IV. Procedural Determinations

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).

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, to the extent allowed by law, 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 each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 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 (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 which 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

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 et seq.) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 924

Intergovernmental relations, Surface mining, Underground mining.


Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.

Federal Register

30 CFR Part 924

[SPATS No. MS-013-FOR]

Mississippi Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Mississippi regulatory program (hereinafter the “Mississippi program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Mississippi is proposing to replace all of its currently approved regulations for surface coal mining and reclamation operations with new regulations. The amendment is intended to revise the Mississippi program to be consistent with the corresponding Federal regulations, provide additional safeguards, and improve operational efficiency.

This document sets forth the times and locations that the Mississippi program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.d.t., May 14,
1998. If requested, a public hearing on the proposed amendment will be held on May 11, 1998. Requests to speak at the hearing must be received by 4:00 p.m. c.d.t. on April 29, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Arthur W. Abbs, Director, Birmingham Field Office, at the address listed below.

Copies of the Mississippi program, the proposed amendment, a listing of any scheduled public hearings, 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 Birmingham Field Office.


**Department of Environmental Quality, Office of Geology, 2380 Highway 80 West, P.O. Box 20307, Jackson, Mississippi 39289-1307, Telephone: (601) 961-5500.**

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Abbs, Director, Birmingham Field Office, Telephone: (205) 290-7282.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Mississippi Program**

On September 4, 1980, the Secretary of the Interior conditionally approved the Mississippi program. Background information on the Mississippi program, including the Secretary’s findings, the disposition of comments, and the conditions of approval can be found in the September 4, 1980, Federal Register (45 FR 58520). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 924.10, 924.12, and 924.16.

**II. Description of the Proposed Amendment**

By letter dated March 26, 1998 (Administrative Record No. MS-0355), Mississippi submitted a proposed amendment to its program pursuant to SMCRA. Mississippi submitted the proposed amendment in response to letters dated May 20, 1996, January 6, 1997, and June 17, 1997 (Administrative Record Nos. MS-0333, MS-0336, and MS-0339, respectively) that OSM sent to Mississippi in accordance with 30 CFR 732.17(c); in response to the required program amendments at 30 CFR 924.16(a) and (e); and at its own initiative. Mississippi proposes to amend its program by replacing the Mississippi Surface Coal Mining Regulations at Parts 100 through 250 with the State of Mississippi Surface Coal Mining Regulations at Subpart I, Chapters 1 through 7; Subpart II, Chapters 9 through 15; Subpart III, Chapters 17 through 37; Subpart IV, Chapters 39 through 47; and Subpart V, Chapters 49 through 71. The full text of the proposed program amendment submitted by Mississippi is available for public inspection at the locations listed above under ADDRESSES. Following is the table of contents for the proposed Mississippi regulations.

**Subpart I. General Information**

**Chapter 1. General**

Sec.

101 Authority
103 Responsibility
105 Definitions
107 Applicability
109 Petitions to Initiate Rulemaking
111 Notice of Citizen Suits
113 Availability of Records
115 Computation of Time

**Chapter 3. Permanent Regulatory Program**

Sec.

301 Authority
303 Applicability

**Chapter 4. Exemption of Coal Extraction of Other Minerals**

Sec.

401 Scope
403 Definitions
405 Application Requirements and Procedures
407 Contents for Application for Exemption
409 Public Availability of Information
411 Requirements for Exemptions
413 Conditions of Exemption and Right of Inspection and Entry
415 Stockpiling of Minerals
417 Revocation and Enforcement
419 Reporting Requirements

**Chapter 5. Restriction of Financial Interests of Employees**

Sec.

501 Authority
503 Responsibility
505 Penalties
507 Who Shall File
509 When to File
511 Where to File
513 What to Report
515 Gifts and Gratuities
517 Resolving Prohibited Interest
519 Appeals Procedure

**Chapter 7. Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction**

Sec.

701 Responsibility
703 Applicability
705 Information to be Maintained on Site

**Subpart II. Areas Unsuitability for Mining**

**Chapter 9. General**

Sec.

901 Authority
903 Responsibility

**Chapter 11. Areas Designated by Act of Congress**

**Sec.**

1101 Authority
1103 Responsibility
1105 Areas Where Mining Is Prohibited or Limited

**Chapter 13. Criteria For Designating Lands as Unsuitable for Surface Coal Mining Operations**

**Sec.**

1301 Responsibility
1303 Criteria For Designating Lands as Unsuitable
1305 Land Exempt From Designation as Unsuitable for Surface Coal Mining Operations

**Chapter 15. State Process For Designating Areas Unsuitable for Surface Coal Mining Operations**

**Sec.**

1501 Procedures; Petitions
1503 Procedures; Initial Processing, Record Keeping, and Notification Requirements
1505 Procedures; Hearing Requirements
1507 Procedures; Decision
1509 Data Base and Inventory System Requirements
1511 Public Information
1513 Responsibility for Implementation

**Subpart III. Surface Coal Mining and Reclamation Operations Permits and Coal Exploration and Development Procedures Systems**

**Chapter 17. General Requirements for Permit or Exploration Procedure Systems**

**Sec.**

1701 Responsibilities
1703 Applicability
1705 Coordination with Requirements Under Other Laws

**Chapter 19. General Requirements for Permits and Permit Applications**

**Sec.**

1901 General Requirements for Permits: Operators
1903 Compliance with Permits
1905 Permit Filing Application Deadlines
1907 Permit Applications: General Requirements for Format and Contents
1909 Permit Fees
1911 Verification of Application

**Chapter 21. Coal Exploration and Development**

**Sec.**

2101 Notice Requirements for Exploration Removing 250 Tons of Coal or Less
2103 Permit Requirements for Exploration Removing More than 250 Tons of Coal, or Occurring on Lands Designated as Unsuitable for Surface Coal Mining Operations
2105 Coal Exploration Compliance Duties
2107 Commercial Use or Sale
2109 Public Availability of Information
Subpart V. Permanent Program Performance Standard

Chapter 49. Permanent Program Performance Standards: General Provisions

Sec. 4901 Responsibility

Chapter 51. Permanent Program Performance Standards: Coal Exploration and Development Operations

Sec. 5101 General Responsibility of Persons Conducting Coal Exploration or Development

Chapter 53. Permanent Program Performance Standards for Surface Mining Activities

Sec. 5301 Signs and Markers

5303 Casing and Sealing of Drilled Holes: General Requirements

5305 Casing and Sealing of Drilled Holes: Temporary

5307 Casing and Sealing of Drilled Holes: Permanent

5309 Topsoil: General Requirements

5311 Topsoil and Subsoil

5313 Hydrologic Balance: General Requirements

5315 Hydrologic Balance: Water Quality Standards and Effluent Limitations

5317 Hydrologic Balance: Diversions

5319 Hydrologic Balance: Sediment Control Measures

5321 Hydrologic Balance: Siltation Structures

5323 Hydrologic Balance:Discharge Structures

5325 Hydrologic Balance: Acid-forming and Toxic-forming Materials

5327 Hydrologic Balance: Impoundments

5329 Hydrologic Balance: Groundwater Protection

5331 Hydrologic Balance: Surface-water Protection

5333 Hydrologic Balance: Surface- and Ground-water Monitoring

5335 Hydrologic Balance: Transfer of Wells

5337 Hydrologic Balance: Water Rights and Reclamation

5339 Hydrologic Balance: Discharges into an Underground Mine

5341 Hydrologic Balance: Post-mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities

5343 Hydrologic Balance: Stream Buffer Zones

5345 Coal Recovery

5347 Use of Explosives: General Requirements

5349 Use of Explosives: Pre-blasting Survey

5351 Use of Explosives: Blasting Schedule

5353 Use of Explosives: Blasting Signs, Warnings and Access Control

5355 Use of Explosives: Control of Adverse Effects

5357 Use of Explosives: Records of Blasting Operations

5359 Disposal of Excess Spoil: General Requirements

5361 Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills

5363 Disposal of Excess Spoil: Durable Rock Fills

5365 Disposal of Excess Spoil: Preexisting Benches

5367 Protection of Underground Mining

5369 Coal Mine Waste: General Requirements

5371 Coal Mine Waste: Refuse Piles

5373 Coal Procession: Waste: Burning and Burned Waste Utilization

5375 Disposal of Noncoal Wastes

5377 Coal Mine Waste: Impounding Structures

5379 Stabilization of Surface Areas

5381 Air Resources Protection

5383 Protection of Fish, Wildlife and Related Environmental Values

5385 Slides and Other Damages

5387 Contemproaneous Reclamation

5389 Backfilling and Grading: Time and Distance Requirements

5391 Backfilling and Grading: General Grading Requirements

5393 Backfilling and Grading: Thin Overburden

5395 Backfilling and Grading: Thick Overburden

5397 Revegetation: General Requirements

5399 Revegetation: Timing

53101 Revegetation: Mulching and Other Soil Stabilizing Practices

53103 Revegetation: Standards for Success

53105 Cessation of Operations: Temporary

53107 Cessation of Operations: Permanent

53109 Post-mining Land Use

53111 Roads: General

53113 Primary Roads

53115 Utility Installations

53117 Support Facilities

Chapter 55. Special Permanent Program Performance Standards: Operations on Prime Farmland

Sec. 5501 Prime Farmland: Scope and Purpose

5503 Prime Farmland: Soil Removal and Stockpiling

5505 Prime Farmland: Soil Replacement

5507 Prime Farmland: Revegetation and Restoration of Soil Productivity

Chapter 57. Special Permanent Program Performance Standards: Operations on Steep Slopes

Sec. 5701 Applicability

5703 Steep Slopes: Backfilling and Grading: Steep Slopes

Chapter 59. Special Permanent Program Performance Standards: Coal Preparation Plants and Support Facilities Not Located at or Near the Mine or Not Within the Permit Area for a Mine

Sec. 5901 Applicability

5903 Coal Plants: Performance Standards

Chapter 61. Special Permanent Program Performance Standards: In S itu Processing

Sec. 6101 In S itu Processing: Performance Standards

6103 In S itu Processing: Monitoring

Chapter 63. Inspections

Sec. 6301 Inspections

6303 Citizens' Requests for Inspections

6305 Right of Entry

6307 Review of Adequacy and Completeness of Inspection

6309 Review of Decisions Not to Inspect or Enforce

6311 Availability of Records

Chapter 65. Enforcement

Sec.

6501 Suspension or Revocation of Permits

6503 Service of Notices of Violation and Cessation Orders

6509 Termination of Order

6511 Formal Review of Citations

6513 Failure to Give Notice and Lack of Information

6515 Inability to Comply

6517 Compliance Conference

6519 Enforcement Actions at Abandoned Sites

Chapter 67. Civil Penalties

Sec.

6701 Waiver of Use of Formula to Determine Civil Penalty

6713 Procedures for Assessment of Civil Penalties

Chapter 69. Individual Civil Penalties

Sec.

6901 When an Individual Civil Penalty May Be Assessed

6903 Amount of Individual Civil Penalty

6905 Procedure for Assessment of Individual Civil Penalty

6907 Payment of Penalty

Chapter 71. Petitions for Award of Costs and Expenses

Sec.

7101 Who May File

7103 Where to File: Time for Filing

7105 Contents of Petition

7107 Answer

7109 Who May Receive an Award

7111 Awards

7113 Appeal

III. 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 Mississippi program.

Written Comments

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 Birmingham Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.
Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under FOR FURTHER INFORMATION CONTACT by 4:00 p.m., c.d.t. on April 29, 1998. 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 speak 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under FOR FURTHER INFORMATION CONTACT. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under ADDRESSES. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

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).

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List of Subjects in 30 CFR Part 924

Intergovernmental relations, Surface mining, Underground mining.


Brent Wahliquist,
Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98-9769 Filed 4-13-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT-001--0004b; FRL-5993-3]

Approval and Promulgation of Air Quality Implementation Plans; Utah; 1993 Periodic Carbon Monoxide Emission Inventories for Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of the 1993 periodic carbon monoxide (CO) emission inventories for Ogden City and Utah County (which includes Provo-Orem) that were submitted by the Governor on November 12, 1997, as a revision to the State Implementation Plan (SIP), to satisfy certain requirements of section 187(a)(5) of the Clean Air Act (CAA), as amended in 1990. In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives relevant 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 must be received in writing by May 14, 1998.

ADDRESSES: Written comments should be addressed to: Richard R. Long, Director, Air Program (8P2-A), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

Copies of the documents relevant to this action are available for public