1. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma regulatory program (OSM) as approving an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposed revisions to it rules concerning permit revisions. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

**SUMMARY:**

The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposed revisions to it rules concerning permit revisions. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** May 9, 2001.

**FOR FURTHER INFORMATION CONTACT:**


**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

I. Background on the Oklahoma Program

II. Submission of the Amendment

III. Director’s Findings

IV. Summary and Disposition of Comments

V. Director’s Decision

VI. Procedural Determinations

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the program amendments as follows:

<table>
<thead>
<tr>
<th>Original amendment submission date</th>
<th>Date of final publication</th>
<th>Citation/description</th>
</tr>
</thead>
</table>
| October 5, 2000                    | May 9, 2001                | 10 CSR 40–3.010(6); 3.020(1); 3.040(2)(A)1, 2, 3(B), 4, 5, 6; 3.040(4)(A)1 and (B)3; 3.040(6)(A), (B), (C), (D), (E), (F), (G), (H), (I), (J); (U), 3.040(8); 3.040(10)(A), (B)5, (L), (M), (N), (O), 12(A), 2(A), 8, (O)2(C), (O)3, (O)3(A) and (B) 3.040(10)(O)3(C) [not approved]; 3.040(13)(A)1(A) and (B)1 3.040(14)(B)3; 3.040(17); 3.050 Purpose; 3.050(1)(O)1(A); 3.050(2)(A); 3.050(3)(C)1 3.080(1)(A); 3.080(3)(D); 3.080(8)(A); 3.090; 3.110(4)(A); 3.110(5)(A); 3.110(6)(B); 3.120(5); 3.120(8)(A), (B) 3.200(2)(A)1, 2, 3(A), 4, 5, 6; 3.200(4)(B)3; 3.200(6)(A), (B), (C), (E), (F), (G), (Q), (T), (U), 3.200(6); 3.200(10)(A), (B), (C), (L), (M), (N), (O), (O)2(A), B, and C (O)3, (O)3(A) and (B) 3.200(10)(O)3(C) [not approved]; 3.200(12) (A)1(A) and (B)1; 3.200(13)(B)3; 3.200(16); 3.240 [partial approval]; 3.270(5); 3.270(8)(A)4 and (B) 4.010 Purpose; 4.010(4); 4.020(2)(B); 4.030 Purpose; 4.030(3)(A); 4.030(4)(A), (B), (C), 4.030(7)(B)2 and 7; 4.050(11), (12); 5.010(1)(B); 5.010(2)(E); 6.010(4)(B)2; 6.010(6)(A)6; 6.020 Purpose; 6.020(5); 6.020(7)(A); 6.030(1)(C), (D), (I); 6.030(2)(C); 6.040(5)(B)1E 6.040(16)(C)1 and 3; 6.050(1); 6.050(5)(B)11, (C), and (C)1; 6.050(7)(D)1; 6.050(9)(C)3 and 4, (D)3; (E)3 6.050(11)(A), (A)1A, 2, and 3; (B), (C), (F), 6.050(17)(B); 6.080(4)(C)1 and 5; (D), (E)5 6.070(3) and (3)(B); 6.070(4)(A); 6.070(5)(B)4; 6.070(B)(C), (D)3; 6.070(10) (D); 6.090(4)(B); 6.090(6)(A); 6.090(7); 6.100(1)(B); 6.100(2)(C); 6.120(5)(E); 6.120(7)(A), (A)2 and (B) 3, (B)1, (C), (F); 6.120(12)(D)1; 6.120(14)(B)10, (C)1; 6.120(15)(B); 7.011(B)8, (D)2(C), (E), 7.021(1)(C) and (D); 7.021(2)(A), (B)5 and 6; 7.021(3)(C) and (D); 8.010(1)(A)8, 12, 5(C), 9, 73, 82, 87, 89, and 97B; 8.030(1)(F)A, (G); 8.030(6)(A)3 and (B)1; 8.030(10)(A); 8.030(12)(C); 8.050 Purpose; 8.050(1); 8.050(2)(B); 8.050(5)(A) and (B); 8.050(9)(A); 8.070(2)(C)1(A)1(a) [partial approval] and 10.F, (F), (G).

4. Section 925.16 is amended by removing and reserving paragraphs (b), (f)(1), (g), (p)(5), (p)(9), (p)(10), (p)(11), (p)(12), (p)(14), (p)(16), (p)(18), (p)(21), (q), (p)(2), and (u) by revising paragraphs (p), (p)(4), and (p)(20) and adding (v) to read as follows:

§ 925.16 Required program amendments.

* * * * *

(p) By May 10, 2002, Missouri shall amend its program as follows:

* * * * *

(4) At 10 CSR 40–3.240 by providing performance standards that address air quality in a manner no less effective than the Federal regulations at 30 CFR 817.95(a).

* * * * *

(20) At 10 CSR 40–8.070(2)(C)1.A.(II)(a) and (b) to revise the definition of cumulative measurement period to provide appropriate dates for the end of the period for which cumulative production and revenue is reported that are no earlier than September 29, 1992, in accordance with the Federal regulation requirements at 30 CFR 702.5(a)(2)(i) and (ii).

* * * * *

(v) By May 10, 2002, Missouri must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to remove its provisions at 10 CSR 40–3.040(10)(O)3(C) and 40–3.200(10)(O)3(C).

5. Section 925.25 is amended in the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

§ 925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

* * * * *
Oklahoma is amending its rules at OAC 732.17(b). Oklahoma sent the
and the Federal regulations at 30 CFR
the Oklahoma program under SMCRA
the Oklahoma Department of Mines
Secretary
background information on the
23606 Federal Register
III. Director’s Findings
Following, under SMCRA and the
Federal regulation, and we are
authorities to establish
guidelines suitable to the
operation of the State program. We find
Oklahoma’s rule at OAC 460:20–
17–3(a) meets the requirements of this
Federal regulation, and we are
approving it.
B. OAC 460:20–17–3(b) Application
requirements and procedures.
Oklahoma is removing the existing
provisions in Section 460:20–17–3(b),
and adding the following new
provisions:
(b) Application requirements and
procedures. A permittee is required to submit
any permit revision applications to the
Chief of Technical Services for review. The
Chief of Technical Services review shall determine:
(1) Whether the permittee has provided all
technical and public notice requirement
information the Department deems necessary
to adequately evaluate and find that the
revision meets the requirements of the
statutes and rules of this Chapter; and
(2) Whether the revision application contains any deficiencies. The Department is
required to send written notification to the
permittee of any deficiencies along with a
response date deadline for answering the
deficiencies noted. Any deadline extension
requests shall be in writing and are subject
to the approval of the Chief of Technical
Services. Failure of the permittee to file
written responses within the required time
frames, will result in the denial of the
revision application.
The Federal regulation at 30 CFR
774.13(b)(2) requires the regulatory
authority to establish guidelines for the
scale or extent of revisions for which all
the permit application requirements
will apply. It allows flexibility to the
regulatory authority to establish both
significant and insignificant permit
revision guidelines suitable to the
operation of the State program. We find
that Oklahoma’s rule at OAC 460:20–
17–3(a) General. At Section 460:20–17–3(a) Oklahoma is
adding the following provision:
(a) Any revision application to the
approved mining or reclamation plan will be
subject to review and approval by the
Department. During the revision review,
the revision will be classified as either: (1) Major
or Significant; or (2) Minor.
The Federal regulation at 30 CFR
774.13(b)(2) requires the regulatory
authority to establish guidelines for the
scale or extent of revisions for which all
the permit application requirements
will apply. We find that Oklahoma’s rules at OAC 460:20–
17–3(c) Significant
revisions. Oklahoma is moving the
existing provision in Section 460:20–
17–3(c) to new Section 460:20–17–3(f),
and is adding the following provision to Section OAC 460:20–17–3(c):
(c) A significant revision to the mining or reclamation plan will be subject to the permit
application information requirements and
procedures of this Subchapter, including
notice, public participation, and notice of
decision requirements of Sections 460:20–
15–3, 460:20–15–8(b)(1) and (3), and 460:20–
23–9 prior to approval by the Department and
implementation by the permittee.
The Federal regulation at 30 CFR
774.13(b)(2) requires all permit
application information requirements
and procedures of Subchapter G,
including notice, public participation,
and notice of decision requirements of
30 CFR 773.13, 773.19(b)(1) and (3), and
778.21 to apply at a minimum to
significant permit revisions. We find
that Oklahoma’s rule at OAC 460:20–
17–3(c) contains the same requirements for
significant permit revisions, and therefore,
is no less effective than the
Federal regulation.
D. OAC 460:20–17–3(d) Departmental
consideration. Oklahoma is moving the
existing provision in Section 460:20–
17–3(d) to new Section 460:20–17–3(g),
and is adding the following new
provisions to Section OAC 460:20–17–
3(d):
(d) Departmental consideration. The
Department will consider any proposed
revision to be significant if its
implementation could reasonably be
expected, in the opinion of the Director, to
result in any adverse impact to persons,
property, or the environment outside the
permit area. Revisions with impacts confined
to the permit area will be evaluated on a case
case basis to determine if significant.
While consideration will be given to the size,
location, type and extent of impact in
classifying a revision, the following will
typically be considered significant:
(1) Incidental boundary changes;
(2) Hydrology plan changes which could
have adverse impacts outside the permit
areas, such as:
(A) The addition or relocation of
permanent impoundments;
(B) The addition, deletion, or relocation of
stream diversions; and
(C) The addition or deletion of acid mine
drainage treatment facilities;
(3) The addition of a coal wash plant;
(4) The addition of or changes to a non coal
waste storage plan;
(5) Construction or relocation of county
roads;
(6) Addition of blasting plans;
(7) Postmining land use changes to
residential, industrial or commercial (except
for changes involving oil and gas wells and
The Federal regulation at 30 CFR 774.13(b)(2) requires the regulatory authority to establish guidelines for the scale or extent of revisions for which all the permit application requirements will apply. The Federal regulations provide flexibility to the regulatory authority to establish permit revision guidelines suitable to the operation of the State program. We find that Oklahoma’s rule at OAC 460:20–17–3(h) meets the requirements of the Federal regulation, and we are approving it.

IV. Summary and Disposition of Comments

Federal Agency Comments

On February 5, 2001, under section 503(h)(1) of SMCRA and 30 CFR 732.17(h)(11)(i) of the Federal regulations, we requested comments from various Federal agencies with an actual or potential interest in the Oklahoma amendment (Administrative Record No. OK–990.01). The U. S. Army Corps of Engineers responded on March 2, 2001 (Administrative Record No. OK–990.02), that the proposed amendment was satisfactory to the agency.

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), we are required to obtain the written concurrence of the EPA for those provisions of the program amendment that relate to air or water quality standards. Therefore, we did not ask the EPA for its concurrence.

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. OK–990.01). The EPA did not respond to our request.

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

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On February 5, 2001, we requested comments on Oklahoma’s amendment (Administrative Record No. OK–990.01), but neither responded to our request.

Public Comments

We requested public comments on the amendment, but did not receive any.
programs and program amendments since each 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**

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides a decision on a proposed State regulatory program provision does not constitute major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

**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. Therefore, 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.

**Small Business Regulatory Enforcement Fairness Act**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

**Unfunded Mandates**

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 936**

Intergovernmental relations, Surface mining, Underground mining.


Charles E. Sandberg,
Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 936 is amended as set forth below:

**PART 936—OKLAHOMA**

1. The authority citation for Part 936 continues to read as follows:

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

2. Section 936.15 is amended in the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

   **§ 936.15 Approval of Oklahoma regulatory program amendments.**

<table>
<thead>
<tr>
<th>Citation/description</th>
<th>Date of final publication</th>
</tr>
</thead>
</table>

[FR Doc. 01–11634 Filed 5–8–01; 8:45 am]
BILLING CODE 4310–05–P

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

33 CFR Part 117

[CGD01–01–062]

RIN 2115–AE47

**Drawbridge Operation Regulations: Hackensack River, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary final rule governing the operation of the Lincoln Highway Bridge, at mile 1.8, across the Hackensack River at Jersey City, New Jersey. This temporary final rule requires vessels to provide a one-hour daytime advance notice and a four-hour nighttime advance notice for bridge openings from May 8, 2001 through July 31, 2001. This action is necessary to facilitate completion of maintenance at the bridge.

**DATES:** This temporary final rule is effective from May 8, 2001 through July 31, 2001.

**ADDRESSES:** The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Yee, Project Officer, First Coast Guard District, (212) 668–7165.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after publication in the Federal Register. This temporary rule will extend the time period the bridge will operate on an advance notice basis in order to complete maintenance repairs that were scheduled to be completed by May 7, 2001. The Coast