Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Malone, NY. A GPS RWY 5 SIAP and a GPS RWY 23 SIAP have been developed for the Malone-DuFort Airport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate these SIAPs and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71
Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment
In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]
1. The authority citation for Part 71 continues to read as follows:

§ 71.1 [Amended]
2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA NY E5 Malone, NY [Revised]
Malone-DuFort Airport, NY
(Lat. 44°51′13″N., long. 74°19′43″W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Malone-DuFort Airport, excluding the airspace within Canada.

* * * * *

Issued in Jamaica, New York, on September 22, 1998.

Franklin D. Hatfield,
Manager, Air Traffic Division, Eastern Region.
[FR Doc. 98-26437 Filed 10-1-98; 8:45 am]
BILLY CODE 4910-13-M

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
30 CFR Part 943

Texas Abandoned Mine Land Reclamation Plan Amendment

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of additional explanatory information and revisions pertaining to a previously proposed amendment to the Texas abandoned mine land reclamation plan (from now referred to as the “Texas plan”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information and revisions for Texas' proposed plan amendment pertain to eligible coal lands and water; reclamation priorities for noncoal program; land acquisition authority—noncoal; lien requirements; satisfaction of liens; entry and consent to reclaim; appraisals; entry for emergency reclamation; land eligible for acquisition; disposition of reclaimed lands; liens; and editorial corrections. Texas intends to revise its regulations to conform selected parts to amended Federal regulations and to reorganize its regulations to align more clearly with federal counterpart regulations.

DATES: We must receive your written comments by 4:00 p.m., c.d.t. October 19, 1998.

ADDRESSES: You should mail or hand deliver written comments to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

We will make copies of the Texas plan, the proposed amendment, and all written comments received in response to this document available for public review at the addresses listed below. The copies will be available during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

FOR FURTHER INFORMATION CONTACT:
Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581-6430.

SUPPLEMENTARY INFORMATION:
I. Background on the Texas Plan
II. Discussion of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Texas Plan

On June 23, 1980, the Secretary of the Interior approved the Texas Abandoned Mine Land Plan. You can find general background information on the Texas plan, including the Secretary's findings, the disposition of comments, and the conditions of approval in the June 23, 1980, Federal Register (45 FR 41937). You can find later actions concerning the Texas plan at 30 CFR 943.25.

II. Discussion of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record No. TAML-61), Texas submitted a proposed amendment to its plan under the provisions SMCRA. Texas submitted the proposed amendment at its own initiative. We announced receipt of the proposed amendment in the December 29, 1997, Federal Register (62 FR 67592) and invited public comment on its adequacy. The public comment period ended January 28, 1998.

During our review of the amendment, we identified concerns relating to the following sections: Eligible coal lands and water; Reclamation priorities for noncoal program; Land acquisition authority—noncoal; Lien requirements; Satisfaction of liens; Entry and consent to reclaim; Appraisals; Entry for emergency reclamation; Land eligible for acquisition; Disposition of reclaimed lands; Lien requirements; and Reclamation priorities for noncoal program. We must receive your written comments by 4:00 p.m., c.d.t. October 19, 1998.

We will make copies of the Texas plan, the proposed amendment, and all written comments received in response to this document available for public review at the addresses listed below. The copies will be available during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.
for acquisition; Disposition of reclaimed
lands; Liens; and editorial corrections in
the two sections, Responsibilities and
Definitions. We notified Texas of the
concerns by facsimiles dated March 9
and August 25, 1998 (Administrative
Record Nos. TAML-61.08 and TAML-
61.10, respectively). Texas responded in
letters dated July 20 and September 3,
1998, by submitting additional
explanatory information and a revised
amendment (Administrative Record
Nos. TAML-61.09 and TAML-61.12,
respectively).
Texas proposes the additional
revisions as follows:
1. Section 12.803 Eligible Coal Lands
and Water
In paragraph (7), Texas proposes to
change the incorrect reference of
“Subchapter E” to the correct reference
of “Subchapter K.”
2. Section 12.809 Reclamation
Priorities for Noncoal Program
Texas proposes to revise paragraph (b)
to read as follows:
(b) Following certification by the
Commission of the completion of all
known coal projects, the projects and
construction of public facilities
identified in subsection (a) of this
section shall reflect the following
priorities in the order stated:
3. Section 12.811 Land Acquisition
Authority-Noncoal
Texas proposes to revise this section
to read as follows:
The requirements specified in
§§ 12.813, 12.814, and 12.818 through
12.823 of this title (respectively relating
to Written Consent for Entry; Entry and
Consent to Reclaim; Entry for
Emergency Reclamation; Land Eligible
for Acquisition; Procedures for
Acquisition; Acceptance of Gifts of
Land; Management of Acquired Land;
and Disposition of Reclaimed Land)
shall apply to the Commission’s noncoal
program except that, for purposes of this
section, the references to coal shall not
apply. In lieu of the term coal, the word noncoal should be used.
4. Section 12.812 Lien Requirements
Texas proposes to revise this section
to read as follows:
The lien requirements found in
§§ 12.815 through 12.817 of this title
(relating to Appraisals, Liens, and
Satisfaction of Liens, respectively), shall
apply to the Commission’s noncoal
reclamation program under § 12.808 of
this title (relating to Certification of
Completion of Coal Sites), except that
for purposes of this section, references
made to coal shall not apply. In lieu of
the term coal, the word noncoal should
be used.
5. Section 12.814 Entry and Consent to
Reclaim
Texas proposes to revise this section
to require that the State provide a
minimum of 30 days written notice
before entering property where they
have not obtained the owner’s
permission to enter or where the owner
is not known or is readily available. If
the owner is known, the State will send
the written notice by mail, return
receipt requested, along with a copy of
the written findings required under
paragraph (c)(1) of this section. If the
owner is not known, or if the current
mailing address of the owner is not
known, the State will post a notice in
one or more places on the property to
be entered where it is readily visible to
the public. The State will also advertise
once in a newspaper of general
circulation in the locality in which the
land is located. The advertisement must
include a statement of where the
findings required under paragraph (c)(1)
of this section may be inspected or
obtained.
6. Section 12.815 Appraisals
Texas proposes not to repeal this
section, but to retain it. Texas also
proposes to update the reference in
paragraph (d) as a result of the currently
proposed revisions in this proposed
amendment.
7. Section 12.816 Liens
Texas proposes to renumber this
section from section 12.821 to 12.816. In
paragraph (a)(2), Texas proposes to add
a provision that allows them to notify
landowners of the amount of the
proposed lien and to give the
landowners a reasonable amount of time
to pay the lien before the lien is placed
against the property. Also, Texas
proposes to renumber this section from
section 12.819 to 12.816. In paragraph (b)
to read:
“(b) The statement is a lien on the land
second only to a property tax lien. The
amount of the lien may not exceed the
amount determined by either of two
appraisals, as provided under § 12.815
(relating to Appraisals), to be the
increase in the market value of the land
as a result of the restoration,
reclamation, abatement, control, or
prevention of the adverse effects of past
mining practices.” In addition, Texas
proposes to revise paragraph (c), so that
the State cannot file liens, under this
section, against the property of anyone
who owned the surface before May 2,
1977, and did not consent to, participate
in, or exercise control over the mining
operation that made the reclamation
under this chapter necessary. Finally,
Texas proposes to add two new
paragraphs. New paragraph (e) allows
the Commission to waive the lien if the
cost of filing exceeds the increase in fair
market value as a result of the
reclamation activity. New paragraph (f)
allows the Commission to waive the lien
if the reclamation work performed on
private land primarily benefits health,
safety or environmental values of the
community or area in which the land is
located, or if reclamation is necessary
because of an unforeseen occurrence
and the work performed to restore the
land will not result in a significant
increase in the market value of the land
as it existed immediately before the
occurrence.
8. Section 12.817 Satisfaction of Liens
Texas proposes to renumber this
section, but to retain it.
9. Section 12.818 Entry for Emergency
Reclamation
Texas proposes to renumber this
section from section 12.815 to 12.818.
10. Section 12.819 Land Eligible for
Acquisition
Texas proposes to renumber this
section from section 12.816 to 12.819,
to revise paragraph (2) to read, “the
Commission determines and makes
written findings that;” and to make
some editorial changes in paragraph
(2)(C). Texas also proposes to add new
paragraph (3) stating that OSM
approves, in advance, any lands the
Commission acquired by purchase or
condemnation. The new paragraph
states how much interest in land the
Commission can acquire for the
reclamation work planned or the post-
reclamation use of the land and under
what circumstances.
11. Section 12.820 Procedures for
Acquisition
Texas proposes to renumber this
section from section 12.817 to 12.820.
12. Section 12.821 Acceptance of Gifts of
Land
Texas proposes to renumber this
section from section 12.818 to 12.821.
13. Section 12.822 Management of
Acquired Land
Texas proposes to renumber this
section from section 12.819 to 12.822.
14. Section 12.823 Disposition of
Reclaimed Land
Texas proposes to renumber this
section from section 12.820 to 12.823.
Texas also proposes to add a new
paragraph (c) that allows the
Commission to transfer administrative
responsibility for land acquired under this subchapter to any agency or political subdivision of the State with or without cost to that agency. In addition, Texas proposes to redesignate old paragraph (c) as new paragraph (d) and to add language that requires the State to publish a notice of the proposed land disposition. Finally, the State proposes to redesignate old paragraphs (d) and (e) as new paragraphs (e) and (f), respectively.

III. Public Comment Procedures

We are reopening the comment period on the proposed Texas plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials Texas submitted. Under the provisions of 30 CFR 884.14 and 884.15(a), we are seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If we decide the amendment is adequate, it will become part of the Texas plan.

Written Comments

Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. In the final rulemaking, we will not necessarily consider comments received after the time indicated under “DATES” or at locations other than the Tulsa Field Office. Also, we will not necessarily include these comments in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This proposed 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 abandoned mine land reclamation plans and revisions since each plan is drafted and published by a specific State, not by OSM. Decisions on proposed State abandoned mine land reclamation plans and revisions submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

National Environmental Policy Act

This rule does not require an environmental impact statement since agency decisions on proposed State abandoned mine land reclamation plans and revisions are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

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 on 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 established by SMCRA or previously published 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 in the analyses for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under 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 936

Intergovernmental relations, Surface mining, Underground mining.


Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98–24690 Filed 10–1–98; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6171–6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Rocky Mountain Arsenal National Priorities List Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 announces its intent to delete the western tier parcel of the Rocky Mountain Arsenal National Priorities List Site (RMA/NPL Site) On-Post Operable Unit (OU) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This partial deletion of the RMA/NPL Site is proposed in accordance with 40 CFR 300.425(e) and Notice of Policy Change: Partial Deletion of Sites listed on the National Priorities List (November 1, 1995).

EPA bases its proposal to delete the western tier of the RMA/NPL Site on the determination by EPA and the State of Colorado, through the Colorado Department of Public Health and Environment (CDPHE), that all responsible parties is appropriate.

This partial deletion pertains only to the western tier of the On-Post OU of the RMA/NPL Site and does not include the rest of the On-Post OU or the Off-Post OU. The rest of the On-Post OU and the Off-Post OU will remain on the NPL and response activities will continue at those OUs.

DATES: Comments concerning this proposed partial deletion may be submitted on or before November 2, 1998.

ADDRESSES: Comments may be mailed to: Rob Henneke, Community Involvement Coordinator (8OC), U.S. EPA, Region 8, 999 18th Street, Suite 500, Denver, Colorado, 80202–2466, 1–800–227–8917 or (303) 312–6734.