

interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

### The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a Class E airspace area at Willits, CA. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the GPS RWY 16 SIAP and GPS RWY 34 SIAP at Ells Field-Willits Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Ells Field-Willits Municipal Airport, Willits, CA. Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to modify 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 is revised to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.09E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AWP CA E5 Willits, CA [New]

(Lat. 39°27'03"N, long. 123°22'12"W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Ells Field-Willits Municipal Airport and that Airspace bounded by a line beginning at lat. 39°28'00"N, long. 123°30'15"W; to lat. 39°44'30"N, long. 123°40'15"W; to lat. 39°49'45"N, long. 123°26'30"W; to lat. 39°33'15"N, long. 123°18'00"W, then counterclockwise along the 6.3-mile radius of the Globe-San Carlos Regional Airport, to the point of beginning.

\* \* \* \* \*

Issued in Los Angeles, California, on June 1, 1998.

**Michael Lammes,**

*Acting Manager, Air Traffic Division,  
Western-Pacific Region.*

[FR Doc. 98-16079 Filed 6-16-98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 934

[ND-035-FOR, Amendment No. XXV]

#### North Dakota Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.  
**ACTION:** Proposed rule; reopening and extension of public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information for North Dakota's proposed rules pertain to changes to provisions on vegetation success standards for final bond release. The amendment is

intended to revise the North Dakota program to improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t., July 2, 1998. If requested, a public hearing on the proposed amendment will be held on July 13, 1998. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.d.t., on July 2, 1998.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett, Field Office Director, at the address listed below.

Copies of the North Dakota program, the proposed amendment, 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 Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B. Street, Federal Building, Room 2128, Casper, Wyoming 82601-1918  
James R. Deutsch, Director, Reclamation Division, Public Service Commission of North Dakota, State Capitol—600 E. Boulevard, Bismarck, North Dakota 58505-0480, Telephone: (701) 328-2400.

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: (307) 261-6550; Internet address: gpadgett@osmre.gov.

#### SUPPLEMENTARY INFORMATION:

#### I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. General background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and conditions of approval of the North Dakota program can be found in the December 15, 1980 **Federal Register** (45 FR 82214). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.15, 934.16, and 934.30.

#### II. Proposed Amendment

By letter dated August 29, 1997, North Dakota submitted a proposed amendment to its program pursuant to SMCRA, Amendment number XXV, administrative record No. ND-Z-01, 30 U.S.C. 1201 *et seq.*). North Dakota submitted the proposed amendment at its own initiative. The provisions of the

North Dakota Administrative Code (NDAC) that North Dakota proposed to revise were: NDAC 69-05.2-13-01, concerning its Coal Production and Reclamation Fee Report; NDAC 69-05.2-22-07, concerning reclamation success standards for woodlands and shelter belts; and the addition of NDAC 69-05.2-28, concerning inspections of inactive mines.

OSM announced receipt of the proposed amendment in the September 17, 1997, **Federal Register** (62 FR 48807), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. ND-Z-03). Because no one requested a public hearing or meeting, none was held. The public comment period ended at 4:00 p.m. on October 17, 1997.

During its review of the amendment, OSM identified concerns relating to the provisions of NDAC 69-05.2-22-07.4.1, the timeframe for proving reclamation success. OSM notified North Dakota of the concerns in a telephone conversation of March 2, 1998 (administrative record No. ND-Z-09). North Dakota responded in a letter dated April 23, 1998, by submitting additional explanatory information (administrative record No. ND-Z-10).

North Dakota submitted additional explanatory information for NDAC 69-05.2-22-07.4.1, concerning the timeframe for proving reclamation success. North Dakota explains that an operator may demonstrate that the applicable standards have been achieved for three out of five consecutive years starting no sooner than the eighth year of the responsibility period, as an alternative to meeting revegetation success standards for the last two consecutive growing seasons of the responsibility period. This alternative does not pertain to success standards for prime farmlands.

### III. Public Comment Procedures

OSM is reopening the comment period on the proposed North Dakota program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. 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 North Dakota program.

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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

### IV. Procedural Determinations

#### 1. 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).

#### 2. 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 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 the Federal regulations at 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.

#### 3. 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)).

#### 4. 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.*).

#### 5. 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

that 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.

#### 6. 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 Subject in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 9, 1998.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 105-60

RIN 3090-AG16

### Public Availability of Agency Records and Informational Materials

**AGENCY:** Office of Management and Workplace Programs, GSA.

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) proposes to revise its regulations which implement the Freedom of Information Act (FOIA), to incorporate the requirements of the Electronic Freedom of Information Act Amendments of 1996, 5 U.S.C. 552, as amended by Public Law 104-231.

**DATES:** Comments must be received by July 17, 1998.

**ADDRESSES:** Comments should be submitted to the Freedom of Information Officer (CAI), General Services Administration, 1800 F Street, NW., Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mary Cunningham, GSA Freedom of Information Act (FOIA) Officer (202-501-3415); or Helen C. Maus, Office of General Counsel (202-501-1460).