

d. Amend § 5.402 in paragraph (c) by removing the words "An item of political propaganda which is" and adding, in their place, the words "Informational materials", and by removing the phrase "which is not" and adding, in its place, the phrase "which are not".

e. Amend § 5.402 in paragraph (d) by removing the words "Political propaganda as defined in section 1(j) of the Act which is" and adding, in their place, the words "Informational materials that are", and by removing the words "is caused" and adding, in its place, the words "are caused".

f. Amend § 5.402 in paragraph (e) by removing the words "political propaganda as defined in section 1(j) of the Act" and adding, in their place, the words "informational materials".

g. Amend § 5.402 in paragraph (f) by removing the words "political propaganda" and adding, in their place, the words "informational materials".

h. Add new paragraph (g) to § 5.402 to read as follows:

**§ 5.402 Labeling informational materials**

\* \* \* \* \*

(g) For the purpose of section 4(b) of the Act, a statement will be deemed conspicuous if it prefaces or accompanies the informational materials.

**§ 5.500 [Amended]**

18. Amend § 5.500 in paragraph (a)(4) by removing the words "political propaganda has" and adding, in their place, the words "informational materials have".

**§ 5.600 [Amended]**

19. Amend § 5.600 by adding the words "informational materials," following the words "Registration statements," and by removing the words "from 10 a.m. to 4 p.m." and adding, in their place, the words "during the posted hours of operation."

**§ 5.601 [Amended]**

20. a. Amend § 5.601 in paragraph (a) by adding the words "informational materials," following the word "thereto,".

b. Amend § 5.601 in paragraph (b) by adding the words "informational materials," following the word "thereto,".

Dated: June 26, 1999.

**Janet Reno,**

*Attorney General.*

[FR Doc. 99-16941 Filed 7-8-99; 8:45 am]

BILLING CODE 4410-14-M

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 904**

[SPATS No. AR-029-FOR]

**Arkansas Abandoned Mine Land Reclamation Plan**

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

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

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of an amendment to the Arkansas abandoned mine land reclamation plan (Arkansas plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of revisions to the Arkansas plan relating to definitions, purposes of the reclamation program, identification of eligible lands and water, ranking and selection procedures, coordination of reclamation work, acquisition management and disposition of land and water, reclamation on private land, rights of entry, public participation, organizational structure, personnel and staffing policies, purchasing and procurement systems, management accounting, and abandoned mine land (AML) problem description. Arkansas intends to revise its amendment in response to our letter dated September 26, 1994, that we sent to the State under 30 CFR 884.15(d). The amendment also includes changes made at Arkansas' own initiative.

This document gives the times and locations that the Arkansas plan and the amendment to that plan are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4:00 p.m., c.d.t., August 9, 1999. If requested, we will hold a public hearing on the amendment on August 3, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.d.t. on July 26, 1999.

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

You may review copies of the Arkansas plan, the 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 amendment by contacting OSM's Tulsa Field Office.

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

Arkansas Department of Environmental Quality, Russellville Field Office, 1220 West 2nd Street, Russellville, Arkansas 72801, Telephone: (501) 968-7339

**FOR FURTHER INFORMATION CONTACT:**

Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: [mwolfrom@tokgw.osmre.gov](mailto:mwolfrom@tokgw.osmre.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Arkansas Plan**

On May 2, 1983, the Secretary of the Interior approved the Arkansas plan. You can find background information on the Arkansas plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the May 2, 1983, **Federal Register** (48 FR 19710). You can find later actions on the Arkansas plan at 30 CFR 904.25 and 904.26.

**II. Description of the Proposed Amendment**

By letter dated June 16, 1999 (Administrative Record No. AR-565), Arkansas sent us an amendment to its plan under SMCRA. Arkansas sent the amendment in response to a letter dated September 26, 1994, that we sent to the State under 30 CFR 884.15(d). The amendment also includes changes made at Arkansas' own initiative. Below is a summary of the changes proposed by Arkansas. The full text of the amendment is available for your inspection at the locations listed above under **ADDRESSES**.

A. Arkansas proposes to add to the reclamation plan a table of contents with numbered headings and lettered sub-headings.

B. Arkansas proposes to add Part III—"Definitions," to the reclamation plan.

C. Part IV—"Policies and Procedures for the State Abandoned Mine Land Reclamation Program."

1. Arkansas proposes to rename section 884.13(c)(1), "Introduction," and to remove the old SMCRA priority 4 (Research and Demonstration) project selection criteria. Arkansas also proposes to move descriptions of abandoned mine problem types from this section to section 884.13(e)(3). Arkansas also proposes to move the

section entitled, "Corrective Measures to be used in reclamation of Abandoned Mine Lands," to section 884.13(e)(3) and to substantially shorten it.

2. Arkansas proposes to add a section, "Identification of Eligible Lands and Water." The changes pertain to reclamation of interim program and bond insolvency sites.

3. Arkansas proposes to add a new subsection to section 884.13(c)(2), "Ranking and Selection Procedures." Also, Arkansas proposes to remove the project ranking matrix form contained in the original reclamation plan and to replace it with a reference to the evaluation criteria contained in the regulations at ASCMRC 874.14.

4. Arkansas proposes to make editorial modifications to section 884.13(c)(3), "Coordination of Reclamation Work," primarily to update the names and relationships of agencies and their roles in abandoned mine land reclamation projects. Arkansas also proposes to revise and enhance the description of AML project coordination efforts related to resource issues.

5. Arkansas proposes to revise section 884.13(c)(4) to reduce redundancy with the state regulations. In addition, Arkansas proposes to remove most of the description of land and water acquisition, directing the reader, instead, to follow procedures established in ASCMRC 879.11.

6. Arkansas proposes to revise section 884.13(c)(5), "Reclamation on Private Land," to reduce redundancy with the state regulations. The proposed revision provides a brief overview of policies for placement, waiver, and satisfaction of liens, and refers the reader to ASCMRC 882.13 and 882.14.

7. Arkansas proposes to revise section 884.13(c)(6), "Rights of Entry," to reduce redundancy with the state regulations. The proposed revision provides a brief overview of policies for entry on private land and refers the reader to ASCMRC 882.13 and 882.14.

8. Arkansas proposes to revise section 884.13(c)(7), "Public Participation Policies," to reduce redundancy with the state regulations and to eliminate obsolete information. The proposed revision provides a brief overview of current public participation practices.

D. Part V—"Administrative and Management Structure."

1. Arkansas proposes to revise section 884.13(d)(1), "Organizational Structure," to update the organizational charts.

2. Arkansas proposes to revise section 884.13(d)(2), "Personnel and Staffing Policies," to update the list of State and Federal laws, regulations, and policies related to personnel practices.

3. Arkansas proposes to revise section 884.13(d)(3), "Purchasing and Procurement Systems," to comply with 30 CFR 874.16 and 875.20 regarding "Contractor Responsibility" and to identify 43 CFR Part 12 as the guidance by which Federal grant funds will be administered in the state program.

4. Arkansas proposes to revise section 884.13(d), "Management Accounting," to identify 43 CFR Part 12 as the guidance for administering Federal grant funds in the state program and to make minor editorial corrections.

E. Part VI—"General Description of AML Problems"

Arkansas proposes to add section 884.13(e) to replace information previously contained in the "Introduction" section of the reclamation plan. Section 884.13(e) contains an overview of reclamation problem types and guides the reader to the OSM Abandoned Mine Land Inventory Directive and to OSM's December 30, 1996 (61 FR 68777), AML Program Guidelines for additional information.

### III. Public Comment Procedures

Under the provisions of 30 CFR 884.15(a), we are requesting comments on whether the amendment satisfies the applicable State reclamation plan approval criteria of 30 CFR 884.14. If we approve the amendment, it will become part of the Arkansas plan.

#### Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under DATES or at locations other than the Tulsa Field Office.

#### Public Hearing

If you wish to speak at the public hearing, contact the person listed under FOR FURTHER INFORMATION CONTACT by 4:00 p.m., c.d.t. on July 26, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation to attend a public hearing, contact the individual listed under FOR FURTHER INFORMATION CONTACT. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will 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. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have spoken.

#### Public Meeting

If only one person requests an opportunity to speak at a hearing, we may hold a public meeting, rather than a public hearing. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under FOR FURTHER INFORMATION CONTACT. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under ADDRESSES. We also make a written summary of each meeting a part of the Administrative Record.

### IV. Procedural Determinations

#### Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

#### Executive Order 12988

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and 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 and Tribal abandoned mine land reclamation plans and revisions since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions submitted by a State or Tribe 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 Part 884.

#### National Environmental Policy Act

This rule does not require an environmental impact statement since agency decisions on proposed State and Tribal 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 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 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. 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 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 904**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 1, 1999.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 99-17428 Filed 7-8-99; 8:45 am]

BILLING CODE 4310-05-P

**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 775**

RIN 0703-AA51

**Policies and Responsibilities For Implementation of the National Environmental Policy Act Within the Department of the Navy**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Proposed rule and withdrawal of proposed rule.

**SUMMARY:** The Department of the Navy (DON) is revising portions of its

regulations which establish the responsibilities and procedures for complying with the National Environmental Policy Act (NEPA). This revision clarifies when certain DON actions must be studied to determine their effect on the human environment and what types of activities are excluded from the NEPA documentation requirements. DON is also withdrawing an earlier proposed rule published in the **Federal Register** on February 25, 1999.

**DATES:** Comments must be received by September 7, 1999.

**ADDRESSES:** Interested parties should submit written comments to: Mr. Lew Shotten, Office of the Assistant Secretary of the Navy (Installations and Environment), 2000 Navy Pentagon, Washington, DC 20350.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lew Shotten, Office of the Assistant Secretary of the Navy (Installations and Environment), 703-588-6671.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy published a document in the **Federal Register** of February 25, 1999, (64 FR 9286) proposing to revise 32 CFR part 775 in its entirety. Due to errors in that submission it is withdrawn and these proposed amendments to 32 CFR part 775 are submitted.

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) establishes national policy and goals for protection of the environment. Section 102(2) of NEPA contains certain procedural requirements directed toward the attainment of such goals. In particular, all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decisionmaking and to prepare detailed environmental statements on recommendations or reports significantly affecting the quality of the human environment.

Executive Order 11991 of May 24, 1977, directed the Council on Environmental Quality (CEQ) to issue regulations to implement procedural provisions of NEPA. Accordingly, CEQ issued final NEPA regulations (40 CFR parts 1500-1508) on November 29, 1978, which are binding on all federal agencies as of July 30, 1979. These regulations require each federal agency, as necessary, to adopt implementing procedures to supplement the CEQ regulations. Section 1507.3(b) of the CEQ regulations identifies those sections of the regulations that must be addressed in agency procedures.

The proposed rule revises the Department's implementing regulations

that were originally published on August 20, 1990.

Significant changes that these amendments bring about include: revision of and additions to the DON list of approved categories of actions excluded (CATEXed) from further documentation under NEPA; revised criteria for disallowing the application of listed CATEXs; and, assignment of responsibilities to the Assistant Secretary of the Navy (Research, Development and Acquisition), the General Counsel of the Navy, and the Judge Advocate General of the Navy.

The Department of the Navy has determined that this regulation is not a significant rule as defined by Executive Order 12866 and is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)).

**List of Subjects in 32 CFR Part 775**

Environmental impact statements.

Accordingly, part 775 of chapter VI of title 32 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 775—POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY**

1. The authority for part 775 continues to read as follows:

**Authority:** 5 U.S.C. 301; 42 U.S.C. 4321-4361; 40 CFR parts 1500-1508.

2. Section 775.1 is revised to read as follows:

**§ 775.1 Purpose and Scope.**

(a) To implement the provisions of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, 40 CFR 1500-1508, that direct environmental planning procedures, and to assign responsibilities within the Department of the Navy (DON) for preparation, review, and approval of environmental documents prepared under NEPA.

(b) The policies and responsibilities set out in this part apply to the DON, including the Office of the Secretary of the Navy, and Navy and Marine Corps commands, operating forces, shore establishments, and reserve components. This part is limited to the actions of these elements with environmental effects in the United States, its territories, and possessions.

3. Section 775.2 is revised to read as follows:

**§ 775.2 Definitions.**

(a) *Action.* A new or continuing activity, program, project, or exercise