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 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. Therefore, this rule will ensure that existing requirements previously published 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

OSM has 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 916

Intergovernmental relations, Surface mining, Underground mining.


Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.
[FR Doc. 99-18946 Filed 7-23-99; 8:45 am]

BILLAG CODE 4310-05-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 924
[SPATS No. MS-015-FOR]

Mississippi Regulatory Program

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 Mississippi regulatory program (Mississippi program) under the Surface Mining Control and Reclamation Act of 1977 (SMCPRA). Mississippi proposes revisions to regulations concerning formal hearings; bond release; hydrologic balance; cessation orders; formal review of citations; definitions; areas where mining is prohibited or limited; performance bonds; pre-blasting surveys; permitting inspections; coal exploration; qualified laboratories; disposal of excess spoil; coal mine waste impounding structures; backfilling and grading roads; and coal preparation plant performance standards. The State also proposes to correct typographical errors and make other non-substantive revisions. Mississippi intends to revise its program to be consistent with the corresponding Federal regulations.

DATES: We will accept written comments until 4:00 p.m., c.d.t., August 25, 1999. If requested, we will hold a public hearing on the amendment on August 20, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.d.t., on August 10, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Arthur W. Abbs, Director, Birmingham Field Office, at the address listed below.

You may review copies of the Mississippi program, 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 Birmingham Field Office.


Department of Environmental Quality, Office of Geology, 2380 Highway 80 West, P.O. Box 20507, Jackson, Mississippi 39289–1307, Telephone: (601) 961–5500.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Director, Birmingham Field Office, Telephone: (205) 290–7282. Internet: aabbs@balgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Mississippi Program

On September 4, 1980, the Secretary of the Interior approved the Mississippi program. You can find background information on the Mississippi program, including the Secretary’s findings and the disposition of comments, in the September 4, 1980, Federal Register (45 FR 58520). You can find later actions on the program at 30 CFR 924.10, 924.15, 924.16, and 924.17.

II. Description of the Proposed Amendment

By letter dated July 1, 1999 (Administrative Record No. MS–0373), Mississippi sent us an amendment to its program pursuant to SMCPRA. Mississippi sent the amendment in response to required program amendments at 30 CFR 924.16(f)–(h), (j), (k), (m), and (n). The amendment also includes changes made at Mississippi’s own initiative. Mississippi proposes to amend the Mississippi Surface Coal Mining Regulations. Below is a summary of the changes proposed by Mississippi. The full text of the program amendment is available for your inspection at the locations listed above under ADDRESSES.

A. Revisions required by 30 CFR 924.16(f)–(n)

1. Section 3301. Formal Hearing

Mississippi proposes to revise paragraph (b) to read as follows:

Any party may file a petition for temporary relief from the Permit Board’s action in conjunction with the filing of the request for a formal hearing or at any time before a final decision is issued by the Permit Board after a formal hearing.

2. Section 4501. Procedures for Seeking Release of Performance Bond

Mississippi proposes to revise paragraph (c) to clarify that Federal, State, and local governmental agencies which have special expertise with respect to any environmental, social, or economic impact involved in the coal mining operation are allowed to file written objections to the proposed bond release and to request public hearings.


Mississippi proposes to revise paragraph (b)(3)(A) to require the operator to demonstrate that the coal mining operation has minimized...
disturbance to the hydrologic balance in the permit and adjacent areas.

4. Section 6501. Cessation Orders
Mississippi proposes to revise paragraph (c)(4) to replace a reference to § 53–9–69 with a reference to § 6509.

5. Section 6511. Formal Review of Citations
a. Mississippi proposes to revise paragraph (a) to require interested parties to request formal reviews within 30 days of the date the Commission, the Executive Director, or the Executive Director’s authorized representative took the action that is being contested during the formal review. Mississippi also proposes to add a requirement that the Commission notify parties in writing of the time and place of the hearing at least five working days before the hearing date.

b. Mississippi proposes to revise paragraph (i)(1) by changing the reference from § 6511(e) to § 6511(a).

c. Mississippi proposes to revise paragraph (n)(9) to read as follows:

(9) Any party desiring to appeal a decision of the Commission granting or denying an application for expedited review may appeal to and seek relief from the appropriate chancery court pursuant to § 53–9–77.

B. Revisions Made at Mississippi’s Own Initiative

1. Section 105. Definitions
Mississippi proposes to revise the definition for performance bond to read as follows:

Performance Bond—a surety bond, collateral bond, letter or letters of credit, or self-bond, or a combination thereof, by which a permittee assures faithful performance of all the requirements of the act, these regulations, this program and the requirements of the permit and reclamation plan.

2. Section 1105. Areas Where Mining is Prohibited or Limited
Mississippi proposes to revise paragraph (c) to read as follows:

(c) on any lands which will adversely affect any publicly owned park or any place included on the National Register of Historic Places, unless approved jointly by the Permit Board and the federal, state or local agency with jurisdiction over the park or place;

3. Section 4301. Form of the Performance Bond
Mississippi proposes to add “a letter or letters of credit” to the list of acceptable forms of performance bond.

4. Section 4303. Terms and Conditions of the Bond
Mississippi proposes to revise paragraph (g)(6) by placing the term “indemnity agreement” with the term “letter of credit.”

5. Section 4701. General
Mississippi proposes to revise paragraph (a) to read as follows:

(a) Except as in compliance with § 4701(b), the Commission shall proceed to cause the forfeiture of all or part of a bond or other collateral accepted pursuant to Chapter 43 for any permit where required or authorized by § 4705.

6. Correction of Typographical Errors
a. Mississippi assigned an incorrect section number (Section 5343) to its regulatory provisions for “Use of Explosives: Pre-blasting Survey.” Mississippi proposes to change this incorrect section number to Section 5349.

b. Mississippi proposes to correct typographical errors and other non-substantive revisions in the following sections: Section 105. Definitions; Section 407. Contents of Application for Exemption; Section 413. Conditions of Exemption and Right of Inspection and Entry; Section 1105. Areas Where Mining is Prohibited or Limited; Section 2103. Permit Requirements for Exploration Removing More Than 250 Tons of Coal, or Occurring on Lands Designated as Unsuitable for Surface Coal Mining Operations; Section 2105. Coal Exploration Compliance Duties; Section 2313. Permit Term Information; 3113. Review of Permit Applications; Section 3119. Permit Approval or Denial Actions; Section 3121. Permit Terms; Section 3509. Permit Renewals: Completed Applications; Section 3713. Qualified Laboratories; Section 5359. Disposal of Excess Spill: General Requirements; Section 5377. Coal mine waste: Impounding structures; Section 5391. Backfilling and Grading: General Grading Requirements; Section 5393. Backfilling and grading: Thin Overburden; Section 53111. Roads: General; Section 5703. Steep Slopes: Backfilling and grading: Steep slopes; and Section 5903. Coal Preparation Plants: Performance Standards.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Mississippi program.

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 Birmingham 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 August 10, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodations 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 been heard.

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. 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 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
List of Subjects in 30 CFR Part 924

Intergovernmental relations, Surface mining, Underground mining.


Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.

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I. What Action Is EPA Taking Today?

We are proposing to approve temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by IDEM on December 8, 1998. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year, ending May 1999.

II. Where can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: July 9, 1999.

Francis X. Lyons,
Regional Administrator, Region 5.

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 300

[FR Doc. 99–18947 Filed 7–23–99; 8:45 am]
BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

[IN96–1b; FRL–6402–1]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by the Indiana Department of Environmental Management (IDEM) on December 8, 1998. ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year, ending May 1999. Mass emissions limits are not being changed.

DATES: EPA must receive written comments on this proposed rule by August 25, 1999.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Regulation Development Branch (AR–18), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Environmental Scientist, Regulation Development Section, Regulation Development Branch (AR–18), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever "we", "us", or "our" are used we mean EPA.

II. Where can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: July 9, 1999.

Francis X. Lyons,
Regional Administrator, Region 5.

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 300

[FR Doc. 99–18971 Filed 7–23–99; 8:45 am]
BILLING CODE 6560–50–P

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Dated: July 9, 1999.

Francis X. Lyons,
Regional Administrator, Region 5.

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

[IN96–1b; FRL–6402–1]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by the Indiana Department of Environmental Management (IDEM) on December 8, 1998. ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year, ending May 1999. Mass emissions limits are not being changed.

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