
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.

* * * * *

<table>
<thead>
<tr>
<th>Original amendment submission date</th>
<th>Date of final publication</th>
<th>Citation/description</th>
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<tr>
<td>August 4, 1998</td>
<td>December 4, 1998</td>
<td>880-X-2A-.06: .08; 880-X-6A-.06(d); 880-X-8F-.08(1)(e), (l), and (o); .09(2)(d); .11(1), (1)b and (c), (2), (3)(c), (6); 20; 880-X-8H-.06(1)(e)(ii); 880-X-8L-.07(1)(e), (l), and (o); .10(1), (2), (2)(b), (g) and (h); .12(1), (1) b and (c), (2), (3)(c), (6); .20; 880-X-8J-.13; 880-X-8K-.10(2)(d), (3)(m); 880-X-8N-.07(c); .10; .13(1), (1), (c), (e) and (f), (2); 880X-9D-.02(1)(c); 880-X-10C-.17(1) (a) and (c), (3)(b); .10(1)(a), (d), (e), (f), (1)(i)(i)(i)(i) and (ii), (iii), (l), (3)(b)1 and 2; 34(1); 56(3); 58; 880-X-10G-.03(2); .043(3)(b); 880-X-11B-.02 (8)(d), (9); 880-X-11D-.11(1).</td>
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</table>
corresponding sections of the Federal regulations. Any differences between the proposed State regulations and the Federal regulations are nonsubstantive.

<table>
<thead>
<tr>
<th>Topic</th>
<th>State regulation (OAC)</th>
<th>Federal counterpart (30 CFR)</th>
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<tr>
<td>Permit Application Requirements</td>
<td>1501:13-4-05(H)(1)(e)</td>
<td>780.25(a)</td>
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<td>1501:13-4-05(H)(1)(c)</td>
<td>780.25(a)(3)</td>
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<td>780.25(b)</td>
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<td>785.16(a)</td>
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<td>1501:13-4-32(E)</td>
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<td>800.40(a)(3)</td>
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<td>816/817.49(a)(1)</td>
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<td>1501:13-9-04(H)(1)(d)</td>
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<td>1501:13-9-04(H)(1)(k)</td>
<td>816/817.49(a)(12)</td>
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B. Regulations That Ohio Removed

From the Ohio Administrative Code (OAC)

Ohio proposed to remove OAC 1501:13-9-04(G)(3)(b)—Sedimentation Ponds. We are approving the deletion because Ohio addresses these requirements at OAC 1501:13-9-04(H)(1)(h). We find that this change does not make the Ohio program less effective than the Federal regulations.

C. Revisions to Ohio’s Regulations That Are Not Substantively Identical to the Corresponding Provisions of the Federal Regulations

Ohio proposed to add section OAC 1501:13-4-12(F)(4)(e) to prohibit a decrease in the aggregate total prime farmland acreage from that which existed prior to mining. Any constructed permanent water bodies must be located within the post-reclamation non-prime farmland area. The Ohio proposed amendment is approved because it meets those standards.

IV. Summary and Disposition of Comments

Public Comments

We solicited public comments and provided an opportunity for a public hearing on the proposed amendment. Because no one requested an opportunity to speak at a public hearing, no hearing was held. Two public comments were received. One commenter requested a copy of the specific language being proposed at OAC 1501:13-4-12(E). He also suggested that OAC 1501:13-9-04(H) include a notification of MSHA provision. We note that the Federal regulations at 30 816/817.49(a)(9) do not have this requirement. The second commenter questioned the 15-day comment period. She thought 30 days was required. We note that the shorter comment period appeared in the second Federal Register notice which reopened the comment period. 30 CFR 732.17(h)(3) provides for a 15-day comment period under certain circumstances. The commenter also submitted a list of questions which generally addressed the effects of the proposed amendment on the landowner, industry, and the community at large. We note that amendments are reviewed based on consistency with the Federal regulations and are consistent with the provisions of SMCRA. As discussed in Section V above, Ohio’s proposed amendment is approved because it meets those standards.

Federal Agency Comments

According to 30 CFR 732.17(h)(11)(i), we solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Ohio program. The Department of Labor, Mine Safety and Health Administration, and the Department of the Army, Army Corps of Engineers, both concurred without comment.

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 Ohio proposed to make in its amendment pertains to air or water quality standards. Nevertheless, OSM requested EPA’s concurrence with the proposed amendment. EPA did not respond to OSM’s request.

V. Director’s Decision

Based on the above findings, we approve the proposed amendment as submitted by Ohio on December 30, 1997 and revised on June 2, 1998 and...
September 4, 1998. We approve the rules that Ohio proposed with the provision that they be fully placed in force in identical form to the rules submitted to and reviewed by OSM and the public. To implement this decision, we are amending the Federal regulations at 30 CFR Part 935 which codifies decisions concerning the Ohio program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Ohio to bring its program 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

We have analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 526DM. This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

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 Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), this rule will not produce a Federal mandate of $100 million or greater in any year, i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

List of Subjects in 30 CFR 935

Intergovernmental relations, Surface mining, Underground mining.


Allen D. Klein,
Assistant Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for Part 935 continues to read as follows:

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

2. Section 935.15 is amended in the table by adding a new entry in chronological order by “Date of Final Publication” to read as follows:

§ 935.15 Approval of Ohio regulatory program amendments.

* * * * *

Original amendment submission date Date of final publication Citation/Description


[FR Doc. 98–32349 Filed 12–3–98; 8:45 am]
BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS No. UT–039–FOR]

Utah Regulatory Program

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule published in the Federal Register (63 FR 63608) on November 16, 1998. The final rule removed a required amendment imposed by the Director of the Office of Surface Mining Reclamation and Enforcement (OSM) resulting from OSM’s review of a previous amendment to the Utah Code. The November 16, 1998, final rule removed the last required amendment placed on Utah at 30 CFR 444.16, but inadvertently omitted removing the introductory text of § 444.16. This correction rectifies that error by removing and reserving all of § 444.16.


FOR FURTHER INFORMATION CONTACT: John A. Trelease, (202) 208–2783.

Correction of Publication

In final rule FR Doc. 98–30547, on page 63 FR 63611 in the Federal Register issue of November 16, 1998, make the following correction:

In the first column, § 494.16 should read, ‘‘Section 494.16 is removed and reserved.’’