**DEPARTMENT OF THE INTERIOR**

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 924

[SPATS No. MS-014-FOR]

**Mississippi Regulatory Program**

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Mississippi regulatory program (hereinafter referred to as the “Mississippi program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of revisions to the Mississippi Surface Coal Mining and Reclamation Law pertaining to the small operator assistance program, variances from performance standards, enforcement, and administrative and judicial review proceedings. The amendment is intended to revise the Mississippi program to be consistent with SMCRA.

**EFFECTIVE DATE:** June 25, 1998.

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**FOR FURTHER INFORMATION CONTACT:**


**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 amendments can be found at 30 CFR 924.10, 924.16, and 924.17.

II. Submission of the Proposed Amendment

By letter dated March 26, 1998 (Administrative Record No. MS-0354), Mississippi submitted an amendment to its program pursuant to SMCRA. Mississippi proposed to amend the Mississippi Surface Coal Mining and Reclamation Law (MSCMRL) in response to the required amendments codified at 30 CFR 924.16(b), (c), and (d).

OSM announced receipt of the proposed amendment in the April 14, 1998, Federal Register (63 FR 18172), and in the same document opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment. The public comment period closed on May 14, 1998. Because no one requested a public hearing or meeting, none was held.

III. Director’s Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director’s findings concerning the amendment:

1. § 53–9–26, Small Operator Assistance Program

Mississippi proposed to change the word “operation” to the word “operator” in the phrase “at all locations of surface coal mining operation.”

The Director finds that the revision satisfies the requirement placed on the Mississippi program at 30 CFR 924.16(b)(1) on January 9, 1998 (63 FR 1342), and that Mississippi’s revised provision at section 53–9–26 is no less stringent than section 507(c) of SMCRA. Therefore, the Director is approving the revision and removing the required amendment.
2. § 53-9-45, Variances From Performance Standard

   At section 53-9-45(4)(b), Mississippi proposed to remove the reference to subsection (2) from the phrase "a variance from the requirement to restore to approximate original contour set forth in subsection (2) or (3) of this section."

   The Director finds that the revision satisfies the requirement placed on the Mississippi program at 30 CFR 924.16(b)(2) on January 9, 1998 (63 FR 1342), and that Mississippi’s revised provision at section 53-9-45 is no less stringent than section 515(e)(2) of SMCRA. Therefore, the Director is approving the revising the required amendment.

3. § 53-9-69, Enforcement and Administrative and Judicial Review Proceedings

   a. At section 53-9-69(1)(c)(i), Mississippi proposed to change the word “may” to the word “shall” in the phrase "the commission, executive director or the executive director’s authorized representative may issue an order to the permittee or agent of the permittee."

   The Director finds that the revision satisfies the requirement placed on the Mississippi program at 30 CFR 924.16(c) on January 9, 1998 (63 FR 1342), and that Mississippi’s revised provision at section 53-9-69(1)(c)(i) is no less stringent than section 521(a)(3) of SMCRA. Therefore, the Director is approving the revising the required amendment.

   b. Mississippi proposed to add the following new provision at section 53-9-69(4):

   "When an order is issued under this section, or as a result of any administrative proceeding under this chapter, at the request of any person, a sum equal to the aggregate amount of all costs and expenses, including attorney’s fees, as determined by the commission to have been reasonably incurred by that person or in conjunction with that person’s participation in the proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review, or the commission, resulting from administrative proceedings deems proper."

   The Director finds that the addition of this new provision satisfies the requirement placed on the Mississippi program at 30 CFR 924.16(d)(1) on January 9, 1998 (63 FR 1342), and that Mississippi’s provision at section 53-9-69(4) is no less stringent than section 525(e) of SMCRA. Therefore, the Director is approving the new provision and removing the required amendment.

4. § 53-9-77, Formal Hearings

   Mississippi proposed to add the following new provision at section 53-9-77(5):

   "Except as provided in Section 53-9-67, the availability of judicial review under this section shall not limit any rights established under Section 53-9-67."

   The Director finds that the addition of this new statutory provision satisfies the requirement placed on the Mississippi program at 30 CFR 924.16(d)(2) on January 9, 1998 (63 FR 1342), and that Mississippi’s provision at section 53-9-77(5) is no less stringent than the counterpart Federal provision at section 526(e) of SMCRA. Therefore, the Director is approving the new provision and removing the required amendment.

V. Director’s Decision

   Based on the above findings, the Director approves the proposed amendment as submitted by Mississippi on March 26, 1998.

   The Federal regulations at 30 CFR Part 924, codifying decisions concerning the Mississippi program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.
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 corresponding 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 corresponding 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.

§ 924.16 [Amended]
3. Section 924.16 is amended by removing and reserving paragraphs (b), (c), and (d).
[FR Doc. 98–16813 Filed 6–24–98; 8:45 am]
BILLING CODE 4310–05–M

POSTAL SERVICE
39 CFR Part 232
Conduct on Postal Service Property
AGENCY: Postal Service.
ACTION: Final rule.
SUMMARY: This final rule amends United States Postal Service regulations concerning conduct on postal property to: prohibit smoking in postal buildings; prohibit soliciting of signatures on petitions, polls, or surveys on postal property except as otherwise authorized by Postal Service regulations; prohibit impeding ingress to or egress from post offices; add regulations for voter registration activities on postal property to reflect current postal policy; prohibit unauthorized leafleting, picketing, demonstrating, public assembly, and public address in lobbies and other interior areas of postal buildings open to the public; prohibit placement of tables, chairs, freestanding signs or posters, structures, or furniture of any type on postal property except as part of postal activities or as otherwise permitted by these regulations; permit, in addition to guide dogs, other animals used to assist persons with disabilities on postal property; prohibit the storage of weapons and explosives on postal property except for official purposes; clarify the meaning of terms; change references to other postal directives; and provide that Office of Inspector General Criminal Investigators and other persons designated by the Chief Postal Inspector may also enforce Postal Service property regulations.

EFFECTIVE DATE: This final rule is effective June 25, 1998.


SUPPLEMENTARY INFORMATION: On November 18, 1997, the Postal Service published a proposed rule to amend its conduct on postal property regulations, 62 FR 61481. Comments concerning the proposed rule were received from one organization, the National Newspaper Association (NNA), before the comment period closed on December 18, 1997. NNA objected to the language in proposed § 232.1(h)(1) prohibiting the impeding of ingress to or egress from post offices. NNA recommended deleting the language, stating there are certain post offices in which the sidewalks leading to and from the postal property are public walkways that would qualify as public fora exempt from Postal Service regulation under United States v. Kokinda. Finally, NNA suggested the proposed amendments should be changed to make clear that they apply only to postal property.

In response to the NNA comments, the Postal Service acknowledges that it has no authority to regulate conduct on nonpostal property, including public property that is contiguous to postal property. Current § 232.1(a) provides that the regulations apply only to real property under the charge and control of the Postal Service. In those cases where post offices are accessible only through nonpostal public or private property, state and local laws and regulations apply to the nonpostal public or private property. These final regulations do not extend, nor is it the intent to extend, Postal Service conduct on property regulations to nonpostal property.

List of Subjects in 39 CFR Part 232
Federal buildings and facilities, Penalties, Postal Service. Accordingly, 39 CFR part 232 is amended as set forth below.