation and Regulatory Policy.

[FR Doc. 95-6027 Filed 3-7-95; 5:02 pm]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL-5170-2]

Approval of Delegation of Authority; National Emission Standards for Hazardous Air Pollutants; Coke Oven Batteries; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to grant delegation of authority to the State of Utah to implement and enforce the National Emission Standards for Coke Oven Emissions. The Governor of Utah requested delegation from EPA Region VIII in a letter dated August 18, 1994. In the Final Rules Section of this **Federal Register**, EPA is approving the State of Utah's request for delegation as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. EPA's rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. **DATES:** Comments on this proposed rule must be received in writing by April 10, 1995.

ADDRESSES: Written comments should be submitted to Patricia D. Hull, Director, Air, Radiation & Toxics Division, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466 and concurrently to Russell A. Roberts, Director, Division of Air

Quality, Department of Environmental Quality, 1950 West North Temple, Salt Lake City, Utah 84114-4820. Copies of State of Utah's submittal are available for public inspection during normal business hours at the above locations.

FOR FURTHER INFORMATION CONTACT: T. Scott Whitmore at (303) 293-1758.

SUPPLEMENTARY INFORMATION: See the information provided in the final action which is located in the Final Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Intergovernmental relations, Hazardous substances.

Authority: 42 U.S.C. 7412.

Dated: February 23, 1995.

Kerrigan Clough,

Acting Regional Administrator, Region VIII.

[FR Doc. 95-5979 Filed 3-9-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[OK001; AD-FRL-5170-3]

Clean Air Act Proposed Interim Approval Operating Permits Program; the State of Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval.

SUMMARY: The EPA proposes source category-limited interim approval of the operating permits program submitted by the Oklahoma Department of Environmental Quality (ODEQ) through the Governor of Oklahoma on January 12, 1994, for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, with the exception of sources on Indian country.

DATES: Comments on this proposed action must be received in writing by April 10, 1995.

ADDRESSES: Written comments on this action should be addressed to Ms. Jole C. Luehrs, Chief, New Source Review Section, at the EPA Region 6 Office listed below. Copies of the State's submittal and other supporting information used in developing the proposed interim approval rule are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch