

second and third columns for the following redesignated sections in the first column are corrected to read:

Redesignated section	Old reference	New reference
250.906(b)(2)(iii)	250.137	250.907.
250.1000(c)	250.150 through 250.158	250.1000 through 250.1008.
250.1009(a)(1)	250.150 through 250.158	250.1000 through 250.1008.
250.1500(a)	250.211 through 250.216	250.1502 through 250.1507
250.1500(b)	250.217 through 250.222	250.1508 through 250.1513.
250.1500(c)	250.223 through 250.229	250.1514 through 250.1520.
250.1500(d)	250.230 through 250.232	250.1521 through 250.1523.
250.1505(c)	250.214	250.1505.
250.1505(f)	250.214	250.1505.
250.1605(a)	250.260 through 250.274	250.1605 through 250.1619.
250.1627(a)	250.290 through 250.297	250.1627 through 250.1634.

Dated: June 18, 1998.  
**E.P. Danenberger**,  
 Chief, Engineering and Operations Division.  
 [FR Doc. 98-16969 Filed 6-24-98; 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-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.

**FOR FURTHER INFORMATION CONTACT:**  
 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.

- SUPPLEMENTARY INFORMATION:**  
 I. Background on the Mississippi Program  
 II. Submission of the Proposed Amendment  
 III. Director's Findings  
 IV. Summary and Disposition of Comments  
 V. Director's Decision  
 VI. Procedural Determinations

**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 revision and removing 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 revision and removing 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 for 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.

## IV. Summary and Disposition of Comments

### Public Comments

OSM solicited public comments on the proposed amendment, but none were received.

### Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Mississippi program (Administrative Record No. MS-0357). On April 29, 1998, the U.S. Army Corps of Engineers commented that a review of the proposed amendment found it to be satisfactory (Administrative Record No. MS-0363).

### Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Mississippi proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request the EPA's concurrence.

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from the EPA (Administrative Record No. MS-0357). The EPA did not respond to OSM's request.

### State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have

an effect on historic properties from the SHPO and ACHP. OSM solicited comments on the proposed amendment from the SHPO and ACHP (Administrative Record No. MS-0357). Neither the SHPO nor ACHP responded to OSM's request.

## 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.

## VI. 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 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 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.

Dated: June 6, 1998.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

For the reasons set out in the preamble, 30 CFR Part 924 is amended as set forth below:

**PART 924—MISSISSIPPI**

1. The authority citation for Part 924 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 924.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

**§ 924.15 Approval of Mississippi regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
March 26, 1998	June 25, 1998	MSCMRL 53-9-26; 45(4)(b); 69(1)(c)(i) and (4); 77(5).

**§ 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]  
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**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.

**FOR FURTHER INFORMATION CONTACT:** Henry J. Bauman, Independent Counsel, Postal Inspection Service, (202) 268-4415.

**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 vending of newspapers on postal property. NNA believes the language is too broad and may be misinterpreted in the future as prohibiting the placement of newspaper racks in nonpostal property locations that are contiguous to postal property. NNA also 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.