

(g) Replacing the fin spar, P/N's 205-032-899-all dash numbers, 205-030-846-all dash numbers, or 205-032-851-all dash numbers, with an airworthy fin spar that has been demonstrated to the FAA to satisfy the structural fatigue requirements of repeated heavy lift operations and approved by the Manager, FAA, Rotorcraft Standards Staff, constitutes a terminating action for the requirements of this AD.

(h) 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, FAA, Rotorcraft Standards Staff. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, FAA, Rotorcraft Standards Staff.

**Note 4:** Information concerning the existence of approved fin spar configurations and alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(i) 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 helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on April 9, 1999.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 99-9510 Filed 4-15-99; 8:45 am]

BILLING CODE 4910-13-U

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

[OH-246-FOR]

#### Ohio Regulatory Program

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio is proposing revisions to section 1501:13-1-04 of the Ohio Administrative Code (OAC) as it relates to exemptions for coal extraction incidental to government-financed highway or other construction. The amendment is intended to revise the Ohio program to include counterparts to the recently promulgated "AML Enhancement Rule," which revised the

Federal regulations at 30 CFR 707.5 and added a new provision, at 30 CFR 874.17.

**DATES:** If you submit written comments, they must be received by 4:00 p.m., [E.D.T.] May 17, 1999. If requested, a public hearing on the proposed amendment will be held on May 11, 1999. Requests to speak at the hearing must be received by 4:00 p.m., on May 3, 1999.

**ADDRESSES:** Mail or hand-deliver your written comments and requests to speak at the hearing to George Rieger, Manager, Oversight and Inspection Office, at the address listed below.

You may review copies of the Ohio program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2153

Ohio Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43244, Telephone: (614) 265-1076.

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center, Telephone: (412) 937-2153. Internet: grieger@osmre.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. You can find background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the August 10, 1982, **Federal Register** (47 FR 34688). You can find later actions on conditions of approval and program amendments at 30 CFR 935.11, 935.15, and 935.16.

##### II. Description of the Proposed Amendment

By letter dated March 16, 1999 (Administrative Record No. OH-2178-00) Ohio submitted a proposed amendment to its program concerning exemptions for coal extraction incidental to government-financed highway or other construction. Ohio

submitted the proposed amendment at its own initiative, in order to incorporate into its program the expanded exemption recently promulgated in the Federal regulations at 30 CFR 707.5, as part of the "AML Enhancement Rule." Under this rule, approved Title IV abandoned mine land (AML) projects under SMCRA which involve incidental coal extraction and are less than 50 percent government financed may qualify for exemption. Projects which qualify for this expanded exemption must also meet the newly promulgated requirements contained in 30 CFR 874.17. (64 FR 7470, February 12, 1999). The changes proposed by Ohio in the amendment are discussed briefly below:

In the existing Ohio regulations under OAC section 1501:13-1-04(B), the subject exemption is limited to coal extraction incidental to "government financed construction." "Government financed construction" is defined, in relevant part, as construction funded 50 percent or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds. In the amendment, the State proposes to include within the exemption coal extraction incidental to construction that is government-funded at less than 50 percent when the construction is undertaken as an approved reclamation project under Section 1513.30 (state financed projects) or 1513.37 (Federally funded AML projects) of the Revised Code. The proposed amendment also specifies requirements for approved reclamation projects with less than 50 percent government financing, such as procedures for determining whether a project qualifies for exemption, concurrence between the AML and regulatory program coordinators as to the limits and boundaries of incidental coal extraction, required documentation, and special requirements, including a requirement that projects be conducted in accordance with Ohio's approved AML program. Finally, the amendment requires a contractor to obtain a surface coal mining permit if it extracts coal beyond the limits which have been agreed upon by the AML and regulatory program coordinators.

##### III. Public Comment Procedures

According to the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we determine the amendment to be adequate, it will become part of the Ohio program.

*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. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

*Public Hearing*

If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on May 3, 1999. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing 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 also allow us to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

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**.

*Public Meeting*

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

**IV. 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*

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)).

*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 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.

*Unfunded Mandates*

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.

Dated: April 9, 1999.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA079-0141 FRL-6324-4]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern stationary source permitting requirements.

The intended effect of proposing approval of these rules under Clean Air Act (CAA or the Act) sections 110 and 112(l) is to regulate permitting of stationary sources in accordance with the requirements of the Act, as amended in 1990. The proposed rules include revisions to the Monterey Bay Unified Air Pollution Control District's New Source Review (NSR) program, as well as Acid Rain program monitoring requirements, and a rule that creates federally enforceable limits on potential to emit for sources with actual emissions less than 50% of the major source thresholds. EPA's final action on this proposed rule will incorporate these rules into the federally approved