

of SMCRA. You should explain any recommendations you make. If we receive your comments after the time shown under DATES or at locations other than the Casper Field Office, we will not necessarily consider them in our final decision or include them in the administrative record.

Dated: June 11, 1999.

**Guy Padgett,**

*Director, Casper Field Office.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Proposed Construction of Cokeville High School in Lincoln County, WY

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

**ACTION:** Notice of application for grant funding; public comment period on request to fund the Cokeville High School project.

**SUMMARY:** OSM is announcing its receipt of a grant application from the Wyoming Department of Environmental Quality, Abandoned Mine Land Division (AML/D). Wyoming is requesting \$1 million from the Abandoned Mine Reclamation Fund to pay approximately 19 percent of the cost of building the Cokeville High School in Lincoln County, Wyoming. The Wyoming State Legislature will provide \$3 million (58%) of the funds and the Lincoln County School Board will provide \$1.2 million. In its application, the State proposes paying for part of the reconstruction cost as a public facility project that will benefit a community impacted by coal mining activities.

This notice describes when and where the Wyoming abandoned mine land (AML) program and the grant application for funding the Cokeville High School project are available for you to read. It also sets the time period during which you may send written comments on the request to us.

**DATES:** We will accept written comments until 4 p.m., m.s.t., July 23, 1999.

**ADDRESSES:** You should mail or hand-deliver written comments to Guy V. Padgett, Casper Field Office Director, at the address shown below. You may read Wyoming's grant application for this proposed project during normal business hours Monday through Friday (excluding holidays) at the same address. Also, we will send one free

copy of the grant application to you if you contact OSM's Casper Field Office.

Guy V. Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, Rm. 2403, 100 East "B" Street, Casper, Wyoming 82601-1918

**FOR FURTHER INFORMATION CONTACT:** Guy V. Padgett, Telephone: (307) 261-6555.

#### SUPPLEMENTARY INFORMATION:

#### I. Background on Title IV of SMCRA

Title IV of the Surface Mining Control and Reclamation Act (SMCRA) established an Abandoned Mine Land Reclamation (AMLR) program. The purpose of the AMLR program is to reclaim and restore lands and waters that were adversely affected by past mining. The program is funded by a reclamation fee paid by active coal mining operations. Lands and waters eligible for reclamation under Title IV are primarily those that were mined, or affected by mining, and abandoned or inadequately reclaimed before August 3, 1977, and for which there is no continuing reclamation responsibility under State, Federal, or other laws.

Title IV of SMCRA allows States to submit AMLR plans to us. We, on behalf of the Secretary, review those plans and consider any public comments we received about them. If we determine that a State has the ability and necessary legislation to operate an AMLR program, the Secretary can approve it. The Secretary's approval gives a State exclusive authority to put its AMLR plan into effect.

Once the Secretary approves a State's AMLR plan, the State may annually apply to us for money to fund specific projects that will achieve the goals of its approved plan. We follow the requirements of the Federal regulations at 30 CFR parts 874, 875, and 886 when we review and approve such applications.

#### II. Background on the Wyoming AMLR Plan

The Secretary of the Interior approved Wyoming's AMLR plan on February 14, 1983. You can find background information on the Wyoming AMLR program, including the Secretary's findings and our responses to comments, in the February 14, 1983, **Federal Register** (48 FR 6536). Wyoming changed its plan a number of times since the Secretary first approved it. In 1984, we accepted the State's certification that it addressed all known coal-related impacts in Wyoming that were eligible for funding under its program. As a result, the State may now

reclaim low priority non-coal reclamation projects. You can read about the certification and OSM's acceptance in the May 25, 1984, **Federal Register** (49 FR 22139). At the same time, we also accepted Wyoming's proposal that it will ask us for funds to reclaim any additional coal-related problems that occur during the life of the Wyoming AML program as soon as it becomes aware of them. In the April 13, 1992, **Federal Register** (57 FR 12731), we announced our decision to accept other changes in Wyoming's plan that describe how it will rank eligible coal, non-coal, and facility projects for funding. Those changes also authorized the Governor of Wyoming to elevate the priority of a project based upon the Governor's determination of need and urgency. They also expanded the State's ability to construct public facilities under section 411 of SMCRA. We approved additional changes in Wyoming's plan concerning noncoal lien authority and contractor eligibility that improve the efficiency of the State's AML program. That approval is described in the February 21, 1996, **Federal Register** (61 FR 6537).

Once a State certifies that it has addressed all remaining abandoned coal mine problems, and the Secretary concurs, then it may request funds to undertake abandoned noncoal mine reclamation, community impact assistance, and public facilities projects under sections 411(b), (e) and (f), of SMCRA.

State law and regulations that apply to the proposed Cokeville High School funding request include Wyoming Statute 35-11-1202 and Wyoming Abandoned Mine Land Regulations, Chapter VII, of the Wyoming Abandoned Mine Program.

#### III. Wyoming's Request to Fund Part of the Cost of Construction of a New High School in Cokeville, Wyoming

The Wyoming Department of Environmental Quality submitted to us a grant application dated December 21, 1998. In that application, Wyoming asked for \$1 million that it will use to pay for part of the cost of building the Cokeville High School. This building project is a public facility in a community impacted by coal mining activities. The requested funding is 19 percent of the project's total cost. Money for the balance of the project cost will come from the State Legislature (58%) and Lincoln County School District #2 (23%). The Governor of Wyoming certified the need and urgency to fund the Cokeville High School project prior to completing the State's remaining inventory of non-coal reclamation work

as allowed by section 411(f) of SMCRA. That certification says the project is in a community impacted by coal mining activities. The State Fire Marshal has condemned the existing structure and will not permit its use. Only the gymnasium and auditorium can be used. The remainder cannot be used. The school was heavily damaged by earthquakes. An inspection by AML engineers confirms the danger. Currently, students are housed in portions of the old high school (gymnasium and auditorium), modular buildings and other community buildings. This poses a safety hazard to the students because no central emergency system exists in case of fire or other hazard. The Governor's Certification states that the safety hazards associated with the old high school warrant funding of this project before the remaining inventory of non-coal projects.

#### IV. How We Will Review Wyoming's Grant Application

We will review this grant application with respect to the regulations at 30 CFR 875.15, specifically §§ 875.15(e)(1) through (7). As stated in those regulations, the application must include the following information: (1) The need or urgency for the activity or the construction of the public facility; (2) the expected impact the project will have on Wyoming's coal or minerals industry; (3) the availability of funding from other sources and, if other funding is provided, its percentage of the total costs involved; (4) documentation from other local, State, and Federal agencies with oversight for such utilities or facilities describing what funding they have available and why their agency is not fully funding this specific project; (5) the impact on the State, the public, and the minerals industry if the facility is not funded; (6) the reason why this project should be selected before a priority project relating to the protection of the public health and safety or the environment from the damages caused by past mining activities, and (7) an analysis and review of the procedures Wyoming used to notify and involve the public in this funding request, and a copy of all comments received and their resolution by the State. Wyoming's application for the Cokeville High School project contains the information described in these seven subsections.

Section 875.15(f) requires us to evaluate all comments we receive and determine whether the funding meets the requirements of § 875.15(e)(1) through (7) described above. It also requires us to determine if the request

is in the best interests of the State's AML program. We will approve Wyoming's request to fund this project if we conclude that it meets all the requirements of 30 CFR 875.15.

#### V. What to Do if You Want to Comment on the Proposed Project

We are asking for public comments on Wyoming's request for funds to pay for part of the cost of building a new high school in Cokeville, Wyoming. You are welcome to comment on the project. If you do, please send us written comments. Make sure your comments are specific and pertain to Wyoming's funding request in the context of the regulations at 30 CFR 875.15 and the provisions of section 411 of SMCRA. You should explain any recommendations you make. If we receive your comments after the time shown under DATES or at locations other than the Casper Field Office, we will not necessarily consider them in our final decision or include them in the administrative record.

Dated: June 11, 1999.

**Guy Padgett,**

*Director, Casper Field Office.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-807 (Final)]

### Certain Hot-Rolled Steel Products From Japan

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured<sup>2</sup> by reason of imports from Japan of certain hot-rolled steel products, provided for in headings 7208, 7210, 7211, 7212, 7225, and 7226 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV). The Commission finds that critical circumstances do not exist

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Commissioner Askey determines that an industry in the U.S. is threatened with material injury.

with respect to subject imports from Japan.<sup>3</sup>

#### Background

The Commission instituted this investigation effective September 30, 1998, following receipt of a petition filed with the Commission and the Department of Commerce by Bethlehem Steel Corp., Bethlehem, PA; U.S. Steel Group, a unit of USX Corp., Pittsburgh, PA; Ispat Inland Steel, East Chicago, IN; LTV Steel Co., Inc., Cleveland, OH; California Steel Industries, Fontana, CA; Gallatin Steel Co., Ghent, KY; Geneva Steel, Vineyard, UT; Gulf States Steel, Inc., Gadsden, AL; IPSCO Steel, Inc., Muscatine, IA; Steel Dynamics, Butler, IN; Weirton Steel Corp., Weirton, WV; Independent Steelworkers Union, Weirton, WV; and the United Steelworkers of America, Pittsburgh, PA. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by the Department of Commerce that imports of certain hot-rolled steel products from Japan were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 5, 1999 (64 FR 10723). The hearing was held in Washington, DC, on May 4, 1999, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 18, 1999. The views of the Commission are contained in USITC Publication 3202 (June 1999), entitled Certain Hot-Rolled Steel Products from Japan: Investigation No. 731-TA-807 (Final).

Issued: June 18, 1999.

By order of the Commission.

**Donna R. Koehnke,**  
*Secretary.*

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<sup>3</sup> Commerce found that critical circumstances do not exist with respect to two Japanese producers: Nippon Steel Corp. and NKK Corp. Chairman Bragg finds that critical circumstances exist with respect to subject imports from Japan. Commissioner Askey did not assess critical circumstances because she did not determine that the industry in the U.S. is materially injured.