

of record with the MMS Offshore Minerals Management Program. The lessee is responsible for notifying the appropriate Government office of any addressee changes.

(4) The addressee of record for serving official correspondence in connection with reviews and audits of payor records is the position title, department name and address, or individual name and address designated, in writing, by the company at the initiation of the audit, or the most recent addressee that was specified, in writing, by the payor.

(5) The addressee of record for serving official correspondence relating to reporting on the "Report of Sales and Royalty Remittance" (Form MMS-2014) is the most recent position title, department name and address, or individual name and address specified, in writing, by the payor. The payor is responsible for notifying RMP, in writing, of any addressee changes.

(6) The addressee of record for serving official correspondence in connection with remittances pertaining to rental and bonuses from nonproducing Federal leases is the most recent position title, department name and address, or individual name and address maintained in RMP records. The payor is responsible for notifying RMP, in writing, of any addressee changes.

(7) The addressee of record for serving official correspondence including orders, demands, invoices, or decisions, and other actions identified with payors reporting to the RMP Auditing and Financial System not identified above is the position title, department name and address or individual name and address for the payor identified on the most recent Payor Confirmation Report (Report No. RPI140R1) of a Payor Information Form (PIF) (Form MMS-4025 or Form MMS-4030) returned by RMP to the payor for the Federal or Indian lease (see 30 CFR 210.51 and 210.201).

(8) If correspondence applies to more than one category identified in paragraphs (b)(1) through (7) of this section, MMS may serve the official correspondence in accordance with the requirements of any one paragraph.

(c) *Dates of service.* Except as provided in paragraph (d) of this section, MMS considers official correspondence as served on the date that it is received at the address of record established under paragraph (b) of this section. A receipt signed by any person at that address is evidence of service. If official correspondence is served both personally and by registered or certified mail, the date of service is the earlier of the two dates, if they are different.

(d) *Constructive service.* (1) If delivery cannot be made after reasonable effort at the address of record established under paragraph (b) of this section, MMS deems official correspondence as constructively served 7 days after the date that the document is mailed.

(2) This provision covers such situations as nondelivery because the addressee has moved without filing a forwarding address, the forwarding order had expired, delivery was expressly refused, or the document was unclaimed where the attempt to deliver is substantiated by U.S. Postal Service authorities.

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

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Arkansas abandoned mine land reclamation plan (Arkansas plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Arkansas proposed revisions to its plan concerning 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 AML problem description. Arkansas intends to revise its plan to be consistent with the corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** September 20, 1999.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Arkansas 74135-6547. Telephone: (918) 581-6430. Internet: mwolfrom@tokgw.osmre.gov.

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Arkansas Plan
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

#### 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. Submission of the Proposed Amendment

By letter dated June 16, 1999 (Administrative Record No. AAML-27), Arkansas sent us an amendment to its plan pursuant to SMCRA. Arkansas sent the amendment in response to our letter dated September 26, 1994, that we sent to Arkansas under 30 CFR 884.15(d). The amendment also included changes Arkansas made at its own initiative.

We announced receipt of the amendment in the July 9, 1999, **Federal Register** (64 FR 37067). In the same document, we opened the public comment period and provided an opportunity for a public hearing on the adequacy of Arkansas' amendment. The public comment period closed on August 9, 1999. Because no one requested a public hearing or meeting, we did not hold one.

#### III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are our findings concerning the amendment. Any revisions that we do not discuss below are about minor wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Arkansas proposed to add to the reclamation plan a table of contents with numbered headings and lettered sub-headings. We are approving this addition.

B. Arkansas proposed to add Part III—"Definitions," to the reclamation plan. We are approving the addition of this part because it complies with Federal definitions found at 30 CFR 870.5.

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

1. Arkansas proposed to change the name of section 884.13(c)(1) from "Introduction" to "Purposes of the State

Reclamation Program" and to remove the old SMCRA priority 4 (Research and Demonstration) project selection criteria. We are approving the revisions because they meet the requirements of the Federal regulations at 30 CFR 884.13(c)(2) and section 403(a) of SMCRA, as revised by the Energy Policy Act of 1992 (Pub. L. 102-486). Effective October 24, 1992, this Act amended section 403(a) of SMCRA by removing the priority 4 (Research and Demonstration) project selection criteria. Arkansas also proposed to move descriptions of abandoned mine problem types from this section to section 884.13(e)(3). We are approving this revision because it meets the requirements of the Federal regulations at 30 CFR 884.13(e)(3). Arkansas also proposed 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. We are approving the revision because it is not inconsistent with the requirements of the Federal regulations in 30 CFR Subchapter R.

2. Arkansas proposed to add a section, "Identification of Eligible Lands and Water." The section pertains to reclamation of interim program and bond insolvency sites. We are approving this addition because it complies with previous revisions to the State statutes at Arkansas Code Annotated (ACA) 15-58-401 and the State regulations at Arkansas Surface Coal Mining and Reclamation Code (ASCMRC) 874.12 which we approved on January 5, 1994 (59 FR 540), and April 29, 1997 (62 FR 23129), respectively. Also, the addition of the language is not inconsistent with the Federal regulations at 30 CFR 874.12 and 875.12.

3. Arkansas proposed to add a new subsection to section 884.13(c)(2), "Ranking and Selection Procedures." We are approving this addition because it meets the requirements of the Federal regulations at 30 CFR 874.12 and 874.13. Also, Arkansas proposed 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 its regulations at ASCMRC 874.14. We are approving the revision because it does not constitute a policy change and because it meets the requirements of the Federal regulations at 30 CFR 884.13(c)(2).

4. Arkansas proposed 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. We are approving these revision. Arkansas also proposed to revise and enhance the description of AML project coordination efforts related to resource issues. We are approving the revision because it meets the requirements of 30 CFR 884.13(c)(3).

5. Arkansas proposed to revise section 884.13(c)(4) to reduce redundancy within the state regulations. In addition, Arkansas proposed to remove most of the description of land and water acquisition, directing the reader, instead, to follow procedures established in ASCMRC 879.11. We are approving the revisions because they meet the requirements of 30 CFR 884.13(c)(4).

6. Arkansas proposed to revise section 884.13(c)(5), "Policies and Procedures for Reclamation on Private Land," to reduce redundancy within 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. Arkansas also proposed to add a new paragraph on appraisals to clarify under what circumstances appraisals should be conducted and by whom. We are approving these revisions because they meet the requirements of 30 CFR Part 882.

7. Arkansas proposed to revise section 884.13(c)(6), "Rights of Entry," to reduce redundancy within 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. We are approving the revisions because they are not inconsistent with the Federal regulations at 30 CFR Part 877.

8. Arkansas proposed to revise section 884.13(c)(7), "Public Participation Policies," to reduce redundancy within the state regulations and to eliminate obsolete information. The proposed revision provides a brief overview of current public participation practices. We are approving the revisions because they meet the requirements of the Federal regulations at 30 CFR 884.13(c)(6).

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

1. Arkansas proposed to revise section 884.13(d)(1), "Organizational Structure," to update the organizational charts. We are approving this revision because it meets the requirements of the Federal regulation at 30 CFR 884.13(d)(1).

2. Arkansas proposed 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. We are

approving this revision because it meets the requirements of the Federal regulation at 30 CFR 884.13(d)(2).

3. Arkansas proposed to revise section 884.13(d)(3), "Purchasing and Procurement Systems," to comply with OSM's 30 CFR Part 884 letter, dated September 26, 1994, regarding "Contractor Responsibility (30 CFR 874.16 and 875.20)" and to identify 43 CFR Part 12 as the guidance by which Federal grant funds will be administered in the state program. We are approving the revisions because they satisfy the requirements of the above 30 CFR Part 884 letter and also meet the requirements of the Federal regulation at 30 CFR 884.13(d)(3).

4. Arkansas proposed to revise section 884.13(d)(4), "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. We are approving the revisions because they meet the requirements of the Federal regulation at 30 CFR 884.13(d)(4).

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

Arkansas proposed 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. We are approving the revisions because they meet the requirements of the Federal regulation at 30 CFR 884.13(e)(1)-(3).

#### IV. Summary and Disposition of Comments

##### Public Comments

We asked for public comments on the amendment, but did not receive any.

##### Federal Agency Comments

Under 30 CFR 884.14(a)(2) and 884.15(a), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Arkansas plan (Administrative Record Nos. AAML-27.01, AAML-27.02, and AAML-27.03). We received a comment from the U.S. Army Corps of Engineers dated July 13, 1999 (Administrative Record No. AAML-27.04), stating that they found the proposed amendment to be satisfactory.

*U.S. Environmental Protection Agency (EPA)*

Under 30 CFR 884.14(a)(6), we are required to get a written agreement from the EPA for those provisions of the program amendment that relate to air or water quality standards issued 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.*). None of the revisions that Arkansas proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA to agree on the amendment.

*U.S. Fish and Wildlife Service (FWS)*

Under section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), we are required to ask the FWS to determine whether those provisions of the program amendment that relate to fish, wildlife, or plants and their habitat are likely to jeopardize the continued existence of species listed as endangered or threatened (under the authority of section 4 of the Endangered Species Act of 1973) or result in the destruction or adverse modification of their habitat. None of the revisions that Arkansas proposed to make in this amendment pertain to fish, wildlife, or plants and their habitat. Therefore, we did not ask the FWS for its determination under section 7 of the Endangered Species Act of 1973.

*State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*

Under 30 CFR 884.14(a)(6), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On July 1, 1999, we requested comments on Arkansas' amendment (Administrative Record No. AAML-27.02), but neither responded to our request.

**V. Director's Decision**

Based on the above findings, we approve the proposed plan amendment as submitted by Arkansas on June 16, 1999. We approve the plan that Arkansas proposed with the provision that it be published in identical form to the plan sent to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 904, which codify decisions concerning the Arkansas plan. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Arkansas to bring its plan into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

**VI. 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 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 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 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 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 904**

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 8, 1999.

**Brent Wahlquist,**

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

For the reasons set out in the preamble, 30 CFR Part 904 is amended as set forth below:

**PART 904—ARKANSAS**

1. The authority citation for Part 904 continues to read as follows:

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

2. Section 904.25 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

**§ 904.25 Approval of Arkansas abandoned mine land reclamation plan amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
June 16, 1999	9-20-99	Definitions; Purposes of the state 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 problem description.

[FR Doc. 99-24460 Filed 9-17-99; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD07-99-063]

RIN 2115-AE46

**Special Local Regulations; Biscayne Bay, Miami, Florida**

**AGENCY:** Coast Guard, DOT.  
**ACTION:** Temporary final rule.

**SUMMARY:** Temporary Special Local Regulations are being adopted for the Columbus Day Regatta. The event will be held in Biscayne Bay from 9 a.m. to 5 p.m. Eastern Daylight Time (EDT) on October 9 and 10, 1999. These regulations are needed to provide for the safety of life on navigable waters during the event.

**DATES:** These regulations become effective at 9 a.m. and terminate at 5 p.m. EDT each day on October 9 and 10, 1999.

**FOR FURTHER INFORMATION CONTACT:** BM1 J. P. Storey Coast Guard Group Miami, Florida at (305) 535-4472.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

Columbus Day Regatta, Inc., is sponsoring a sail boat race, with approximately 500 sailboats, ranging in length from 20 to 60 feet participating in the event. The race will take place in Biscayne Bay from Dinner Key to Soldier Key on October 9 and 10, 1999. There will also be approximately fifty (50) spectator craft. These regulations are intended to promote safe navigation on the waters of Biscayne Bay by controlling the traffic entering, exiting, and traveling within the regulated area.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been

impracticable, as there was not sufficient time remaining after the receipt of the permit request to publish proposed rules in advance of the event or to provide for a delayed effective date.

**Regulatory Evaluation**

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only approximately 8 hours each day of the event and the regulated area does not block any channels.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies that this rule will not have a significant economic impact on a substantial number of small entities, as the regulations will only be in effect a total of two days in areas of limited commercial traffic.

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2-1, paragraph 34(h) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations: In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

**PART 100—[AMENDED]**

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Add temporary § 100.35T-07-063 to read as follows:

**§ 100.35T-07-063 Columbus Day Regatta Sail Boat Race, Miami, FL**

(a) *Regulated Area:* A regulated area is established for the race by joining the following points (All coordinates referenced use Datum NAD:83):

- (1) 25°43'399"N, 080°12'500"W
- (2) 25°43'399"N, 080°10'500"W
- (3) 25°33'000"N, 080°11'500"W
- (4) 25°33'000"N, 080°15'900"W
- (5) 25°40'000"N, 080°15'000"W.

(b) *Special local regulations.*

(1) Entry into the regulated area by other than event participants is prohibited unless otherwise authorized by the Patrol Commander. At the completion of scheduled races and exhibitions, and departure of participants from the regulated areas,