DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 157, 284, 375, 380, 381, and 385

Revision of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act; Notice of Extension of Time


AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Extension of Time.

SUMMARY: The Federal Energy Regulatory Commission issued a Notice of Proposed Rulemaking that proposes to update its regulations governing the filing of applications for the construction and operation of facilities to provide service or to abandon facilities or service under section 7 of the Natural Gas Act (63 FR 55682 October 16, 1998). The date for filing comments is being extended at the request of various interested parties.

DATES: Comments are extended to and including December 22, 1998.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: David P. Boergers, Secretary, 888 First Street, NE, Washington, DC 20426, (202) 208-0400.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

New Mexico Regulatory Program

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

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

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the New Mexico regulatory program (hereinafter, the "New Mexico program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions or additions of rules pertaining to the definitions of "material damage" and "occupied residential dwelling and associated structures,' adjustment of bond amounts for subsidence damage, subsidence control buffer zones, and impoundments meeting the class B or C criteria for dams in Technical Release 60 published by the U.S. Natural Resources Conservation Service (NRCS). The amendment is intended to revise the New Mexico program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., m.s.t., January 4, 1999. If requested, a public hearing on the proposed amendment will be held...
Specifically, New Mexico proposes to revise:

19 NMAC 8.2 107.M. (1) and 107.O.(2), the definitions of “material damage” and “occupied residential dwelling and associated structures,” by adding a reference in each definition to its rules at 2069 through 2072, concerning subsidence control;

19 NMAC 909.E.(5), concerning ponds, impoundments, banks, dams, and embankments, by adding the requirement that if the structure meets the Class B or C criteria for dams in TR-60 or meets the size or other criteria of 30 CFR 77.216(a), each plan required under 909.B, C, and E shall include a stability analysis of the structure;

19 NMAC 2017.D by adding the requirement that impoundments that meet the Class B or C criteria for dams in TR-60 be certified by a qualified registered professional engineer;

19 NMAC 2017.F. (2)(i), (ii), and (iii), by adding the requirement that the minimum design precipitation event for a spillway be, respectively, the (1) 100-year 6-hour event for an impoundment meeting the Class B or C criteria for dams in TR-60, (2) 25-year 6-hour event for temporary impoundments not meeting the Class B or C criteria for dams in TR-60, and (3) 50-year 6-hour event for permanent impoundments not meeting the Class B or C criteria for dams in TR-60;

19 NMAC 2017.G(4) and (5), respectively, by correcting a typographical error and by adding the requirement that impoundments meeting the Class B or C criteria for dams in TR-60 be examined in accordance with 30 CFR 77.216-3;

19 NMAC 2071.C concerning subsidence buffer zones, by adding at 2071.A through 2071.D, the requirements, that: (1) Unless otherwise approved, underground mining shall not be conducted beneath or adjacent to any perennial stream or impoundment having a storage volume of 20 acre-feet or more, (2) underground mining activities beneath any aquifer that serves as a significant source of water supply to a public water system shall be conducted so as to avoid disruption of the aquifer and consequent exchange of ground water between the aquifer and other strata, (3) unless, otherwise approved, underground mining activities shall not be conducted beneath or in close proximity to any public buildings, and (4) underground mining shall be suspended under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments or permanent streams, if imminent danger is found to inhabitants of urbanized areas, cities, towns, or communities; and

19 NMAC 2072 by adding the requirement that when subsidence related contamination, diminution, or interruption to a water supply protected under 2069(a) through (d) occurs, the Director of the New Mexico program must require the permittee to obtain additional performance bonds in the amount of the estimated costs of the repairs or of the estimated cost to replace the protected water supply.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the New Mexico program.

1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter’s recommendations. Comments received after the time indicated under DATES or at locations other than Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under FOR FURTHER INFORMATION CONTACT by 4:00 p.m., m.s.t., on December 18, 1998. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under FOR FURTHER INFORMATION CONTACT. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the
The Department of the Interior has conditionally approved New Mexico's program, including the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Willis L. Gainer, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette Avenue, NW., Suite 1200, Albuquerque, New Mexico 87102 Mining and Minerals Division, New Mexico Energy & Minerals Department 2040 South Pacheco Street, Santa Fe, New Mexico 87505, Telephone: (505) 827–5970

FOR FURTHER INFORMATION CONTACT: Willis L. Gainer, Telephone: (505) 248–0996, Internet address WGAINER@OSM.RE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the New Mexico Program

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. General background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the New Mexico program can be found in the December 31, 1980, Federal Register (45 FR 86459). Subsequent actions concerning New Mexico's program and program amendments can be found at 30 CFR 931.11, 931.15, 931.16, and 931.30.

II. Proposed Amendment

By letter dated March 11, 1996, New Mexico submitted a proposed amendment (administrative record No. NM–773) to its program pursuant to