

mile radius to 7 miles north of the airport and within 3.5 miles each side of the 069° bearing from the Viertel NDB extending from the 6.3-mile radius to 9 miles northeast of the airport.

Issued in Kansas City, MO, on February 4, 1999.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-4175 Filed 2-19-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 902

[AK-007-FOR, Amendment No. VII]

#### Alaska Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Alaska regulatory program (hereinafter, the "Alaska program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alaska proposed revisions to its regulations pertaining to general permitting requirements, general permit application information requirements, environmental resource information requirements, reclamation and operation plan requirements, permitting for special categories of mining, coal exploration, self-bonding requirements, performance standards, and general provisions, and included numerous editorial and recodification changes. The amendment was intended to revise the Alaska program to provide additional safeguarded, to clarify ambiguities, and to improve operational efficiency.

**EFFECTIVE DATE:** February 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 844-1424, Internet address: JFULTON@OSMRE.GOV.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Alaska Program

On March 23, 1983, the Secretary of the Interior conditionally approved the Alaska program. General background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program can be found in the March 23,

1983, **Federal Register** (48 FR 12274). Subsequent actions concerning Alaska's program and program amendments can be found at 30 CFR 902.15 and 902.16.

##### II. Proposed Amendment

By letter dated July 30, 1998, Alaska submitted a proposed amendment to its program (amendment No. VII, administrative record No. AK-07-01) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Alaska submitted the proposed amendment at its own initiative. The provisions of the Alaska Surface Coal Mining Program Regulations that Alaska proposed to revise were: 11 Alaska Administrative Code (AAC) 90.002(a), (b), and (c), responsibilities, and 11 AAC 90.011(a)(1) and (2), permit fees, as provided in Article 2, General Permitting Requirements; 11 AAC 90.025(a)(2), (b), and (c), authority to enter and ownership information, as provided in Article 3, General permit Application Information Requirements; 11 AAC 90.045(a)(1) and (2), geology description, and 11 AAC 90.049(a), (a)(1), (2), and (a)(2)(C) through (H), surface water information, as provided in Article 4, Environmental Resource Information Requirements; 11 AAC 90.083(b)(9) and (11), reclamation plan general requirements, and 11 AAC 90.097, transportation facilities, as provided in Article 5, Reclamation and Operation Plan; 11 AAC 90.149(d) and (d)(1), operations near alluvial valley floors, as provided in Article 7, Permitting for Special Categories of Mining; 11 AAC 90.163(a) and (d), exploration that substantially disturbs the natural land surface or occurs in an area designated unsuitable for surface coal mining, as provided in Article 8, Exploration; 11 AAC 90.207(f), self-bonding requirements, as provided in Article 10, Bonding; 11 AAC 90.337(f), impoundment inspection, 11 AAC 90.375(f), public notice of blasting, 11 AAC 90.391(h)(1) and (2) and (s), disposal of excess spoil and coal mine waste, 11 AAC 90.401(e), coal mine waste, refuse piles, 11 AAC 90.407(e), coal mine waste, dams and embankments, 11 AAC 90.423(b) and (h), protection of fish and wildlife, 11 AAC 90.443(d)(1), (k), and (k)(1) and (2), backfilling and grading, and 11 AAC 90.491(e), (f), and (f)(1) and (2), construction and maintenance of roads, transportation and support facilities, and utility installations, as provided in Article 11, Performance Standards; and 11 AAC 90.901(e), applicability, 11 AAC 90.907(c) and (j), public participation, and 11 AAC 90.911(92), definition of "road," as provided in Article 17, General Provisions.

Specifically, Alaska proposed numerous editorial and recodification changes for the purpose of clarity and in order to be consistent with the requirements of the State's "Drafting Manual for Administrative Regulations" (1995 edition). Alaska also proposed at 11 AAC 90.049(a)(2)(G) to require that water quality data show acidity information if there is potential for acid drainage from the proposed mining operation, and at 11 AAC 90.207(f)(2) to apply certain provisions for self-bonding, including criteria that must be met by the self-bond guarantor.

OSM announced receipt of the proposed amendment in the August 11, 1998, **Federal Register** (63 FR 42774), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AK-07-02). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 10, 1998.

##### III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Alaska on July 30, 1998, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

##### 1. Nonsubstantive Revisions to Alaska's Surface Coal Mining Program Regulations

Alaska proposed revisions to the following previously-approved provisions of the Alaska surface coal mining program regulations that are nonsubstantive in nature. These proposed revisions consist of recodification and/or wording changes made to reflect contemporary writing style and/or make the State's provisions clearer or more specific. The corresponding Federal regulation provisions are listed in parentheses.

11 Alaska Administrative Code (AAC) 90.002(a), (b), and (c), responsibilities under general permitting requirements (30 CFR Part 772 and 773.11);

11 AAC 90.011 (1) and (2), permit fees (30 CFR 777.17);

11 AAC 90.025(a)(2), (b), and (c), authority to enter and ownership information (30 CFR 778.13(h) and 778.15(a) and (b));

11 AAC 90.045(a)(1) and (2), geology description (30 CFR 780.22(b)(1));

11 AAC 90.049(a)(1), (2), (2)(C), (D), (F), and (H), surface water information (30 CFR 780.21(b)(2) and 784.14(b)(2));

11 AAC 90.083(b)(9) and (11), reclamation plan general requirements (30 CFR 780.18(b)(9), 780.29, 784.13(b)(9), and 784.29);

11 AAC 90.097, transportation facilities (30 CFR 780.37(a), (a)(1), (3), and (5) and 784.24(a), (a)(1), (3), and (5));

11 AAC 90.149(d) and (d)(1), operations near alluvial valley floors (30 CFR 785.19(d), (d)(2), and (2)(i));

11 AAC 90.163(a) and (d), exploration that substantially disturbs the natural land surface or occurs in an area designated unsuitable for surface coal mining (30 CFR 772.12(a), (d)(2) and 772.13);

11 AAC 90.207(f)(1), (1)(A), (A)(i) and (ii), (B), (B)(i), (ii), and (iii), (C) and (C)(i), self-bonding (30 CFR 800.23(b)(1) through (3));

11 AAC 90.375(f), public notice of blasting (30 CFR 816.64(b)(1) and (2));

11 AAC 90.391(h)(1) and (2), and (s), disposal of excess spoil and coal mine waste (30 CFR 816.71(g) and (i) and 817.71(g) and (i));

11 AAC 90.401(e), coal mine waste, refuse piles (placement) (30 CFR 816.83(c)(4) and 817.83(c)(4));

11 AAC 90.407(e), coal mine waste, dams and embankments (impounding structures) (30 CFR 816.84(b)(2) and 817.84(b)(2));

11 AAC 90.423(b) and (h), protection of fish and wildlife (endangered and threatened species, Fish and Wildlife Service Review) (30 CFR 816.97(b) and 817.97(b), and 780.16(c) and 784.21(c));

11 AAC 90.443(d)(1), backfilling and grading (previously mined areas) (30 CFR 816.106(b)(1) and 817.106(b)(1));

11 AAC 90.491(e) and (f), (f)(1), (2), and (2)(A) through (H), construction and maintenance of roads, transportation and support facilities, and utility installations (30 CFR 816.150(d) and (a)(2) and 816.151(a), (b), (c)(1) and (2), (d)(1) through (4), and (e), and 817.150(d) and (a)(2) and 816.151(a), (b), (c)(1) and (2), (d)(1) through (4), and (e));

11 AAC 90.901(e), applicability (30 CFR 700.11(d)(1), (1)(ii), and (2));

11 AAC 90.907(c) and (j), recodification, and public participation (availability of records) (30 CFR 840.14(c)(2) and (b)); and

11 AAC 90.911(92), definition of "road" (30 CFR 701.5).

Because the proposed revisions to these previously-approved regulations are nonsubstantive, the Director finds that these proposed Alaska regulations are consistent with the counterpart Federal regulations. The Director approves these proposed regulations.

### *2. Substantive Revisions to Alaska's Surface Coal Mining Program Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations*

Alaska proposed revisions to the following regulations that are substantive and contain language that is substantively identical to the requirements of the corresponding Federal regulations (listed in parentheses):

11 AAC 90.049(a)(2)(E) and (G), surface water information (30 CFR 780.21(b)(2) and 784.14(b)(2)); and  
11 AAC 90.207(f)(4), (5), (5)(A), (B), (C), and (D), (6), (7), and (7)(A) and (B); self-bonding (30 CFR 800.23(d), (e)(1) through (4), (f), and (g)).

Because these proposed Alaska regulations are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they are no less effective than the Federal regulations. Accordingly, the Director approves them.

### *3. 11 AAC 90.207(f)(2)(A) and (B), Self-bonding and the Written Guarantee From a Parent Corporation Guarantor of the Permittee*

Alaska proposed to revise its regulation at AAC 90.207(f)(2) which sets out the conditions under which the State may accept a written guarantee from a parent corporation guarantor of the permittee. Alaska proposed to add a condition for accepting a parent corporation guarantee that is not found in the Federal regulations. This additional proposed condition clarifies that the guarantor has a duty to notify the permittee if it no longer qualifies for self-bonding. Imposing this notification requirement on the guarantor supports and facilitates the regulatory requirement at AAC 90.207(f)(7) that requires the permittee to immediately notify the commissioner if the permittee or the guarantor no longer meets the qualifications for self-bonding.

For this reason, the Director finds that proposed AAC 90.207(f)(2) is not inconsistent with conditions imposed on prospective guarantors in the counterpart Federal regulation at 30 CFR 800.23(c)(1). Therefore, the Director finds that proposed AAC 90.207(f)(2) is no less effective than the counterpart Federal regulation at 30 CFR 800.23(c)(1) and approves it.

### *4. 11 AAC 90.207(f)(3)(A) and (B) and (f)(8)(A) Through (H), Definitions for the Term "Self-bond" and Other Financial Terms Used to Describe Self Bonds*

On September 17, 1996, OSM at 30 CFR 902.16(b)(1) (finding No. 6, 61 FR

48835, 48837) required Alaska to revise 11 AAC 90.207(f)(3) to require the applicant for a self-bond that is guaranteed by a corporate guarantor to retain his or her own agent for service in Alaska and to further revise 11 AAC 90.207(f) to add definitions for the term "self-bond" and other financial terms used to describe self bonds.

In response to the required amendment, Alaska revised 11 AAC 90.207(f)(3) by referencing as a condition for acceptance by the Commissioner of the Department of Natural Resources the requirement that the applicant for a self-bond that is guaranteed by a corporate guarantor retain an agent for service in Alaska. The proposed revision is consistent with the counterpart Federal regulation at 30 CFR 800.23(c)(2), which provides the specific criteria for approval of a self-bond guaranteed by a corporate guarantor.

In addition, Alaska proposed new regulations at 11 AAC 90.207(f)(8)(A) through (H) that provide definitions of the terms "self-bond," "current assets," "current liabilities," "fixed assets," "liabilities," "net worth," "parent corporation," and "tangible net worth." The proposed definitions contain language that is substantively identical to the requirements of the corresponding Federal regulations at 30 CFR 800.5 and 800.23(a).

For the above reasons, the Director finds that the proposed revisions at 11 AAC 90.207(f)(3) and (8) are no less effective than the counterpart Federal regulations. Accordingly, the Director approves the proposed revisions to this regulation.

### *5. 11 AAC 90.337(f), Impoundment Inspection*

Alaska proposed at 11 AAC 90.337(f) new language that requires, in addition to the formal inspections required under paragraphs (a) through (e) of section 11 AAC 90.337, that "each impoundment" must be examined at least "once in each three-month period," that "the examination must be made" by a qualified person, and that "the person making the examination required by this subsection shall examine the impoundment" for any appearances of structural weakness "and for" other hazardous conditions.

The Federal regulations at 30 CFR 816.49 (a)(12) and 817.49(a)(12) require, in pertinent part, that impoundments not meeting the SCS (Soil Conservation Service, now Natural Resources Conservation Service) class B or C criteria for dams in TR-60 (Technical Release No. 60, "Earth Dams and Reservoirs," 210-VI-TR60, October

1985), or subject to 30 CFR 77.216-3, shall be examined at least quarterly. Alaska's proposed revision at 11 AAC 90.337(f) requires "each impoundment" to be examined quarterly, whether or not the impoundment meets the established NRCS criteria, which results in a more stringent standard in Alaska's coal mining regulatory program than is provided for in the counterpart Federal regulations at 30 CFR 816.49(a)(12) and 817.14(a)(12). 30 CFR 730.11(b) provides, in pertinent part, that any State law or regulation which provides for more stringent land use and environmental controls and regulations of coal exploration and surface coal mining and reclamation operations than do the provisions of SMCRA and Chapter VII of the implementing Federal regulations, shall not be construed to be inconsistent with SMCRA or Chapter VII. Therefore, the Director finds that 11 AAC 90.337(f) is no less effective than the Federal regulations and approves the proposed revisions to Alaska's regulation.

#### 6. 11 AAC 90.443(k), *Backfilling and Grading*

Alaska proposed new language at 11 AAC 90.443(k) to provide that "the operator shall return all spoil to the mined-out area," and to provide that "the requirements of this subsection [(k)] do not apply to (1) spoil disposed of in accordance with 11 AAC 90.391, and (2) spoil necessary to blend regraded areas into the surrounding terrain in non-steep slope areas if all vegetative and organic material is first removed from the areas that are to be covered." The counterpart Federal regulations at 30 CFR 816.102(b) and 817.102(b) provide that spoil, except excess spoil disposed of in accordance with 30 CFR 816.71 through 816.74 and 817.71 and 817.74, respectively, shall be returned to the mined-out area. In addition, 30 CFR 186.102(d) and 187.102(d) provide that spoil may be placed on the area outside the mined-out area in nonsteep slope areas to restore the appropriate original contour by blending the spoil into the surrounding terrain if certain requirements are met including removal of all vegetative and organic material, removal, segregation, storage, and redistribution of topsoil, and backfilling and grading of the spoil in accordance with the requirements of 30 CFR 816.102 and 817.102.

The Director, in finding No. 14 of the final rule **Federal Register** notice approving Alaska's amendment No. IV (see 61 FR 48835, 48839, 48843, September 17, 1996), placed a required amendment on the Alaska program at 30

CFR 902.16(b)(7). In effect, the Director required Alaska to revise 11 AAC 90.443(k) to provide that the topsoil on the area outside the mined-out area in nonsteep slope areas shall be removed, segregated, stored and redistributed in accordance with the State's topsoil removal provisions and that the spoil be backfilled and graded on the area in accordance with the State's provisions concerning performance standards for backfilling and grading, or otherwise amend its program to ensure that the disposal of spoil provisions at 11 AAC 90.443(k) are no less effective than the Federal regulations at 30 CFR 816.102(d) and 817.102(d). The changes proposed by Alaska at 11 AAC 90.443(k) in this amendment (amendment No. VII) do not address the Director's requirement. To the extent that Alaska is proposing editorial changes in this regulation to reflect contemporary writing style, to be consistent with the State's requirements for writing regulatory language, and to make the State's provisions clearer or more specific, the Director finds that 11 AAC 90.443(k) is consistent with the Federal regulations. The Director approves this revised regulation, but adds a reminder that the State must further amend this provision as required at 30 CFR 902.16(b)(7).

#### 7. 11 AAC 90.491(f), *Construction and Maintenance of Primary Roads*

In finding No. 1, the Director approved Alaska's proposed revisions at 11 AAC 90.491(f), (f)(1), (2), and (2)(A) through (H) because the changes were editorial and/or recodification. A separate finding for 11 AAC 90.491(f) is provided in this final rule document because Alaska's regulation still lacks provisions similar to those provided by the Federal regulations at 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6). These regulations require for primary roads (1) that natural stream channels shall not be altered or relocated without prior approval of the regulatory authority and (2) except as provided in 30 CFR 816.151(c)(2), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices, and that the regulatory authority shall ensure that low-water crossings are designed, constructed, and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.

The Director, in finding No. 15 of the final rule **Federal Register** notice approving Alaska's amendment No. IV

(see 61 FR 48835, 48840, 48843, September 17, 1996), placed a required amendment on the Alaska program at 30 CFR 902.16(b)(8). In effect, the Director required Alaska to revise 11 AAC 90.491(f) to add provisions concerning fords of perennial or intermittent streams, the alteration or relocation of natural stream channels, and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6). The Director is taking this opportunity to correct the required amendment at 30 CFR 902.16(b)(8) to remove the requirement for language in Alaska's regulation at 11 AAC 90.491(f) concerning fords of perennial or intermittent streams because the State's regulation at 11 AAC 90.491(f)(2)(C) does provide that the road "may not use stream fords to cross perennial or intermittent streams unless the use of a stream ford has been approved by the commissioner for temporary use during road construction." This regulation is no less effective than the Federal counterpart regulations at 30 CFR 816.151(c)(2) and 817.151(c)(2). The Director, however, reminds Alaska that, as codified by the corrected required program at 30 CFR 902.16(b)(8), it must further amend 11 AAC 90.491(f) to provide for natural stream channels alterations or relocations and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5).

#### IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

##### 1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

##### 2. Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Alaska program.

The Bureau of Land Management, Alaska State Office (AK-BLM), responded in a memorandum dated August 20, 1998 (administrative record No. AK-07-05), that the changes proposed by Alaska were minor and amounted to restructuring sentences for the purpose of clarification, and that no changes to the regulatory meaning

appeared to have been instituted. BLM offered an editorial query concerning 11 AAC 90.207(f)(2) and the phrase "not longer satisfied."

OSM agrees with BLM's editorial comment, and with this final rule document is notifying Alaska of the typographical error. The Director is approving the language at 11 AAC 90.207(f)(2) as provided in finding No. 2 above because the meaning of the requirement that the guarantor notify the permittee and the commissioner if its financial conditions change so that certain criteria are no longer met is not altered whether those criteria are "not longer satisfied" or "no longer satisfied."

### 3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed 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.*).

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. AK-07-03). EPA did not respond to OSM's request.

### 4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. AK-07-03). Neither SHPO nor ACHP responded to OSM's request.

### V. Director's Decision

Based on the above findings, the Director approves Alaska's proposed amendment as submitted on July 30, 1998.

The Director approves, as discussed in:

Finding No. 1, 11 AAC 90.002(a), (b), and (c), 11 AAC 90.011(1) and (2), 11 AAC 90.025(a)(2), (b), and (c), 11 AAC 90.045(a)(1) and (2), 11 AAC 90.049(a)(1), (2) (2)(C), (D), (F), and (H), 11 AAC 90.083(b)(9) and (11), 11 AAC 90.097, 11 AAC 90.149(d) and (d)(1), 11 AAC 90.163(a) and (d), 11 AAC 90.207(f)(1), (1)(A), (A)(i) and (ii), (B), (B)(i), (ii), and (iii), (C) and (C)(i), 11 AAC 90.375(f), 11 AAC 90.391(h)(1) and (2) and (s), 11 AAC 90.401(e), 11 AAC 90.407(e), 11 AAC 90.423(b) and (h), 11 AAC 90.443(d)(1), 11 AAC 90.491(e) and (f), (f)(1), (2), and (2)(A) through (H), 11 AAC 90.901(e), 11 AAC 90.907(c)

and (j), and 11 AAC 90.911(92), concerning previously-approved provisions of the Alaska surface coal mining program regulations that contain revisions that are nonsubstantive in nature;

Finding No. 2, 11 AAC 90.049(a)(2)(E) and (G), and 11 AAC 90.207(f)(4), (5), (5)(A), (B), (C), and (D), (6), (7), and (7)(A) and (B), provisions of the Alaska surface coal mining program regulations that contain substantive revisions that are substantively identical to the requirements of the corresponding Federal regulations;

Finding No. 3, 11 AAC 90.207(f)(2)(A) and (B), concerning self-bonding and the written guarantee from a parent corporation guarantor of the permittee;

Finding No. 4, 11 AAC 90.207(f)(3)(A) and (B) and (f)(8)(A) through (H), concerning definitions for the term "self-bond" and other financial terms used to describe self bonds;

Finding No. 5, 11 AAC 90.337(f), concerning impoundment inspection;

Finding No. 6, 11 AAC 90.443(k), concerning backfilling and grading; and

Finding No. 7, 11 AAC 90.491(f), concerning construction and maintenance of primary roads.

The Federal regulations at 30 CFR part 902, codifying decisions concerning the Alaska 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

#### 1. 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).

#### 2. 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 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 the Federal regulations at 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.

#### 3. 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)).

#### 4. 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.*).

#### 5. 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 that is the subject of this rule is based upon counterpart 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 counterpart Federal regulations.

#### 6. Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### List of Subjects in 30 CFR Part 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 4, 1999.

**James F. Fulton,**

*Acting Regional Director, Western 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 902—ALASKA**

1. The authority citation for part 902 continues to read as follows:

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

2. Section 902.15 is amended in the table by adding a new entry in

chronological order by "Date of Final Publication" to read as follows:

**§ 902.15 Approval of Alaska regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
July 30, 1998	February 22, 1999	11 AAC 90.002(a), (b), and (c), and 90.011(a) concerning permitting requirements, 90.025(a), (b), and (c) concerning permit application requirements; 90.045(a), 90.049(a), 90.083(b), and 90.097 concerning environmental resource requirements; 90.149(d) concerning alluvial valley floors; 90.163(a) and (d) concerning exploration; 90.207(f) concerning self-bonding; 90.337(f) concerning impoundment inspections; 90.375(f) concerning blasting; 90.391(h) and (s), 90.401(e), and 90.407(e) concerning coal mine waste; 90.423(b) and (h) concerning fish and wildlife; 90.443(d) and (k) concerning backfilling and grading; 90.491(e) and (f) concerning roads; 90.901(e) concerning termination of jurisdiction; 90.907(c) and (j) concerning public availability of information; and 90.911(92) concerning the definition of "road."

3. Section 902.16 is amended by revising paragraph (b)(8) to read as follows:

**§ 902.16 Required program amendments.**

\* \* \* \* \*

(b) \* \* \*

(8) At 11 AAC 90.491(f), require the addition of provisions concerning the alteration or relocation of natural stream channels, and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6).

[FR Doc. 99-4241 Filed 2-19-99; 8:45 am]

BILLING CODE 4310-05-M

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 944**

[SPATS No. UT-032-FOR]

**Utah Abandoned Mine Land Reclamation Plan**

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Utah abandoned mine land reclamation (AMLR) plan (hereinafter referred to as the "Utah plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah proposed revisions to, and the addition of rules pertaining to, the definitions of certain terms, general reclamation requirements for

coal lands and water, eligible lands and water prior to certification, certification of completion of coal sites, eligible lands and water subsequent to certification, the exclusion of certain noncoal reclamation sites, the extension of land acquisition authority and lien requirements to noncoal sites, limited liability, contractor responsibility, and reports. Utah also proposed deletion of the rules concerning the State reclamation grant period, grant application procedures, grant agreements, and grant and budget revisions. The amendment revised the Utah plan to meet the requirements of the revised corresponding Federal regulations and to be consistent with SMCRA, as amended, to incorporate the additional flexibility afforded by the revised Federal regulations and SMCRA, and to improve operational efficiency.

**EFFECTIVE DATE:** February 22, 1999.  
**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 844-1424; Internet address: jfulton@osmre.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Utah Plan**

On June 3, 1983, the Secretary of the Interior approved the Utah plan. General background information on the Utah plan, including the Secretary's findings and the disposition of comments, can be found in the June 3, 1983, **Federal Register** (48 FR 24876). Subsequent actions concerning Utah's plan and plan amendments can be found at 30 CFR 944.25.

**II. Proposed Amendment**

By letter dated August 2, 1995, Utah submitted a proposed amendment to its AMLR plan (Administrative Record No.

UT-1071-1) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment in response to OSM's 30 CFR 884.15(d) letter dated September 26, 1994 (Administrative Record No. UT-1011), and at its own initiative. The provisions of the Utah Administrative Rules (Utah Admin. R.) that Utah proposed to revise, add, or delete were: Utah Admin. R. 643-870-500, Definitions of "Eligible lands and water," "Left or abandoned in either an unreclaimed or inadequately reclaimed condition," "Office" or "OSM," and "Secretary;" Utah Admin. R. 643-874-100 and -110, General Reclamation Requirements; Utah Admin. R. 643-874-124 through -128, Eligible Lands and Water; Utah Admin. R. 643-874-130 through -132, Reclamation Objectives and Priorities; Utah Admin. R. 643-874-140 through -144, Utilities and other facilities; Utah Admin. R. 643-874-150, Limited liability; Utah Admin. R. 643-874-160, Contractor responsibility; Utah Admin. R. 643-875-120 and -122 through -126, Eligible lands and water prior to certification (non-coal); Utah Admin. R. 643-875-130 through -133, Certification of completion of coal sites; Utah Admin. R. 643-875-140 through -142, Eligible lands and water subsequent to certification (non-coal); Utah Admin. R. 643-875-150 through -155.700, Reclamation priorities for noncoal program; Utah Admin. R. 643-875-160, Exclusion of certain noncoal reclamation sites; Utah Admin. R. 643-875-170, Land acquisition authority-noncoal; Utah Admin. R. 643-875-180, Lien requirements; Utah Admin. R. 643-875-190, Limited liability; Utah Admin. R. 643-875-200, Contractor responsibility; Utah Admin. R. 643-