regulatory program (hereinafter, the “Oklahoma program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of additions and revisions to Oklahoma’s regulations pertaining to repair or compensation for material damage resulting from subsidence caused by underground coal mining operations and to replacement of water supplies adversely impacted by underground coal mining operations. The amendment is intended to revise the Oklahoma program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., c.d.t., September 3, 1996. If requested, a public hearing on the proposed amendment will be held on August 27, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., c.d.t. on August 19, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to John R. Carson, Acting Director, Tulsa Field Office at the address listed below.

Copies of the Oklahoma 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 on free copy of the proposed amendment by contacting OSM’s Tulsa Field Office. Jack R. Carson, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

FOR FURTHER INFORMATION CONTACT: Jack R. Carson, Telephone (918) 581-6430.

SUPPLEMENTARY INFORMATION:
I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary’s findings, the disposition of comments, and the conditions of approval of the Oklahoma program can be found in the January 19, 1981, Federal Register (46 FR 4902).

Subsequent actions concerning Oklahoma’s program and program amendments can be found at 30 CFR 936.15 and 936.16.

II. Proposed Amendment

By letter dated July 17, 1996, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record No. OK±975). Oklahoma submitted the proposed amendment in response to a May 20, 1996, letter that OSM sent to Oklahoma in accordance with 30 CFR 732.17(c). Oklahoma proposed to revise the Oklahoma Coal Rules and Regulations at Oklahoma Administrative Code (OAC) 460:20–3–5, definitions; OAC 460:20–31–7, hydrologic information; OAC 460:20–31–13, subsidence control plan; OAC 460:20–45–8, hydrologic balance protection; and OAC 460:20–45–47, subsidence control. Specifically, Oklahoma proposes the following additions and revisions to its regulations.

1. OAC 460:20–3–5 Definitions

Oklahoma proposes to add definitions for the terms “drinking, domestic or residential water supply”; “material damage”; “non-commercial building”; and “replacement of water supply.”

2. OAC 460:20–31–7 Hydrologic Information

Oklahoma proposes to add a new provision at OAC 460:20–31–7(e)(3)(D) that requires the PHC determination to include findings on “whether the underground mining activities conducted after October 24, 1992 may result in contamination, diminution or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas.”

3. OAC 460:20–31–13 Subsidence Control Plan

Oklahoma proposes to remove the existing introductory paragraph and to replace it with new subsections (a) and (b). Paragraphs (a) (1) through (3) contain requirements for an application to include a map, a narrative, and a pre-subsidence survey indicating the location, type, and condition of structures and renewable resource lands that subsidence may materially damage or diminish in value and of drinking, domestic, and residential water supplies that subsidence may contaminate, diminish, or interrupt. Subsection (b) contains revised requirements for a subsidence control plan. A new introductory paragraph provides that no further information need be provided in the application if the survey conducted under paragraph (a) shows that no structures; drinking,
domestic, or residential water supplies; or
renewable resource lands exist or that
no material damage or diminution in
value or reasonably foreseeable use of
such structures or lands and no
contamination, diminution, or
interruption of such water supplies
would occur as a result of mine
subsidence. The Department must agree
with the conclusion of the survey. A
subsidence control plan is required if the
survey identifies the existence of
structures, renewable resource lands, or
water supplies; if subsidence could
cause material damage or diminution in
value or foreseeable use, or
contamination, diminution, or
interruption of protected water supplies;
or if the Department determines that
such damage or diminution could occur.

The language in existing paragraph (7)
was removed and new language was
added to require operators conducting
operations that result in planned and
controlled subsidence to describe the
subsidence control measures they will
use to minimize subsidence and
subsidence-related material damage to
non-commercial buildings and occupied
residential dwellings and related
structures; or to submit the written
consent of the owner of the structure or
facility that minimization measures
need not be taken; or to demonstrate
that the costs of minimizing damage to
these structures exceed the anticipated
cost of repair and are not needed to
prevent a threat to health or safety.

Existing paragraph (8) was
redesignated paragraph (b)(9) and new
paragraph (b)(8) requires a description of
the measures to be taken to replace
adversely affected protected water
supplies or to mitigate or remedy any
subsidence-related material damage to
protected land and structures.

4. OAC 460:20-45-8 Hydrologic-
balance protection

Oklahoma proposes to add new
subsection (i) that requires the permittee
to replace any drinking, domestic or
residential water supply that is
contaminated, diminished or
interrupted by underground mining
activities conducted after October 24,

5. OAC 460:20-45-47 Subsidence
Control

Oklahoma proposes to revise
subsection (a) by adding the title
"Operator measures to prevent or
minimize damage"; by numbering the
existing provision (1); and by adding
two new provisions. Paragraph (a)(2)
provides that if planned subsidence is
used, the operator must minimize
material damage to the extent

3. Public Comment Procedures

In accordance with the provisions of
30 CFR 732.17(h), OSM is seeking
comments on whether the proposed
amendment satisfies the applicable
program approval criteria of 30 CFR
732.15. If the amendment is deemed
adequate, it will become part of the
Oklahoma program.

Written Comments

Written comments should be specific,
pertain only to the issues proposed in
this rulemaking, and include
explanations in support of the
cementer's recommendations.

Comments received after the time
indicated under DATES or at locations
other than the Tulsa Field Office will
not necessarily be considered in the
final rulemaking or included in the
administrative record.

Public Hearing

Persons wishing to testify at the
public hearing should contact the
person listed under FOR FURTHER
INFORMATION CONTACT by 4:00 p.m., c.d.t.
on August 19, 1996. The location and
time of the hearing will be arranged
with those persons requesting the
hearing. Any disabled individual who
has need for a special accommodation
to attend a public hearing should contact
the individual listed under FOR FURTHER
INFORMATION CONTACT. If no one requests
an opportunity to testify at the public
hearing, the hearing will not be held.

Filing of a written statement at the
time of the hearing is requested as it
will greatly assist the transcriber.

Submission of written statements in
advance of the hearing will allow OSM
officials to prepare adequate responses
and appropriate questions.

The public hearing will continue on
the specified date until all persons
scheduled to testify have been heard.
Persons in the audience who have not
been scheduled to testify, and who wish
to do so, will be heard following those
who have been scheduled. The hearing
will end after all persons scheduled to
 testify and persons present in the
audience who wish to testify have been
heard.

Public Meeting

If only one person requests an
opportunity to testify at a hearing, a
public meeting, rather than a public
hearing, may be held. Persons wishing
to meet with OSM representatives to

is completed within 90 days of the
occurrence of damage. Oklahoma may
extend the 90-day time frame, not to
exceed one year, under specified
circumstances.
I. Introduction

The EPA Region IV announces its intent to delete the Northwest 58th Street Site, Dade County, Florida, from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning this Site for thirty days after publication of this notice in the Federal Register.

II. NPL Deletion Criteria

A. Environmental Protection Agency (EPA) Region IV announces its intent to delete the Northwest 58th Street Landfill Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

III. Deletion Procedures

Environmental Protection Agency

40 CFR Part 300

FR - 5545-6

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete Northwest 58th Landfill Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Northwest 58th Street Landfill Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before: September 3, 1996.

ADDRESSES: Comments may be mailed to: Richard D. Green, Acting Director, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30365.

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review). Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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 regulatory programs and program amendments since such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1293 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 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 of 1969 (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. 601 et seq.). The State submittal that 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 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 25, 1996.

Deborah Watford,
Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-19610 Filed 8-1-96; 8:45 am]