

that the aggregate total prime farmland acreage not be decreased from that which existed prior to mining. Any water bodies to be constructed during mining and reclamation operations are to be located within the post-reclamation non-prime farmland portions of the permit area. At OAC 1501:13-7-05(A)(2)(a)(iv), Ohio is proposing to require that a notarized statement by the permittee affirming completion of all applicable reclamation requirements be included in a request of approval of reclamation. At OAC 1501:13-9-4, Ohio is proposing to reference the dam and/or emergency spillway hydrologic criteria found in the NRCS Technical Release No. 60. Ohio is also proposing to delete the spillway requirements for impoundments at section (G)(3)(b) as they already appear at section (H)(1)(h).

#### *Public Comment Procedures*

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

#### *Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### *Public Hearing*

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on February 9, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials 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. Persons in the audience who have not been scheduled to speak, and who wish

to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### *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. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

#### **IV. Procedural Determinations**

##### *Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### *Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 2 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 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*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed 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. 3509 *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. Accordingly, 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.

##### *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 935**

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 15, 1998.

##### **Ronald C. Rector,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 98-1651 Filed 1-22-98; 8:45 am]

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#### **DEPARTMENT OF THE INTERIOR**

##### **Office of Surface Mining Reclamation and Enforcement**

##### **30 CFR Part 943**

[SPATS No. TX-039-FOR]

##### **Texas Abandoned Mine Land Reclamation Plan**

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** OSM is correcting a proposed rule that appeared in the **Federal Register** of December 29, 1997 (62 FR 67592). This document announced receipt of a proposed amendment to the Texas abandoned mine land reclamation plan (hereinafter referred to as the "Texas program") under the Surface Mining Control and Reclamation Act of 1997 (SMCRA).

**FOR FURTHER INFORMATION CONTACT:**

Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581-6430.

In **Federal Register** document 97-33662 beginning on page 67592 in the issue of Monday, December 29, 1997, make the following corrections:

1. On page 67593 in the first column under the heading **SUMMARY**, "acquire" in line 24 should be "acquired."

2. On page 67593 in the first column under the heading **ADDRESSES**, "Texas" in line five of the third paragraph should be "Oklahoma."

3. On page 67593 in the second column under number 1.a. in line two, "Sec. 12,805" should be "Sec. 12.805."

4. On page 67594 in the first column, in line three, the "p" in "paragraph" should be capitalized.

5. On page 67594 in the first column, in line 17, the "i" in "it" should be capitalized.

6. On page 67594 in the third column under number 17 in line 5 of the paragraph, the "c" in "commission" should be capitalized.

7. On page 67595 in the first column in the heading of number 22, "Section 21.820" should be "Section 12.820."

8. On page 67595 in the first column in the paragraph under the heading "Public Hearing," the word "INFORMAITON" in line three should be "INFORMATION."

**List of Subjects in 30 CFR Part 904**

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 15, 1998.

**Charles E. Sandberg,**

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

[FR Doc. 98-1652 Filed 1-22-98; 8:45 am]

**BILLING CODE 4310-05-M**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[AD-FRL-5951-5]

**Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On December 19, 1995, EPA adopted emission guidelines for existing municipal waste combustor (MWC) units. Section 129 of the Act requires States with existing MWC units subject to the guidelines to submit plans to EPA that implement and enforce the emission guidelines. The State plans were due on December 19, 1996. States without MWC units subject to the emission guidelines must submit a negative declaration letter. Following receipt of a State plan, EPA has up to 6 months to approve or disapprove the plan. If a State with existing MWC units does not submit an approvable plan within 2 years after promulgation of the guidelines (i.e., December 19, 1997), the Clean Air Act (ACT) requires EPA to develop, implement, and enforce a Federal plan for MWC units in that State. In this action EPA proposes a Federal plan to implement emission guidelines for MWC units located in States where State plans have not been approved. For most of these States, the Federal plan would be an interim action because when a State plan is approved, the Federal plan will no longer apply to MWC units covered by the State plan. This proposed MWC Federal plan includes the same required elements as a State plan as specified in 40 CFR part 60, subpart B. These elements are: identification of legal authority; identification of mechanisms for implementation; inventory of affected facilities; emission inventory; emission limits; compliance schedules; public hearing requirements; reporting and recordkeeping requirements; and public progress reports. Also discussed in this preamble is Federal plan implementation and delegation of authority.

**DATES:** *Comments.* Comments on this proposal must be received on or before March 24, 1998.

*Public Hearing.* A public hearing will be held in Washington, DC if individuals request to speak. In addition, a public hearing will be held in any State with an MWC unit that would be covered by the proposed

MWC Federal plan, if individuals request to speak. Requests to speak must be received by February 23, 1998. If requests to speak are received, one or more public hearings will be held. A message regarding the date and location of the public hearing(s) may be accessed by calling (919) 541-5339 after February 23, 1998.

**ADDRESSES:** *Comments.* Comments on this proposal should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (MC-6102), Attention Docket No. A-97-45, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments and data may be filed electronically by following the instructions in section I of **SUPPLEMENTARY INFORMATION** of this preamble.

*Public Hearing.* If timely requests to speak at a public hearing are received, a public hearing will be held in Washington, DC or in any State with an MWC unit that would be covered by the proposed MWC Federal plan. Persons wishing to present oral testimony should notify Ms. Julie Andresen, Program Review Group, Information Transfer and Program Integration Division (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5339 at EPA. A message regarding the date and location of the public hearing(s) may be accessed by calling (919) 541-5339.

*Docket.* Docket numbers A-89-08, A-90-45, and A-97-45 contain the supporting information for this proposed rule and the supporting information for EPA's promulgation of emission guidelines for existing MWC units. These dockets are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center (Mail Code 6102), 401 M Street, SW, Washington, DC 20460, or by calling (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor, central mall). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** For information regarding this proposal, contact Ms. Julie Andresen at (919) 541-5339, Program Review Group, Information Transfer and Program Integration Division (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For technical information, contact Mr. Walt Stevenson at (919) 541-5264, Combustion Group, Emission Standards Division (MD-13), U.S.