

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the elevator spar caused by fatigue cracking, which could result in reduced airplane controllability, accomplish the following:

(a) Upon accumulating 2,500 hours time-in-service (TIS) on each elevator spar assembly or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, accomplish the following in accordance with the INSTRUCTIONS section of Piper Service Bulletin No. 998A, dated August 4, 1997:

(1) Install access holes for the inspection of the elevator spar;

(2) Inspect the elevator spars for cracks; and

(3) Inspect the elevator ice protection boots for looseness.

(b) If the elevator ice protection boots are found loose during the inspection required by paragraph (a)(3) of this AD, prior to further flight, reinstall or replace the elevator ice protection boots in accordance with the INSTRUCTIONS section of Piper Service Bulletin No. 998A, dated August 4, 1997.

(c) If no cracks are found in the elevator spars during the inspection required by paragraph (a)(2) of this AD, reinspect the elevator spars for cracks at intervals not to exceed 100 hours TIS, provided no cracks are found (if cracks are found, refer to paragraphs (d) and (d)(1) of this AD).

(d) At whichever of the compliance times presented in paragraphs (d)(1) and (d)(2) of this AD that occurs first, replace each elevator or elevator spar assembly with a part of improved design as specified in the "Replacement Elevator P/N" and "Replace Spar P/N" columns of the "Material Required Table" on page 4 of Piper Service Bulletin No. 998A, dated August 4, 1997. Accomplish these replacements in accordance with the applicable maintenance manual.

(1) Prior to further flight on any elevator spar assembly where any cracks are found during the initial inspection required by paragraph (a)(2) of this AD or any repetitive inspection required by paragraph (c) of this AD; or

(2) Within 1,000 hours TIS after the initial inspection required by paragraph (a)(2) of this AD.

(e) Replacing both the left and right elevators or elevator spar assemblies with parts of improved design as specified in the "Replacement Elevator P/N" and "Replace

Spar P/N" columns of the "Material Required Table" on page 4 of Piper Service Bulletin No. 998A, dated August 4, 1997, is considered terminating action for the repetitive inspection requirement of this AD.

(1) This action may be accomplished at any time to terminate the repetitive inspections, but must be accomplished prior to further flight on any elevator spar found cracked or within 1,000 hours TIS after the initial inspection, whichever occurs first.

(2) If one elevator spar assembly is replaced prior to further flight when a crack is found, the other elevator spar assembly must still be repetitively inspected every 100 hours TIS until replacement at 1,000 hours TIS after the initial inspection or when cracks are found, whichever occurs later.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(h) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on November 17, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-31436 Filed 11-24-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK-024-FOR]

Oklahoma Regulatory Program

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions to and other explanatory information about a previously proposed amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and explanatory information concern definitions, permitting requirements, small operator assistance program, performance standards, inspection and enforcement procedures, and corrections of reference citations and typographical errors. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

DATES: We will accept written comments until 4:00 p.m., c.s.t., December 10, 1998.

ADDRESSES: You should mail or hand deliver written comments to Michael C. Wolfrom, Director, Tulsa Field Office at the address listed below.

You may review copies of the Oklahoma program, the amendment, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet:

mwolfrom@mcrgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions on the Oklahoma program at 30 CFR 936.15 and 936.16.

II. Discussion of the Proposed Amendment

By letter dated December 18, 1997 (Administrative Record No. OK-981), Oklahoma sent us an amendment to its

program under SMCRA. Oklahoma sent the amendment in response to a letter dated June 17, 1997 (Administrative Record No. OK-979), that we sent to Oklahoma under 30 CFR 732.17(c). We announced receipt of the proposed amendment in the January 6, 1998, **Federal Register** (63 FR 454) and invited public comment on its adequacy. The public comment period ended February 5, 1998.

During our review of the amendment, we identified concerns relating to definitions, permitting requirements, small operator assistance program, performance standards, inspection and enforcement procedures, and corrections of reference citations and typographical errors. We notified Oklahoma of the concerns by facsimiles dated June 5 and 30, and October 21, 1998 (Administrative Record Nos. OK-981.13, OK-981.08, and OK-981.11). On June 22, August 10, September 24, and November 5, 1998, Oklahoma sent us a revised amendment or additional explanatory information (Administrative Record Nos. OK-981.06, OK-981.09, OK-981.10, and OK-981.12, respectively).

Oklahoma proposes to correct any incorrect reference citations and any typographical errors throughout the proposed amendment. Also, Oklahoma submitted additional revisions or other explanatory information for the following provisions of the amendment:

1. OAC 460:20-3-5. Definitions

Oklahoma proposes to revise the definitions for "other treatment facilities" and "previously mined areas."

2. OAC 460:20-27-14. Reclamation plan: siltation structures, impoundments, banks, dams, and embankments (Surface Mining Activities)

a. Oklahoma proposes to revise paragraph (a)(3) so that structures that do not meet the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in the U.S. Department of Agriculture Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs," Technical Release No. 60 (TR-60) are not subject to the regulations in paragraphs (a)(3)(A)-(3)(D).

b. Oklahoma proposes to revise paragraph (c)(3) regarding permanent and temporary impoundments to read as follows:

(3) For an impoundment not meeting the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in TR-60, (210-VI-TR60, Oct. 1985), "Earth Dams and

Reservoirs," or located where failure would not be expected to cause loss of life or serious property damage, the Department may establish through the State program approval process engineering design standards that ensure stability comparable to a 1.3 minimum static safety factor in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3 specified in Section 460:20-43-14(a)(3)(B) of this Chapter.

c. Oklahoma proposes to revise paragraph (f) regarding stability analysis so that it also applies to structures meeting the Class B or C criteria for dams in TR-60 or other criteria of 30 CFR 77.216(a).

3. OAC 460:20-31-9. Reclamation plan: siltation structures, impoundments, banks, dams, and embankments (Underground Mining Activities)

a. Oklahoma proposes to revise paragraph (a)(3) so that structures that do not meet the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in the U.S. Department of Agriculture Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs" Technical Release No. 60 (TR-60) are not subject to the regulations in paragraphs (a)(3)(A) through (3)(D).

b. Oklahoma proposes to revise paragraph (c)(2) to read as follows:

(2) For an impoundment not meeting the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in TR-60, (210-VI-TR60, Oct. 1985) "Earth Dams and Reservoirs" TR60, or located where failure would not be expected to cause loss of life or serious property damage, the Department may establish through the State program approval process engineering design standards that ensure stability comparable to a 1.3 minimum static safety factor in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3 specified in Section 460:20-45-14(a)(3)(B) of this Chapter.

c. Oklahoma proposes to revise paragraph (f) Stability analysis to read as follows:

(f) Stability analysis. If the structure meets Class B or C criteria for dams in TR-60 or the size or other criteria of 30 CFR 77.216(a) then each plan under Subsections (b), (c), and (e) of this Section shall include a stability analysis of each structure. The stability analysis shall include, but not limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

4. OAC 460:20-31-16. Operation plan: Maps and plans (Underground Mining Activities)

Oklahoma proposes to redesignate paragraphs (a) through (c) as paragraphs (1) through (3) and to redesignate paragraphs (b)(1) through (b)(13) as paragraphs (2)(A) through (2)(M).

5. OAC 460:20-35-6. Program services and data requirements

Oklahoma proposes to revise paragraphs (b)(3) through (b)(6) to read as follows:

(3) The collection of archaeological and historical information required by Section 460:20-25-5(b), 460:20-29-5(2), 460:20-27-17 and 460:20-31-10 and any other archaeological and historical information required by the Department, and the preparation of plans necessitated thereby; and (4) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values and plans required by the Department under Section 460:20-27-9, 460:20-31-14, and any other applicable regulations; and (5) Pre-blast surveys if required under Section 460:20-43-19; and (6) The development of cross-section maps and plans required under Section 460:20-25-11, 460:20-29-11, and any other applicable regulation.

6. OAC 460:20-35-7. Applicant liability

In paragraph (a), Oklahoma proposes to remove the word "laboratory" so that applicants are responsible, under certain conditions, for reimbursing the Department for any services rendered under Subchapter 460:20-35 and not just for those pertaining to laboratory services.

7. OAC 460:20-35-8. Assistance funding

Oklahoma proposes to add this new section to read as follows:

(a) Use of funds. Funds specifically authorized for this program shall be used to provide the services specified in 460:20-35-6 of this Subchapter and shall not be used to cover administrative expenses.
(b) Allocation of funds. The program administrator shall establish a formula for allocating funds to provide services for eligible small operators if available funds are less than those required to provide the services pursuant to this Subchapter.

8. OAC 460:20-43-12. Hydrologic balance: siltation structures (Surface Mining Activities)

Oklahoma proposes to combine paragraph (a)(1) with paragraph (a) and to redesignate existing paragraphs (a)(2)(A) and (a)(2)(B) as new paragraphs (a)(1) and (a)(2).

9. OAC 460:20-43-14. Impoundments (Surface Mining Activities)

a. Oklahoma proposes to add new paragraph (a)(1) to specify that impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985) must comply with the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60 and the requirements of section 460:20-43-14.

b. Oklahoma proposes to redesignate existing paragraphs (a)(1) through (a)(12) as new paragraphs (a)(2) through (a)(13).

c. Oklahoma proposes to revise new paragraph (a)(2) to read as follows:

(2) Impoundments meeting the criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR Section 77.216 and this section. The plan required to be submitted to the District Manager of MSHA under 30 CFR Section 77.216 shall also be submitted to the Department as part of the permit application.

d. Oklahoma proposes to revise new paragraph (a)(4)(A) to include impoundments meeting the Class B or C criteria for dams in TR-60.

e. Oklahoma proposes to revise new paragraph (a)(4)(B) to read as follows:

(B) Impoundments not included in Subsection (a)(4)(A) of this Section, except for a coal mine waste impounding structure, or located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions or meet the requirements of Section 460:20-27-14(c)(3).

f. The State proposes to revise new paragraph (a)(5) to require impoundments that meet the Class B or C criteria for dams in TR-60 to comply with the freeboard hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60.

g. Oklahoma proposes to revise new paragraph (a)(6)(A) to require impoundments that meet the Class B or C criteria for dams in TR-60 or the size or other criteria of 30 CFR 77.216(a) to be stable under all conditions of construction and operation. The impoundments must also be designed based on accurate and adequate information on the foundation conditions. In addition, the State requires sufficient foundation investigations and laboratory testing of foundation materials in order to determine the design requirements for foundation stability.

h. Oklahoma proposes to revise new paragraph (a)(9)(B)(i)-(iii) to read as follows:

(i) For an impoundment meeting the Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the Department.

(ii) For an impoundment meeting or exceeding the size or other criteria of 30 CFR 77.216(a), a 100-year 6-hour event, or greater event as specified by the Department.

(iii) For an impoundment not meeting the requirements of Subsection (a)(9)(B)(i) or (ii) if this Section, a 25-year 6-hour event, or greater event as specified by the Department.

i. Oklahoma proposes to revise new paragraph (a)(11)(D) to allow qualified registered professional land surveyors to inspect any temporary or permanent impoundment that does not meet the SCS Class B or C criteria for dams in TR-60 or the size or other criteria of 30 CFR 77.216(a).

j. Oklahoma proposes to revise new paragraph (a)(12) to require impoundments meeting the SCS Class B or C criteria for dams in TR-60 or other criteria of 30 CFR 77.216 to be examined in accordance with 30 CFR 77.216-3.

k. Oklahoma proposes to revise paragraph (c)(2)(A) and (B) to read as follows:

(A) In the case of an impoundment meeting the SCS Class B or C criteria for dams in TR-60, or other size or other criteria of Section 77.216(a) of 30 CFR, it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department, or

(B) In the case of an impoundment not included in Subsection (c)(2)(A) of this Section it shall be designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

10. OAC 460:20-43-29. Coal mine waste: general requirements (Surface Mining Activities)

Oklahoma proposes to revise paragraph (a) to include that coal mine waste be hauled or conveyed and placed for final placement in a controlled manner.

11. OAC 460:20-43-39. Backfilling and grading: thin overburden (Surface Mining Activities)

Oklahoma proposes to revise paragraph (a) to read as follows:

(a) Definition. Thin overburden means insufficient spoil and other waste materials available from the entire permit area to restore the disturbed area to its approximate original contour. Insufficient spoil and other waste materials occur where the overburden thickness times the swell factor, plus the thickness of other available waste materials, is less than the combined thickness of the overburden and the coal bed prior to removing the coal, so that after backfilling and grading the surface configuration of the reclaimed area would not:

12. OAC 460:20-45-12. Hydrologic balance: siltation structures (Underground Mining Activities)

Oklahoma proposes to combine paragraph (a)(1) with paragraph (a) and to redesignate existing paragraphs (a)(1)(A) and (a)(1)(B) as new paragraphs (a)(1) and (a)(2).

13. OAC 460:20-45-14. Impoundments (Underground Mining Activities)

a. Oklahoma proposes to add new paragraph (a)(1) to specify that impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985) must comply with the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60 and the requirements of section 460:20-45-14.

b. Oklahoma proposes to redesignate existing paragraphs (a)(1) through (a)(12) as new paragraphs (a)(2) through (a)(13).

c. Oklahoma proposes to revise new paragraph (a)(2) to read as follows:

(2) Impoundments meeting the criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR Section 77.216 and this section. The plan required to be submitted to the District Manager of MSHA under 30 CFR Section 77.216 shall also be submitted to the Department as part of the permit application.

d. Oklahoma proposes to revise new paragraph (a)(4)(A) to include impoundments meeting the Class B or C criteria for dams in TR-60.

e. Oklahoma proposes to revise paragraph (a)(4)(B) to read as follows:

(B) Impoundments not included in Subsection (a)(4)(A) of this Section, except for a coal mine waste impounding structure, or located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions or meet the requirements of Section 460:20-31-9(c)(2).

f. The State proposes to revise new paragraph (a)(5) to require impoundments that meet the Class B or C criteria for dams in TR-60 to comply with the freeboard hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60.

g. Oklahoma proposes to revise new paragraph (a)(6)(A) to require impoundments that meet the Class B or C criteria for dams in TR-60 or the size or other criteria of 30 CFR 77.216(a) to be stable under all conditions of construction and operation. These impoundments must also be designed based on accurate and adequate information on the foundation

conditions. In addition, the State requires sufficient foundation investigations and laboratory testing of foundation materials in order to determine the design requirements for foundation stability.

h. Oklahoma proposes to revise new paragraph (a)(9)(B)(i)–(iii) to read as follows:

(i) For an impoundment meeting the Class B or C criteria for dams in TR–60, the emergency spillway hydrograph criteria in the “Minimum Emergency Spillway Hydrologic Criteria” table in TR–60, or greater event as specified by the Department.

(ii) For an impoundment meeting or exceeding the size or other criteria of 30 CFR 77.216(a), a 100-year 6-hour event, or greater event as specified by the Department.

(iii) For an impoundment not included in Subsections (a)(9)(B)(i) or (ii), a 25-year 6-hour event, or greater event as specified by the Department.

i. Oklahoma proposes to revise new paragraph (a)(11)(D) to allow qualified registered professional land surveyors to inspect any temporary or permanent impoundment that does not meet the SCS Class B or C criteria for dams in TR–60 or the size or other criteria of 30 CFR 77.216(a).

j. Oklahoma proposes to revise new paragraph (a)(12) to require impoundments meeting the SCS Class B or C criteria for dams in TR–60 or other criteria of 30 CFR 77.216 to be examined in accordance with 30 CFR 77.216–3.

k. Oklahoma proposes to revise paragraph (c)(2)(A) and (B) to read as follows:

(A) In the case of an impoundment meeting the SCS Class B or C criteria for dams in TR–60, or the size or other criteria of Section 77.216(a) of 30 CFR, it shall be designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department, or

(B) In the case of an impoundment not included in Subsection (c)(2)(A) of this Section it shall be designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

14. OAC 460:20–45–27. Disposal of excess spoil: preexisting benches (Underground Mining Activities)

Oklahoma proposes to revise paragraph (c) to include that fills be designed and constructed using current, prudent engineering practices.

15. OAC 460:20–45–29. Coal mine waste: general requirements (Underground Mining Activities)

Oklahoma proposes to revise paragraph (a) to include that coal mine waste be hauled or conveyed and placed for final placement in a controlled manner.

16. OAC 460:20–57–2. State inspections and monitoring

Oklahoma proposes to revise paragraph (h)(1)(C) to read as follows:

(C) Whether, and to what extent, there exist on the site impoundments, earthen structures or other conditions that pose, or may reasonably be expected to ripen into, imminent dangers to the health or safety of the public or significant environmental harms to land, air, or water resources;

III. Public Comment Procedures

We are reopening the comment period on the proposed Oklahoma program amendment to provide the public an opportunity to reconsider whether the proposed amendment is adequate in light of the additional materials submitted. Under the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Oklahoma program.

Written Comments

Your written comments must be specific and pertain only to the issues proposed in this rulemaking. You must explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record comments received after the time indicated under DATES or at locations other than the Tulsa Field Office.

IV. 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 regulatory programs and program amendments since each such program is drafted and published 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 State regulatory programs and program amendments 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

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on 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. 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 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. Therefore, this rule will ensure that existing requirements previously published 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 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 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 18, 1998.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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