conditions specified in paragraph 1.C. of the Planning Information of Lockheed L–1011 Service Bulletin 093–53–268, dated April 15, 1993; or Revision 1, dated July 2, 1996; are met. For flight with cracking, both the visual and eddy current inspections specified in paragraphs 2.B. and 2.C. of Part I of the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–268, dated April 15, 1993; or specified in paragraphs 2.B. and 2.C. of Part II of the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–268, Revision 1, dated July 2, 1996; must be accomplished prior to returning the aircraft to service. These visual and eddy current inspections must be repeated within 900 landings. Prior to the accumulation of 1,800 total landings, these inspections must be terminated by the installation of the repair specified in Part II of the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–268, dated April 15, 1993; or by installation of the repair specified in Part III of the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–268, Revision 1, dated July 2, 1996.

New Requirements of This of AD

(e) Prior to the accumulation of 18,000 total landings, or within 6 months after the effective date of the AD, whichever occurs later, perform a visual and eddy current surface scan inspection for cracking of the bulkhead web at FS 1363, in accordance with Lockheed L–1011 Service Bulletin 093–53–268, Revision 1, dated July 2, 1996.

(1) If no cracking of the bulkhead web is detected, except as provided by paragraph (f) of this AD, repeat the visual and eddy current surface scan inspections thereafter at intervals not to exceed 2,000 landings.

(2) If cracking of the bulkhead web is detected, and that cracking is within the limits specified in Part I of the Accomplishment Instructions of the service bulletin: Accomplish the requirements of either paragraph (e)(2)(i) or (e)(2)(ii) of this AD, in accordance with the service bulletin. Except as provided by paragraph (f) of this AD, repeat the inspections thereafter at intervals not to exceed 2,000 landings after repair of the cracking.

(i) Prior to further flight, repair the cracking. Or

(ii) Repeat the inspections specified in Part I of the Accomplishment Instructions of the service bulletin at intervals not to exceed 900 landings, and repair the cracking within 1,800 landings after the cracking was detected.

(3) If cracking of the bulkhead web is detected, and that cracking is outside the limits specified in Part I of the Accomplishment Instructions of the service bulletin: Prior to further flight, repair in accordance with Part III of the Accomplishment Instructions of the service bulletin. Except as provided by paragraph (f) of this AD, repeat the inspections thereafter at intervals not to exceed 2,000 landings.

(f) For airplanes on which modification of the bulkhead web is accomplished in accordance with Part IV of the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–268, Revision 1, dated July 2, 1996: Repeat the inspections specified in paragraph (e) of this AD within 18,000 landings after accomplishment of the modification, in accordance with the service bulletin.

(g) Prior to the accumulation of 18,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, perform visual, bolt hole eddy current, eddy current surface scan, and X-ray inspections for cracking of the bulkhead cap at FS 1363, in accordance with Lockheed L–1011 Service Bulletin 093–53–272, dated November 12, 1996.

(1) If no cracking of the bulkhead cap is detected, except as provided by paragraph (h) of this AD, repeat the inspections thereafter at intervals not to exceed 2,000 landings, in accordance with the service bulletin.

(2) If any cracking of the bulkhead cap is detected, accomplish the requirements of either paragraph (g)(2)(i) or (g)(2)(ii) of this AD, in accordance with the service bulletin.

(i) Prior to further flight, repair in accordance with Part I of the Accomplishment Instructions of the service bulletin. Thereafter, repeat the inspections at intervals not to exceed 2,000 landings. Or

(ii) Prior to further flight, replace the bulkhead cap, in accordance with Part II of the Accomplishment Instructions of the service bulletin. Following such replacement, repeat the inspection within 18,000 landings, in accordance with the service bulletin.

(h) For airplanes on which replacement of the bulkhead cap is accomplished in accordance with Part II of the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–272, dated November 12, 1996: Repeat the inspections specified in paragraph (g) of this AD within 18,000 landings after accomplishment of the replacement, in accordance with the service bulletin.

(i) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(j) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on September 4, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24406 Filed 9–10–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 866]

RIN 1512–AA07

Proposal To Establish a Santa Rita Hills Viticultural Area (98R–129 P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has received a petition proposing the establishment of a viticultural area located in Santa Barbara County, California, to be known as ''Santa Rita Hills.'' The proposed area occupies more than 48 square miles. The proposal constitutes a petition from viticulturists and vintners of the proposed area under the direction of J. Richard Sanford (Sanford Winery), Bryan Babcock (Babcock Vineyards and Winery), and Wesley D. Hagen (Vineyard Manager of Clos Pepe Vineyards).

DATES: Written comments must be received by December 10, 1998.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221 (*Attn: Notice No. 866*). Copies of the petition, the proposed regulation, the appropriate maps, and written comments received will be available for public inspection during normal business hours at: ATF Public Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Marsha D. Baker, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC. 20226 (202) 927–8230.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definitive viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas. Section 4.25a(e)(1), Title 27, CFR, defines an American Viticultural Area (AVA) as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an AVA. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF received a petition from J. Richard Sanford (Sanford Winery) which was drafted by Wesley D. Hagen (Vineyard Manager of Clos Pepe Vineyards), on behalf of viticulturists and vintners working in Santa Barbara County, California. The petition proposes to establish a viticultural area surrounded by but separate from the Western Santa Ynez Valley AVA of California to be known as ''Santa Rita Hills.'' According to the petitioner, the proposed boundary encloses an estimated area slightly greater than forty-eight (48) square miles and contains approximately 500 acres of planted varietal winegrapes. The petition also states that currently two (2) wineries and seventeen (17) vineyards exist within the proposed Santa Rita Hills area. Two additional vineyards are in the works.

Evidence of Name

The petitioner provided evidence that the name ''Santa Rita'' is locally known as referring to the area specified in the petition. In the exhibits and maps furnished with the petition, there are numerous references to the area.

The Land Records of Santa Barbara County from the U.S.G.S. furnished by the petitioner show the Santa Rita area dating back to 1845. According to this information, Santa Rita was established as a recognized political and geographical region when a land grant for Santa Rita was made to Jose Ramon Malo from Spanish governor Pio Pico on April 12, 1845. The title was accredited to Jose Ramon Malo on June 25, 1875 by President Ulysses S. Grant as confirmed in the U.S. Patent Book ''A.'' (Pertinent pages are shown as exhibits to the petition.) The patent issued included 13,316 acres within the boundary of the Santa Rita Land Grant.

Evidence submitted with the petition to support the use of the name ''Santa Rita Hills'' as an AVA includes:

(a) The U.S.G.S. Lompoc, Lompoc Hills, Los Alamos, and Santa Rosa. Hills Quadrangle maps used to show the boundaries of the proposed area use the name ''Santa Rita Hills'' to identify the area.

(b) The U.S.G.S. Water-Resources Investigations Report 970–4056 (Evaluation of Ground Water Flow and Solute Transport in the Lompoc Area, Santa Barbara County, California) discusses the ''Santa Rita Upland Basin.'' The report indicates that ''Santa Rita'' is a recognized geological, geographical, and hydrological appellation in Santa Barbara County, California.

(c) An excerpt, ''From the Missions to Prohibition'', in the publication *Aged in Oak: The Story of the Santa Barbara County Wine Industry* (1998), provided by the petitioner shows the vineyards and wineries in Santa Barbara County prior to 1900 to include the name ''Santa Rita.''

(d) The text provided by the petitioner from *History of Santa Barbara County* (1939) states, ''Following the secularization of the Mission La Purisima, the rest of the valley was broken up into seven great ranchos granted to private owners. They were Santa Rosa, *Santa Rita,* Salsipuedes, La Purisima, Mission Vieja, Lompoc and a portion of the Jesus Maria.'' (Italics added for emphasis.)

Evidence of Boundaries

Per the submission of the petitioner, the proposed ''Santa Rita Hills'' AVA is located in Northern Santa Barbara County, California, east of Lompoc (U.S. Highway 1) and west of Buellton (U.S. Highway 101). The petitioner stated that a committee of viticulturists, consultants and vintners with formal geological, geographic and agricultural education selected specific hilltops in the Purisima Hills to the north and the Santa Rosa Hills to the south which isolate the area to serve as the boundaries.

Precise boundaries can be found on the five (5) U.S.G.S. Quadrangle maps (7.5 minute series originally dated 1959) submitted with the petition. On these maps, the Santa Rita Hills are the dominant central feature of the proposed AVA with its transverse (east/west) maritime throat stretching from Lompoc to a few miles west of the Buellton Flats. The Santa Rosa Hills to the south and the Purisima Hills to the north isolate the proposed area geographically and climatically.

Again, the U.S.G.S. Water-Resources Investigations Report 970–4056 describes the Santa Rita Upland Basin as being ''in hydrologic continuity with the Lompoc Plain, Lompoc Upland and Buellton Upland basins, but separated from the Santa Ynez River alluvium by non-water-bearing rocks.'' It goes on to state, ''[a]n ongoing U.S.G.S. study treats the Santa Rita Valley as a separate unit * * *'' and ''* * * the eastern surface drainage divide between Santa Rita and Lompoc basins was used as a ground-water divide by the U.S.G.S.''

Climate

According to the petitioner, the climatic features of the proposed viticultural area and thus the varietals grown therein, set it apart from the Santa Ynez Valley AVA, which borders the proposed area. According to the petitioner, the Santa Ynez Valley area east of U.S. Highway 101 is characterized by higher temperatures than the proposed ''Santa Rita Hills'' AVA to the west, which has a cool climate and is thus more conducive to growing ''Region One'' cool-climate winegrape varietals. By contrast, the eastern area of the Santa Ynez Valley, a ''Region Two'' growing area, provides a warmer climate and is well known for the production of varietal winegrapes such as Cabernet Sauvignon, Cabernet Franc, Merlot, Sauvignon Blanc, Mourvedre, and other varietals that require a significantly higher temperature (degree days) for adequate ripening. The proposed ''Santa Rita Hills'' AVA to the west of U.S. Highway 101 is better known for varietals such as Chardonnay and Pinot Noir which are the predominant winegrapes there. The petitioner states, ''It is much more difficult to gain a balance of high ripeness to strong acid content in cool-climate varietals grown in the eastern Santa Ynez Valley * * * the proposed Santa Rita Hills AVA will correctly identify and distinguish a unique cool-

climate wine production area of Santa Barbara County, California.''

In a 1991 article from *Expansion and Experimentation* submitted by the petitioner to substantiate this claim, viticulturist Jeff Newton states, ''The best Chardonnays and Pinots come from the cooler areas west of U.S. [Highway] 101 closer to the sea, and the best Sauvignon Blanc and reds like Cabernet come from the warmer region to the east.'' The petitioner also submitted other articles highlighting the area's notoriety for producing ''top-rated'' Chardonnays and ''sumptuous'' Pinot Noirs and proclaiming it to be ''probably the greatest grape-growing area anywhere in the United States, particularly when it comes to great Chardonnay and Pinot Noir.''

In addition, the petitioner provided copies of a comparative study of the University of California weather station records, records of the National Weather Service, the Western Regional Climate Center, the National Climatic Data Center, and those of the CIRUS Weather Station system accessed in Santa Ynez and Cachuma Lake (which is located within the eastern boundary of the Santa Ynez Valley AVA). The petitioner states that, according to this study, ambient temperature and evapotranspiration rates during veraison and ripening are disparate for two adjacent viticultural locales. The petitioner's analysis of the study indicates that the average post-veraison ripening temperature is 14.7°F hotter within the Santa Ynez Valley AVA than in the proposed ''Santa Rita Hills'' AVA to the west. Similarly, the petitioner estimates the heating degree day differential (with the base of 50°F) between the two areas to be 61 heat degree days, indicating an annual 92 heating degree days in the western Lompoc boundary and an annual 153 heating degree days in the eastern Cachuma Lake boundary.

These temperature differences, according to the petitioner, are the result of a unique set of topographical, geological and climatic influences, particularly coastal in origin. According to the petitioner, the proposed ''Santa Rita Hills'' AVA is situated within the clearly defined east/west transverse maritime throat, and thus is susceptible to the ocean's cooling influence. This enables diurnal ocean breezes direct access to the coastal valleys between the Purisima Hills and the Santa Rosa Hills, which house the proposed AVA. The petitioner goes on to state that this coastal influence is not nearly as pronounced in the Santa Ynez Valley east of U.S. Highway 101 and the Buellton Flats. In addition, the petitioner asserts that the proximity of the proposed AVA to the coastal fog from the Pacific Ocean fills the hills and valleys of the proposed ''Santa Rita Hills'' AVA in the late night and early morning hours. This intensifies the cool-climate influence on varietal winegrape production between the geological boundaries of the Purisima Hills and the Santa Rosa Hills.

Soil

The petitioner states that the soils of the Santa Rita Hills are broken down from an array of geological parent material, with the most common types being loams, sandy loams, silt loams, and clay loams. These soils are based on large percentages of dune sand, marine deposits, recent alluvium, riverwash, and terrace deposits, which are shown on maps provided in the exhibits of the petition. According to the petitioner, soil samples collected from selected sites within the proposed ''Santa Rita Hills'' AVA and the adjacent Santa Ynez Valley AVA show a distinct difference resulting from a high percentage of alluvial and marine sand within the proposed area. While the soil samples from the proposed ''Santa Rita Hills'' AVA show higher percentages of sand, silt and sandy loams, the soil samples from the eastern Santa Ynez Valley show a higher percentage of gravelly and clay loams, according to the petitioner.

The petitioner also included soil analysis test results from several vineyards in the proposed ''Santa Rita Hills'' AVA conducted by various labs in the area to support the distinct soil data claims.

Topography

The topography of the proposed ''Santa Rita Hills'' AVA is distinct and isolated from the rest of the Pacific Coast, the Central Coast, and the Santa Ynez Valley east of U.S. Highway 101 and the Buellton Flats, according to the petitioner. The proposed AVA is demarcated by the east-west ranges of the Purisima Hills on the north and the Santa Rosa Hills on the south, framing Santa Rita Hills. When surveying the land within the proposed boundaries to determine what locales would be the outer ''edges,'' the petitioner states the following was taken into account: viticultural viability (primarily hillside and alluvial basin plantings) and the coastal influence suitable for cool-climate still winegrape production. The petitioner goes on to state that ''The actual topography of the proposed Santa Rita Hills AVA is an oak studded, hill-laden maritime throat that runs east to west, a few miles east of Lompoc to a few miles west of Buellton Flats. The coastal influence enters from the west, through Lompoc, and abruptly loses its influence at the proposed eastern boundary as demarcated on the enclosed U.S.G.S. maps. Elevations within the proposed boundary range from near sea-level to ridge-line 1800 feet above sea level.''

Proposed Boundary

The boundary of the proposed ''Santa Rita Hills'' AVA may be found on the five (5) 1:24:000 scale U.S.G.S. Quadrangle 7.5-Minute Series maps included with the petition. The boundary is described in § 9.162.

Public Participation—Written Comments

ATF requests comments from all interested parties. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to those received on or before the closing date.

ATF will not recognize any comment as confidential. All comments may be disclosed to the public. Any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 90-day comment period. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(j)) and its implementing regulations, 5 CFR Part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are

proposed. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Drafting Information

The author of this document is Marsha D. Baker, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.162 to read as follows:

* * * * *

§ 9.162 Santa Rita Hills.

(a) Name. The name of the viticultural area described in this section is ''Santa Rita Hills.''

(b) Approved maps. The appropriate maps for determining the boundary of the Santa Rita Hills viticultural area are five (5) U.S.G.S. Quadrangle 7.5 Minute Series maps titled:

(1) ''Lompoc, Calif.,'' edition of 1959 (photorevised in 1982).

(2) ''Lompoc Hills, Calif.,'' edition of 1959 (photoinspected 1971).

(3) ''Los Alamos, Calif.,'' edition of 1959.

(4) ''Santa Rosa Hills, Calif.,'' edition of 1959 (photoinspected 1978).

(5) ''Solvang, Calif.,'' edition of 1959 (photorevised 1982).

(c) Boundary. The ''Santa Rita Hills'' viticultural area is located within Santa Barbara County, California. The boundary is as follows:

(1) The beginning point is found on the Solvang, California U.S.G.S. Quadrangle map at an unnamed hilltop, elevation 1600 feet, in section 27, T.6N, R. 32W, on the Solvang, Calif., Quadrangle U.S.G.S. map.

(2) Then proceed north and slightly west 2.3 miles to an unnamed hilltop elevation 1174 feet, Section 15, T.6N., R. 32W.

(3) Proceed west and slightly north 1.85 miles to an unnamed hilltop elevation 899 feet within the heart of the Santa Rosa Land Grant, T.7N., R. 32W, on the Santa Rosa Hills, Calif., Quadrangle U.S.G.S. map.

(4) Proceed north approximately 2 miles to an unnamed hilltop elevation 1063 feet within the northeastern part of the Santa Rosa Land Grant, T.7N, R. 32W, on the Los Alamos, Calif., Quadrangle U.S.G.S. map.

(5) Proceed northwest 1.1 miles to an unnamed hilltop elevation 961 feet. Section 29, T.7N., R. 32W.

(6) Proceed north and slightly east 1.1 miles to an unnamed elevation 1443 feet. Section 20, T.7N., R. 32W.

(7) Proceed west 1.4 miles to an unnamed hilltop elevation 1479 feet. Section 24, T.7N., R. 33W.

(8) Proceed north 1.2 miles to an unnamed hilltop elevation 1705 feet. Section 13, T.7N., R. 33W.

(9) Proceed northwest approximately 2 miles to an unnamed hilltop elevation 1543. Section 10, T.7N., R. 33W.

(10) Proceed west and slightly south 1.6 miles to an unnamed hilltop elevation 935 feet within the northern section of the Santa Rosa Land Grant. T.7N., R. 33W.

(11) Proceed south by southwest 1.5 miles to an unnamed hilltop elevation 605 feet in the northern section of the Santa Rosa Land Grant. T.7N., R. 33W.

(12) Proceed west by southwest approximately 2 miles to the point where California Highway 246 intersects with the 200-foot elevation contour line comprising the western border of the Santa Rita Hills, within the Santa Rosa Land Grant. T.7N., R. 34W, on the Lompoc, Calif., Quadrangle U.S.G.S. map.

(13) Proceed following the 200 foot elevation contour line south along the western border of the Santa Rita Hills to an extreme southern tip of the 200 foot elevation contour that is .6 miles due west of an unnamed hilltop 361 feet in elevation in the Canada de Salispuedes Land Grant. T.6N., R. 34W.

(14) Proceed southeast 2.35 miles to an unnamed hilltop elevation 1070 feet. Section 18, T.6N., R. 33W, on the Lompoc Hills, Calif., Quadrangle U.S.G.S. map.

(15) Proceed east and slightly south 1.95 miles to an unnamed hilltop elevation 921 feet. Section 16, T.6N., R. 33W, on the Santa Rosa Hills, Calif., Quadrangle U.S.G.S. map.

(16) Proceed east by southeast 1.35 miles to an unnamed hilltop elevation 1307 feet. Section: on intersection between Sections 22 and 23, T.6N., R. 33W.

(17) Proceed east 2.35 miles to an unnamed hilltop elevation 1507 feet in the southern area of the Santa Rosa Land Grant. T.6N., 32W.

(18) Proceed east by southeast 2.1 miles to an unnamed hilltop elevation 1279 feet in the southern area of the Santa Rosa Land Grant. T.6N., 32W.

(19) Then proceed east by southeast 1.45 miles to the point of the beginning.

Approved: September 3, 1998.

John W. Magaw,

Director.

[FR Doc. 98–24417 Filed 9–10–98; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR–032–FOR]

Arkansas Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing and withdrawal of proposed amendment.

SUMMARY: OSM is announcing the withdrawal of a previously proposed amendment and the receipt of a new amendment to the Arkansas regulatory program (Arkansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Arkansas is replacing its previously proposed amendment with a new amendment. Both amendments pertain to revegetation success standards. We announced receipt of Arkansas' previously proposed amendment in the January 9, 1998, **Federal Register** (63 FR 1396). In the new amendment, Arkansas proposes to revise its regulations and to add policy guidelines for determining Phase III revegetation success for areas being restored to various land uses. Arkansas intends to revise its program to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Arkansas program and new 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