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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 944

#### Utah Regulatory Program

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

**ACTION:** Notice of informal conference.

**SUMMARY:** On January 21, 1981, the Secretary of the Interior conditionally approved Utah's program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (see 46 FR 5899). On February 7, 1995, OSM notified the Director of the Utah Division of Oil, Gas and Mining (DOGM) that it had reason to believe that violations of the Utah surface coal mining regulatory program approved under SMCRA were resulting from the failure of the State to enforce all or any part of the program effectively with respect to the State's regulation of mine access and haul roads (see "Supplementary Information" below).

Under the provisions of OSM's regulations at 30 CFR 733.12(c), OSM will hold an informal conference to discuss the facts surrounding such a notification if an informal conference is requested by the State. By letter dated February 22, 1995, DOGM requested an informal conference. Accordingly, OSM hereby notifies Utah and the public that it will hold an informal conference. All interested persons may attend the informal conference.

**DATES:** OSM has scheduled an informal conference on Tuesday, March 14, 1995, beginning at 10:00 a.m. m.s.t.

**ADDRESSES:** The conference will be held in the Red Butte Room on the second floor of the Double Tree Hotel, 215 West South Temple, Salt Lake City, Utah 84180.

Copies of the Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at: Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Avenue NW., Suite 1200, Albuquerque, New Mexico 87102.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Thomas E. Ehmett, Acting Assistant Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue NW., Suite 1200, Albuquerque, New Mexico 87102. Telephone: (505) 766-1486.

**SUPPLEMENTARY INFORMATION:** On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program (46 FR 5899).

On February 7, 1995, OSM notified the Director of the Utah Division of Oil, Gas and Mining (DOGM) that it had reason to believe that violations of the Utah surface coal mining regulatory program approved under SMCRA were resulting from the failure of the State to enforce all or any part of the program effectively with respect to the State's regulation of mine access and haul roads (administrative record No. UT-1023).

Since the approval of Utah's program, and in keeping with its policy of working closely with the State, OSM has had numerous discussions with DOGM officials about the State's performance. Recent discussions and investigations have centered on inadequacies of DOGM's implementation of the approved program in areas set forth below.

1. *Mine Access and Haul Roads:* Failure to regulate mine access and haul roads included within the Utah program definition of "coal mining and reclamation operations" at Utah Administrative Rule (Utah Admin. R.) 645-100-200 and the virtually identical Federal definition of "surface coal mining and reclamation operations" at 30 CFR 700.5.

2. *Exclusion of Public Roads From Regulation:* Both the State and Federal definitions include all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of mining-related activities and for haulage or excavation purposes. Contrary to the manner in which Utah is implementing its

program, the corresponding Federal definition of "surface coal mining operations" in section 701(28) of SMCRA does not exclude, as asserted by Utah, all roads designated as public roads or open to public use except when deemed by mine operators to public entities to avoid compliance with SMCRA.

In the February 7, 1995, notification, OSM specified a date for DOGM to present a plan to correct the deficiencies in the implementation of its program. On February 22, 1995, DOGM responded that its position with regard to OSM's wish to have the Division reconsider its permitting decisions is set forth in the complaint filed in *Utah v. Lujan*, 92-C-063-G (D. Utah). DOGM also responded that the facts and legal argument set forth in the complaint were being incorporated as its response to OSM's February 7, 1995, letter. Lastly, DOGM requested that OSM hold an informal conference to discuss the facts supporting the assertions of the February 7, 1995, letter (administrative record No. UT-1024).

Section 733.12(c) of 30 CFR requires OSM to provide the State regulatory authority an opportunity for an informal conference.

The informal conference may pertain to the facts of the deficiencies or the time period for accomplishing remedial actions.

#### Conference Rules

The informal conference is an opportunity for OSM to discuss the status of the implementation of Utah's program with Utah officials.

No testimony from the public will be taken but a verbatim transcript of the meeting will be kept.

Dated: March 2, 1995.

**Peter A. Rutledge,**

*Acting Assistant Director, Western Support Center.*

[FR Doc. 95-5923 Filed 3-10-95; 8:45 am]

BILLING CODE 4310-05-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 81**

[VA37-1-6812a; FRL-5170-9]

**Designation of Areas for Air Quality Planning Purposes; Virginia; Withdrawal of Final Rule Pertaining to the Clean Air Act Promulgation of Reclassification of the Hampton Roads Ozone Nonattainment Area in Virginia and Attainment Determinations****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On January 17, 1995, EPA published a final rule to reclassify the Norfolk-Virginia Beach-Newport News area (Hampton Roads) in Virginia from marginal to moderate nonattainment for ozone. The January 17, 1995 document also set forth the method that EPA will use henceforth to determine if areas have attained an air quality standard. These actions were published without prior proposal because EPA anticipated no adverse comment. Because EPA received adverse comments on these actions, EPA is withdrawing the January 17, 1995 final rule actions pertaining to the Hampton Roads reclassification and EPA's method to determine if areas attained an air quality standard.

**EFFECTIVE DATE:** March 13, 1995.**FOR FURTHER INFORMATION CONTACT:** Maria A. Pino, (215) 597-9337.

**SUPPLEMENTARY INFORMATION:** On January 17, 1995, EPA published a final rule to reclassify the Norfolk-Virginia Beach-Newport News area (Hampton Roads) in Virginia from marginal to moderate nonattainment for ozone (60 FR 3349), because the area failed to meet its November 15, 1993 attainment date. The action was based on air quality monitoring data for ozone. The January 17, 1995 document also set forth the method that EPA will use henceforth to determine if areas have attained an air quality standard. EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as non-controversial and anticipated no adverse comments. The final rule was published in the **Federal Register** with a provision for a 30 day comment period (60 FR 3349). At the same time, EPA announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the **Federal Register** (60 FR 3366). By publishing a document announcing withdrawal of the final rulemaking action, this action

would be withdrawn. EPA received adverse comment within the prescribed comment period. Therefore, EPA is withdrawing the January 17, 1995 final rulemaking actions pertaining to the Hampton Roads reclassification and EPA's method to determine if areas attained an air quality standard. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

The January 17, 1995 action also determined that a number of marginal ozone nonattainment in the states of Delaware, Pennsylvania, New Jersey, Ohio, and West Virginia have ambient air monitoring data that meets the ozone air quality standard. Those determinations were based on monitored air quality readings for ozone during the years 1991-1994. The January 17, 1995 action was not a redesignation action for these marginal areas for which air quality monitoring data indicates attainment of the standard. The Clean Air Act requires that a separate redesignation request be submitted by the appropriate states to EPA. These determinations are not affected by this withdrawal document. This withdrawal document only pertains to the final rulemaking actions on the Hampton Roads reclassification and EPA's method to determine if areas have attained an air quality standard.

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Dated: March 1, 1995.

**Stanley Laskowski,**  
*Acting Regional Administrator.*

For the reasons set out in the preamble, 40 CFR part 81 is amended by withdrawing the final rule published on January 17, 1995 at 60 FR 3349.

[FR Doc. 95-6110 Filed 3-10-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 81**

[WI44-02-6881; FRL-5168-4]

**Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of Oshkosh, Wisconsin, to Attainment for Carbon Monoxide; Correction****AGENCY:** United States Environmental Protection Agency (USEPA).**ACTION:** Final rule, correction.

**SUMMARY:** On August 17, 1994 the USEPA published a final rule approving the redesignation Oshkosh, Wisconsin to attainment status for carbon

monoxide (59 FR 42168). The supplementary information to the final rule included several typographical errors, and the final rule incorrectly listed the date the rule was to take effect. This correction clarifies the intent of the supplementary information and provides the correct effective date of October 17, 1994.

The USEPA regrets any inconvenience caused by these errors.

**EFFECTIVE DATE:** This correction is effective March 13, 1995.**FOR FURTHER INFORMATION CONTACT:** Megan Beardsley, Environmental Scientist, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-0669.**SUPPLEMENTARY INFORMATION:****List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: February 10, 1995.

**David A. Ullrich,***Acting Regional Administrator.***Correction of Publication**

Accordingly, the final rule published on, August 17, 1994 at 59 FR 42168 FR Doc. 94-20172, is corrected as follows:

1. On page 42169 of the final rule, at the top of the first column, the "Action" heading is incorrectly labelled as "C;" the correct label is "B." In the same column, the "Miscellaneous" heading is labelled as "IV;" the correct label is "III." Similarly, in column two, the "Petitions for Judicial Review," heading is labelled as "D;" the correct label is "C."

**§ 81.350 [Corrected]**

2. On page 42169, in § 81.350, in the Wisconsin carbon monoxide table, in the entry for "Winnebago County" the designation date in column 2 and the classification date in column 4 are corrected to read "October 17, 1994".

[FR Doc. 95-5659 Filed 3-10-95; 8:45 am]

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