

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.

Dated: July 19, 1999.

#### **Brent Wahlquist,**

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

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## **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 (SMCRA). 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.

This document gives the times and locations that the Mississippi program and the amendment to that program 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 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.

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290-7282.

Department of Environmental Quality, Office of Geology, 2380 Highway 80 West, P.O. Box 20307, 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 SMCRA. 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.

##### **3. Section 5333. Hydrologic Balance: Surface- and Ground-Water Monitoring**

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 (l)(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; Section 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 Spoil: 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

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 State regulatory programs and program amendments 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*

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on 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 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 924**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 15, 1999.

#### **Brent Wahlquist,**

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

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### **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-18J), 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-18J), 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-18J), 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.

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#### **I. What Action Is EPA Taking Today?**

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#### **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.*

[FR Doc. 99-18871 Filed 7-23-99; 8:45 am]

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 300**

[FRL-6401-7]

#### **National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Mason County Landfill Superfund Site from the National Priorities List; request for comments.

**SUMMARY:** The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Mason County Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Michigan, has determined that no further response is appropriate. It should be noted,