

CFR part or section where identified and described	Current OMB control number
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2. Adding entries in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

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(c) * * *	*

CFR part or section where identified and described	Current OMB control number
* * * *	*
48.4082-7T	1545-1608
48.4082-8T	1545-1608
48.4091-3T	1545-1608
* * * *	*
48.4101-2T	1545-1608
48.4101-3T	1545-1608
* * * *	*
48.6427-11T	1545-1608
* * * *	*
145.4052-1	1545-1608 1545-0120 1545-0745 1545-1076
* * * *	*

Michael P. Dolan,
Deputy Commissioner of Internal Revenue.

Approved: June 17, 1998.

Donald C. Lubick,
Assistant Secretary of the Treasury.
[FR Doc. 98-17400 Filed 6-26-98; 2:02pm]
BILLING CODE 4830-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SPATS No. AL-065-FOR]

Alabama Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving an amendment to the Alabama regulatory program (hereinafter referred to as the "Alabama program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alabama's revisions to and additions of statutes pertain to the small operator assistance program

(SOAP), the repair of homes and other structures materially damaged by underground coal mining, and the replacement of affected water supplies. The amendments is intended to revise the Alabama program to be consistent with SMCRA.

EFFECTIVE DATE: July 1, 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 Alabama 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 Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. Background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 901.15 and 901.16.

II. Submission of the Proposed Amendment

By letter dated April 14, 1998 (Administrative Record No. AL-0579), Alabama submitted an amendment to its program pursuant to SMCRA. Alabama submitted the amendment in response to a May 20, 1996, letter (Administrative Record No. AL-0555) that OSM sent to Alabama in accordance with 30 CFR 732.17(c). OSM announced receipt of the amendment in the April 29, 1998, **Federal Register** (63 FR 23403), 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 29, 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.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect

organizational changes resulting from this amendment.

A. Section 9-16-83. Permits; Fee

1. Alabama proposed to revise paragraph (c) to read as follows:

(c)(1) If the regulatory authority finds that the probable total annual production at all locations of any surface coal mining operator will not exceed 300,000 tons, the cost of the following activities, which shall be performed by a qualified public or private laboratory or such other public or private qualified entity designated by the regulatory authority, shall be assumed by the regulatory authority upon the written request of the operator in connection with a permit application, provided that funds are made available to the regulatory authority for such purposes by the Secretary of the U.S. Department of Interior.

(A) The determination of probable hydrologic consequences required by subsection (b)(10), including the engineering analyses and designs necessary for the determination.

(B) The development of cross-section maps and plans required by subsection (b)(13).

(C) The geologic drilling and statement of results of test borings and core samplings required by subsection (b)(14).

(D) The collection of archaeological information required by subsection (b)(12) and any other archaeological and historical information required by the regulatory authority, and the preparation of plans necessitated thereby.

(E) Pre-blast surveys required by subsection 9-16-90(b)(15)e.

(F) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the regulatory authority under this Act.

(2) The regulatory authority shall provide or assume the cost of training coal operators that meet the qualifications stated in paragraph (1) concerning the preparation of permit applications and compliance with the regulatory program, and shall ensure that qualified coal operators are aware of the assistance available under this subsection; provided that funds for such purposes are made available to the regulatory authority by the Secretary of the U.S. Department of Interior.

The Director is approving this revision because it is no less stringent than section 507(c)(1) of SMCRA.

2. Alabama proposed to add new paragraph (h) to read as follows:

(h) A coal operator that has received assistance pursuant to subsection (c) (1) or (2) shall reimburse the regulatory authority for the cost of the services rendered if the program administrator finds that the operator's actual and attributed annual production of coal for all locations exceeds 300,000 tons during the 12 months immediately following the date on which the operator is issued the surface coal mining and reclamation permit.

The Director is approving this revision because it is no less stringent than section 507(h) of SMCRA.

B. Section 9-16-91. Underground Coal Mining; Effects on Surface

Alabama proposed to add new paragraph (e) to read as follows:

(e) Underground coal mining operations conducted after the date of enactment of this section shall comply with each of the following requirements:

(1) Promptly repair, or compensate for, material damage resulting from subsidence caused to any occupied residential dwelling and structure related thereto, or non-commercial building due to underground coal mining operations. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged occupied residential dwelling and structures related thereto, or non-commercial building. Compensation shall be provided to the owner of the damaged occupied residential dwelling and structures related thereto or non-commercial building and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

(2) Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface coal mining and reclamation permit, which has been affected by contamination, diminution, or interruption resulting from underground coal mining operations. Nothing in this section shall be construed to prohibit or interrupt underground coal mining operations.

The Director is approving this revision because it is no less stringent than section 720 of SMCRA.

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 Alabama program.

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 Alabama 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. AL-0580). 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. AL-0580). The Alabama Historical Commission (Commission) responded in a letter dated May 5, 1998 (Administrative Record No. AL-0582). The Commission wanted to know who defines the terms "known" and "significant" at section 9-16-83(b)(12) regarding archaeological sites and if the Alabama Surface Mining Commission (ASMC) or some other agency would pay for archaeological studies discussed at section 9-16-83(c)(1). The Commission also wanted clarification on what it meant to "seal all portals" at section 9-16-91(b)(2), and stated that there are historic portal facings which need to be preserved and that this issue needed to be more clearly addressed. In addition, at section 9-16-91(b)(7), the Commission wanted to know if the proximity of culturally significant sites to mining activities should be of more concern in cases where adverse effects could come from a greater distance, i.e., blasting. Furthermore, at section 9-16-91(b)(10), it wanted to know if other surface impacts not specified in section 9-16-91(b) would be subject to section 106 of the National Historic Preservation Act of 1966 if the ASMC received a permit. Finally, the Commission felt that significant cultural resources should be addressed at section 9-16-91(c)(1) which pertains to protecting the stability of the land.

Alabama did not propose to amend the above aforementioned sections of its statutes. In addition, these statute sections are substantially identical to the Federal statutes at sections 507 and 516 of SMCRA, and, therefore, are not inconsistent with the Federal requirement. In acting on State program amendments, the Director only addresses those sections of a State's laws and regulations where revisions are proposed by the State. However,

OSM forwarded a copy of the Commission's comments to the ASMC for its consideration in future rulemaking.

The Commission made one other comment pertaining to Alabama's amendment. It stated that section 9-16-83(c)(1)(d) needed to be clarified and that a possible agreement be developed between the Commission and the ASMC. Section 9-16-83(c)(1)(d) pertains to one activity that the ASMC can provide assistance for to eligible mine operators if a surface coal mining operator does not exceed a total annual production of 300,000 tons at all its coal mining locations, and provided that funds are made available to the ASMC for such purposes by the Secretary of the United States Department of the Interior under the small operator assistance program (SOAP). The assistance allows the regulatory authority to obtain certain services on behalf of the operator to aid in the preparation of a permit application. This statute is substantially identical to the Federal statute at section 507(c)(1)(D) of SMCRA, and is, therefore, not inconsistent with the Federal requirement. Any clarification or agreement that the Commission feels a need for must be discussed directly with the ASMC.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Alabama on April 14, 1998.

The Federal regulations at 30 CFR Part 901, codifying decisions concerning the Alabama 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 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 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 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 23, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 901 is amended as set forth below:

PART 901—ALABAMA

1. The authority citation for Part 901 continues to read as follows:

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

2. Section 901.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 901.15 Approval of Alabama regulatory program amendments.

*	*	*	*	*	
Original amendment submission date	Date of final publication	Citation/de- scription			
*	*	*	*	*	
April 14, 1998	July 6, 1998	Code of Ala. Sections 9-16-83(c) and (h); 9- 16-91(e).			

[FR Doc. 98-17526 Filed 6-30-98; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2-86]

Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statutes; Georgia, Florida and Connecticut

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Determination of substantially identical state statutes.

SUMMARY: The Department of the Treasury is announcing that it has reviewed the statutes of Georgia, Florida and Connecticut which have recently enacted laws adopting Revised Article 8 of the Uniform Commercial Code—Investment Securities ("Revised Article 8") and determined that they are substantially identical to the uniform

version of Revised Article 8 for purposes of interpreting the rules in 31 CFR Part 357, Subpart B (the "TRADES" regulations). Therefore, that portion of the TRADES rule requiring application of Revised Article 8 if a state has not adopted Revised Article 8 will no longer be applicable for those 3 states.

EFFECTIVE DATE: July 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Sandy Dyson, Attorney-Advisor (202) 219-3320, or Cynthia E. Reese, Deputy Chief Counsel (202) 219-3320.

ADDRESSES: Copies of this notice are available for downloading from the Bureau of the Public Debt home page at: <http://www.publicdebt.treas.gov>.

SUPPLEMENTARY INFORMATION: On August 23, 1996, The Department published a final rule to govern securities held in the commercial book-entry system, now referred to as the Treasury/Reserve Automated Debt Entry System ("TRADES"), 61 FR 43626.

In the commentary to the final regulations, Treasury stated that for the 28 states that had by then adopted Revised Article 8, the versions enacted were "substantially identical" to the uniform version for purposes of the rule. Therefore, for those states, that portion of the TRADES rule requiring application of Revised Article 8 was not invoked. Treasury also indicated in the commentary that as additional states adopt Revised Article 8, notice would be provided in the **Federal Register** as to whether the enactments are substantially identical to the uniform version so that the federal application of Revised Article 8 would no longer be in effect for those states. Treasury adopted this approach in an attempt to provide certainty in application of the rule in response to public comments. Notices have subsequently been published setting forth Treasury's determination concerning 16 additional states' enactment of Revised Article. See (62 FR 26, January 2, 1997, 62 FR 34010, June 18, 1997, 62 FR 61912, November 20, 1997 and 63 FR 20099, April 23, 1998). Including the three states addressed herein this brings the number of states that have enacted Revised Article 8 and have been the subject of such a notice to 47. Treasury understands that several more states will soon enact versions of Revised Article 8. Treasury will review those enactments as soon as they are available and will issue notices of determination with respect to them.

This notice addresses the recent adoption of Article 8 by Georgia, Florida and Connecticut.