

**SUPPLEMENTARY INFORMATION:** On September 26, 1997, (62 FR 50541), MSHA published a notice in the **Federal Register** requesting comments on a draft policy letter (PPL) relating to the approval guidelines for storage plans for Self-Contained Self-Rescue (SCSR) Devices in underground coal mines. MSHA published the notice to voluntarily afford an opportunity for interested persons to comment on the PPL before its anticipated issuance and effective date.

The comment period was scheduled to close on February 23, 1998; but was extended until April 13, 1998 (63 FR 6886). In response to requests from the mining community for additional time to prepare their comments, MSHA is extending the comment period until May 29, 1998.

The Agency believes that this extension will provide sufficient time for all interested parties to review and comment on the draft policy. All interested parties are encouraged to submit their comments on or prior to May 29, 1998.

Dated: April 16, 1998.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 98-10689 Filed 4-21-98; 8:45 am]

BILLING CODE 4510-43-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 925

[SPATS No. MO-034-FOR]

#### Missouri Abandoned Mine Land Reclamation Plan

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Missouri Abandoned Mine Land Reclamation Plan (hereinafter referred to as the "Missouri plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment pertains to a formal request by the Missouri Department of Natural Resources, Land Reclamation Commission, Land Reclamation Program (LRP) to assume responsibility of the abandoned mine land reclamation (AMLR) emergency program in Missouri. The proposed amendment is

intended to provide information to verify that Missouri has the authority under its existing plan to conduct the AMLR emergency program on behalf of OSM.

This notice sets forth the times and locations that the Missouri plan and the proposed amendment to that plan will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received by 4:00 p.m., c.d.t., May 22, 1998. If requested, a public hearing on the proposed amendment will be held on May 18, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t., May 7, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Russell W. Frum, Mid-Continent Regional Coordinating Center, at the address listed below.

Copies of the Missouri plan, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Mid-Continent Regional Coordinating Center.

Russell W. Frum, Mid-Continent Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002, Telephone: (618) 463-6460.

Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, Missouri 65102, Telephone: (573) 751-4041.

**FOR FURTHER INFORMATION CONTACT:**

Russell W. Frum, Mid-Continent Regional Coordinating Center, Telephone: (618) 463-6460.

#### I. Background on the Missouri Plan

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. Background information on the Missouri plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning the Missouri plan and amendments to the plan can be found at 30 CFR 925.25.

#### II. Description of the Proposed Amendment

Section 410 of SMCRA authorizes the Secretary to use funds under the AMLR program to abate or control emergency situations in which adverse effects of past coal mining pose an immediate danger to the public health, safety, or general welfare. On September 29, 1982 (47 FR 42729), OSM invited States to amend their AMLR plans for the purpose of undertaking emergency reclamation programs on behalf of OSM. States would have to demonstrate that they have the statutory authority to undertake emergencies, the technical capability to design and supervise the emergency work, and the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

By letter dated March 31, 1998, (Administrative Record No. AML-MO-103), Missouri submitted a proposed amendment to its plan pursuant to SMCRA. Missouri submitted the proposed amendment at its own initiative. This amendment is intended to demonstrate Missouri's capability to effectively undertake the AMLR emergency program on behalf of OSM. The proposed amendment would allow Missouri to assume the administration of the AMLR emergency program in Missouri on behalf of OSM. In its formal submittal, Missouri stated that a review of the Missouri plan indicates that the authority already exists for the LRP to assume responsibility for the AML emergency program. Missouri noted that the designation by the governor and legal opinion of the state attorney general that is included in its plan are applicable to all AML activities, including the emergency program, and that all other existing policies and procedures in its plan are adequate to cover the emergency program, with two minor exceptions. These exceptions are being addressed in Missouri's proposed amendment.

A. The following information, taken from the approved Missouri plan, is included by reference in Missouri's formal submission to OSM to verify that the authority already exists for the LRP to assume AMLR emergency program responsibilities:

1. A letter from the Governor that designates the Missouri Department of Natural Resources, Land Reclamation Commission as the agency responsible for the Abandoned Mine Land Reclamation Program in Missouri.

2. A legal opinion from the Attorney General that the Missouri Department of Natural Resources, Land Reclamation Commission has the power to

administer the Abandoned Mine Land Reclamation Program in Missouri.

3. A copy of the Missouri Land Reclamation Act (Revised Statutes of Missouri (RSMo) sections 444.810, .825, .915, .920, .930, and .940). RSMo section 444.915(5) authorizes the LRP to spend monies from the State Abandoned Mine Reclamation Fund for restoration, reclamation, abatement, control or prevention of adverse effects of coal mining practices which constitutes an emergency.

4. A copy of the Missouri Abandoned Mine Land Reclamation Program regulations (Code of State Regulations, 10 CSR 40-9.010, .020, .030, .040, .050, and .060). Missouri's regulations at 10 CSR 40-9.030(4) provides the right to enter upon any land where an emergency exists and on any other land to have access to the land where the emergency exists to restore, reclaim, abate, control or prevent the adverse effects of coal mining practices and to do all things necessary or expedited to protect the public health, safety or general welfare. Procedures are provided for this entry.

B. Missouri submitted the following statement to demonstrate the LRP's technical capability to design and supervise the emergency work:

Over the past four years, Missouri has successfully completed several high priority shaft closure and four subsidence reclamation projects. Although these were non-emergency projects, they were completed in a timely manner and the scope of work was similar to Missouri's past AML emergency projects. With six Land Reclamation Specialists and a registered professional engineer on the AML Section staff, the LRP has the technical capability to respond rapidly to AML emergency situations. Project designs and contract documents can be prepared in-house, avoiding the usual time delays associated with procuring and coordinating consulting engineering services agreements. The AML Section can also provide in-house resident inspection services, since emergency reclamation projects are typically of short duration.

C. Missouri proposes to update the following policy and procedure sections of its plan to reflect that Missouri has the administrative mechanisms to quickly respond to emergencies either directly or through contractors:

#### 1. Section 884.13(c)(6), Rights of Entry

Missouri proposed to remove the following language from this section to reflect that it will now administer the emergency program:

Under most circumstances, emergency entries will be made upon request from the Office of Surface Mining. This agency will perform as its agent provided that the Land

Reclamation Commission is agreeable to such entry and has determined that an emergency does exist.

#### 2. Section 884.13(d)(3), Purchasing and Procurement

Missouri proposed to revise this section to show the current procurement thresholds for services, supplies and products contracts. The procurement threshold requiring the use of formal sealed bids is being raised from \$10,000 to \$25,000. The procurement threshold requiring compliance with State small purchase procedures is being raised from \$10,000 to \$25,000. The negotiated procurement threshold is being lowered from \$10,000 to \$3,000. Procurements in excess of \$25,000 are to be recorded with the specified justification information. Missouri's existing policy requires special justification if procurements are in excess of \$10,000.

D. After assuming the emergency program, Missouri would conduct investigations of potential emergency sites, and following OSM concurrence that emergency situations exist, perform remedial reclamation. Missouri stated in its proposal that it would follow procedures that are in compliance with Chapter 4-30, "Characteristics of Grantee-Administered Emergency Reclamation Activities" of the Federal Assistance Manual in administering the AMLR emergency program.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Missouri plan.

#### 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 Mid-Continent 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., c.d.t. on May 7, 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. 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**.

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 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.

#### 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 proposed 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 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 thereof 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 thereof 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 parts 884 and 888.

#### *National Environmental Policy Act*

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribal abandoned mine land reclamation plans and revisions thereof 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 pursuant to 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 925**

Abandoned mine land reclamation, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 14, 1998.

**Charles E. Sandberg,**

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

[FR Doc. 98–10580 Filed 4–21–98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MO 042–1042(b); FRL–5979–5]

#### **Approval and Promulgation of Implementation Plans; State of Missouri**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve revisions pertaining to the consolidation of Missouri local agency ordinances and codes currently contained in the Federally approved State Implementation Plan (SIP). These revisions were submitted to the EPA on March 20, 1997, to simply compliance for certain sources in order to maintain air quality in Missouri.

In the final rules section of the **Federal Register**, the EPA is approving the plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing on or before May 22, 1998.

**ADDRESSES:** Comments may be mailed to Joshua A. Tapp, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Joshua A. Tapp at (913) 551–7606.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the final rules section of the **Federal Register**.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: February 25, 1998.

**William Rice,**

*Acting Regional Administrator, Region VII.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[VT–006–01–1219b; A–1–FRL–5997–9]

#### **Approval and Promulgation of Air Quality Implementation Plans; Vermont; VOC Regulations**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Vermont on February 4, 1993, August 9, 1993, and August 10, 1994. These SIP revisions establish requirements for certain categories of sources which emit volatile organic compounds. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views these revisions as noncontroversial amendments and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this document, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before May 22, 1998.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

**FOR FURTHER INFORMATION CONTACT:** Anne E. Arnold, (617) 565–3166.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct