

### Written Comments

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### Public Hearing

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## 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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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.

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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)).

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impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

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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.

Dated: April 6, 1998.

### Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98-9770 Filed 4-13-98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 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.

Arthur W. Abbs, Director,  
Birmingham Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 135 Gemini Circle, Suite  
215, Homewood, Alabama 35209,  
Telephone: (205) 290-7282.

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.

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*Chapter 1. General*

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- 101 Authority
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- 105 Definitions
- 107 Applicability
- 109 Petitions to Initiate Rulemaking
- 111 Notice of Citizen Suits
- 113 Availability of Records
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*Chapter 3. Permanent Regulatory Program*

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- 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*

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- 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**

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*Chapter 11. Areas Designated by Act of Congress*

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- 1105 Areas Where Mining Is Prohibited or Limited
- 1107 Procedures

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

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- 1307 Exploration or Development on Land Designated as Unsuitable for Surface Coal Mining Operations

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

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- 1503 Procedures: Initial Processing, Record Keeping, and Notification Requirements
- 1505 Procedures: Hearing Requirements
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- 1509 Data Base and Inventory System Requirements
- 1511 Public Information
- 1513 Responsibility for Implementation

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- 1705 Coordination with Requirements Under Other Laws

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- 1903 Compliance with Permits
- 1905 Permit Filing Application Deadlines
- 1907 Permit Applications: General Requirements for Format and Contents
- 1909 Permit Fees
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- 2101 Notice Requirements for Exploration Removing 250 Tons of Coal or Less
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- 2107 Commercial Use or Sale
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 2307 Compliance Information  
 2309 Right of Entry and Operation Information  
 2311 Relationship to Areas Designated Unsuitable for Mining  
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 2315 Personal Injury and Property Damage Insurance Information  
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 2319 Identification of Location of Public Office for Filing of Application  
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 2711 Air Pollution Control Plan  
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 2725 Reclamation Plan: Siltation Structures, Impoundments, Banks, Dams and Embankments

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 2731 Protection of Public Parks and Historic Places  
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 2735 Disposal of Excess Spoil  
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 2907 Prime Farmlands  
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 3115 Criteria for Permit Approval or Denial  
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 3119 Permit Approval or Denial Actions  
 3121 Permit Terms  
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 3505 Permit Modifications and Revisions  
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 3511 Permit Renewals: Terms  
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5351 Use of Explosives: Blasting Schedule

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53101 Revegetation: Mulching and Other Soil Stabilizing Practices

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**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*

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### List of Subjects in 30 CFR Part 924

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 6, 1998.

### Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

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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