

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

[OH-236-FOR]

#### Ohio Abandoned Mine Land Reclamation Plan

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

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** OSM is reopening the public comment period on a proposed amendment to the Ohio abandoned mine land reclamation plan (hereinafter the "Ohio plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment which was published April 17, 1996 (61 FR 16731) consists of changes to provisions of the Ohio plan pertaining to the acid mine drainage set-aside program, water quality improvement, project eligibility, and reining incentives. The amendment is intended to revise the Ohio plan to be consistent with SMCRA, as amended.

**DATES:** Written comments must be received by 4:00 p.m., [e.s.t.], February 7, 1997.

**ADDRESSES:** Written comments should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

Copies of the Ohio plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the address 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 Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief,  
Appalachian Regional Coordinating

Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2153  
Ohio Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43224, Telephone: (614) 265-1076

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Telephone: (412) 937-2153.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Ohio Plan

On August 10, 1982, the Secretary of the Interior approved the Ohio plan. Background information on the Ohio plan, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the April 15, 1994, Federal Register (59 FR 17930). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.25.

##### II. Description of the Proposed Amendment

By letter dated March 19, 1996, (Administrative Record No. OH-2163) Ohio submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. The provisions of the Ohio plan that it proposes to amend are: Acid mine drainage set-aside program, water quality improvement, project eligibility, and reining incentives. The proposed amendment was announced in the April 17, 1996, Federal Register (61 FR 16731).

By letter dated December 6, 1996 (Administrative Record No. OH-2163-12), Ohio submitted revisions to the original amendment. At page 4-2, the following language is inserted, "to encourage reclamation in conjunction with active mining of abandoned areas causing acid mine drainage (AMD) within approved hydrologic units and in other areas causing AMD within approved hydrologic units and in other areas through the funding of AMD remediation projects and studies necessary to develop pollution plans." At page 4-17, Ohio clarifies that AMDAT funds are being used to collect and analyze data necessary to qualify watersheds as hydrologic units. At page 4-19, Ohio is revising Stage 5 of the project selection process to provide for the reclamation of abandoned mine

areas causing AMD in conjunction with active mining. Federal abandoned mine lands funds may be used to fund reclamation of abandoned mine lands causing AMD under certain conditions.

By letter dated December 20, 1997 (Administrative Record No. OH-2163-13), Ohio submitted an additional revision. At page 4-19, Ohio proposes to delete the language identified as Stage 5 of the project selection process. The deletion is based on Ohio's understanding that such language is not necessary to fulfill its goals and objectives regarding the use of the acid mine drainage set-aside funds for the restoration of watersheds impacted by acid mine drainage from abandoned coal mines. Sufficient flexibility exists within its program to manage the funds in a manner that will achieve its objectives.

##### III. 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. Specifically, OSM is seeking comments on the revisions to the State's Plan that were submitted on March 19, 1996, and revised on December 6 and 20, 1996. Comments should address 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 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 Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in 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 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (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 since each plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans submitted by a State or Tribe must be based solely on a determination of whether the submittal is consistent with Title IV of SMCRA (30 U.S.C. 1231–1243) and whether the other requirements of 30 CFR Parts 884 and 888 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. 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. *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, 1997.

Ronald C. Recker,

*Acting Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 97–1600 Filed 1–22–97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Bureau of Transportation Statistics

## 49 CFR Ch. XI

**Negotiated Rulemaking Committee to Revise the Motor Carrier Financial and Operating Data Collection Program; Meeting and Extension of Comment Period on Proposed Establishment**

**AGENCY:** Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice of meeting; extension of comment period.

**SUMMARY:** The Bureau of Transportation Statistics (BTS) has proposed the establishment of a negotiated rulemaking advisory committee (the Committee) to examine the relevant issues and attempt to reach a consensus in developing regulations governing the collection of financial and operating data from motor carriers of property. Before making a final decision on formation of the Committee, BTS will hold a public meeting to help decide whether a negotiated rulemaking advisory committee is needed, and, if so, to help determine the appropriate Committee membership and issues for consideration. The meeting will be held Monday, February 10, 1997, 9:30 am to 3:00 pm, Eastern Standard Time. BTS is also extending the comment period on the proposal to establish the negotiated rulemaking committee, on the proposed membership of the Committee, and on the proposed issues for consideration by the Committee. Persons are invited to submit applications or nominations for membership on the Committee. The comment period is extended to February 28, 1997.

**DATES:** *Meeting.* The meeting will be held Monday, February 10, 1997, 9:30 am to 3:00 pm, Eastern Standard Time.

*Comment period.* Interested parties may file comments and nominations for

committee membership on or before February 28, 1997.

**ADDRESSES:** *Meeting.* The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C., in conference room 2230 of the Nassif Building. Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify David Mednick on (202) 366–8871 prior to February 7. Attendance is open to the interested public but limited to space available.

*Comment period.* When sending comments and/or nominations, send the original plus three copies. Mail to Docket Clerk, Docket No. BTS–96–1979, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, D.C. 20590. Commenters desiring notification of receipt of comments must include a stamped, self-addressed postcard. The Docket Clerk will date stamp the postcard and mail it back to the commenter.

**FOR FURTHER INFORMATION CONTACT:**

David Mednick, Bureau of Transportation Statistics, K–2, 400 Seventh Street, SW., Washington, D.C. 20590; by phone at (202) 366–8871; by e-mail at david.mednick@bts.gov; or by Fax at (202) 366–3640.

**SUPPLEMENTARY INFORMATION:**

## Background

Under Section 103 of the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803 (1995) (to be codified at 49 U.S.C. 14123), the Secretary of Transportation has authority to establish regulations for the collection of certain data from motor carriers of property and others. On December 9, 1996, BTS published a notice in the Federal Register (the Notice) proposing to establish a negotiated rulemaking advisory committee (the Committee) under the Federal Advisory Committee Act and the Negotiated Rulemaking Act. 61 FR 64849. The Committee would consider the relevant issues and attempt to reach a consensus on regulations governing the collection of financial and operating data from motor carriers of property. This effort also is in response to the President's Regulatory Reinvention Initiative, which specifically directed agencies to increase use of regulatory negotiation in rulemaking proceedings. The Committee would be composed of people who represent the interests that would be substantially affected by the rule.

The Notice proposing establishment of the Committee listed potential topics