

Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 902—ALASKA

1. The authority citation for part 902 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 902.15 is amended in the table by adding a new entry in

chronological order by "Date of Final Publication" to read as follows:

§ 902.15 Approval of Alaska regulatory program amendments.

* * * * *

| Original amendment submission date | Date of final publication | Citation/description |
|------------------------------------|---------------------------|---|
| July 30, 1998 | February 22, 1999 | 11 AAC 90.002(a), (b), and (c), and 90.011(a) concerning permitting requirements, 90.025(a), (b), and (c) concerning permit application requirements; 90.045(a), 90.049(a), 90.083(b), and 90.097 concerning environmental resource requirements; 90.149(d) concerning alluvial valley floors; 90.163(a) and (d) concerning exploration; 90.207(f) concerning self-bonding; 90.337(f) concerning impoundment inspections; 90.375(f) concerning blasting; 90.391(h) and (s), 90.401(e), and 90.407(e) concerning coal mine waste; 90.423(b) and (h) concerning fish and wildlife; 90.443(d) and (k) concerning backfilling and grading; 90.491(e) and (f) concerning roads; 90.901(e) concerning termination of jurisdiction; 90.907(c) and (j) concerning public availability of information; and 90.911(92) concerning the definition of "road." |

3. Section 902.16 is amended by revising paragraph (b)(8) to read as follows:

§ 902.16 Required program amendments.

* * * * *

(b) * * *

(8) At 11 AAC 90.491(f), require the addition of provisions concerning the alteration or relocation of natural stream channels, and structures for perennial or intermittent stream channel crossings that are no less effective than 30 CFR 816.151(d)(5) and (6) and 817.151(d)(5) and (6).

[FR Doc. 99-4241 Filed 2-19-99; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS No. UT-032-FOR]

Utah Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Utah abandoned mine land reclamation (AMLR) plan (hereinafter referred to as the "Utah plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah proposed revisions to, and the addition of rules pertaining to, the definitions of certain terms, general reclamation requirements for

coal lands and water, eligible lands and water prior to certification, certification of completion of coal sites, eligible lands and water subsequent to certification, the exclusion of certain noncoal reclamation sites, the extension of land acquisition authority and lien requirements to noncoal sites, limited liability, contractor responsibility, and reports. Utah also proposed deletion of the rules concerning the State reclamation grant period, grant application procedures, grant agreements, and grant and budget revisions. The amendment revised the Utah plan to meet the requirements of the revised corresponding Federal regulations and to be consistent with SMCRA, as amended, to incorporate the additional flexibility afforded by the revised Federal regulations and SMCRA, and to improve operational efficiency.

EFFECTIVE DATE: February 22, 1999.
FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 844-1424; Internet address: jfulton@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Plan

On June 3, 1983, the Secretary of the Interior approved the Utah plan. General background information on the Utah plan, including the Secretary's findings and the disposition of comments, can be found in the June 3, 1983, **Federal Register** (48 FR 24876). Subsequent actions concerning Utah's plan and plan amendments can be found at 30 CFR 944.25.

II. Proposed Amendment

By letter dated August 2, 1995, Utah submitted a proposed amendment to its AMLR plan (Administrative Record No.

UT-1071-1) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment in response to OSM's 30 CFR 884.15(d) letter dated September 26, 1994 (Administrative Record No. UT-1011), and at its own initiative. The provisions of the Utah Administrative Rules (Utah Admin. R.) that Utah proposed to revise, add, or delete were: Utah Admin. R. 643-870-500, Definitions of "Eligible lands and water," "Left or abandoned in either an unreclaimed or inadequately reclaimed condition," "Office" or "OSM," and "Secretary;" Utah Admin. R. 643-874-100 and -110, General Reclamation Requirements; Utah Admin. R. 643-874-124 through -128, Eligible Lands and Water; Utah Admin. R. 643-874-130 through -132, Reclamation Objectives and Priorities; Utah Admin. R. 643-874-140 through -144, Utilities and other facilities; Utah Admin. R. 643-874-150, Limited liability; Utah Admin. R. 643-874-160, Contractor responsibility; Utah Admin. R. 643-875-120 and -122 through -126, Eligible lands and water prior to certification (non-coal); Utah Admin. R. 643-875-130 through -133, Certification of completion of coal sites; Utah Admin. R. 643-875-140 through -142, Eligible lands and water subsequent to certification (non-coal); Utah Admin. R. 643-875-150 through -155.700, Reclamation priorities for noncoal program; Utah Admin. R. 643-875-160, Exclusion of certain noncoal reclamation sites; Utah Admin. R. 643-875-170, Land acquisition authority-noncoal; Utah Admin. R. 643-875-180, Lien requirements; Utah Admin. R. 643-875-190, Limited liability; Utah Admin. R. 643-875-200, Contractor responsibility; Utah Admin. R. 643-

877-141, Entry for Emergency Reclamation; Utah Admin. R. 643-879-141, Management of Acquired Land; Utah Admin. R. 643-879-152.200, -153, and -154, Disposition of Reclaimed Land; Utah Admin. R. 643-882-132, Liens; Utah Admin. R. 643-884-150, State Reclamation Plan Amendment; Utah Admin. R. 643-886-130 through -190, State Reclamation Grants; and Utah Admin. R. 643-886-232.240, Reports.

OSM announced receipt of the proposed amendment in the August 22, 1995, **Federal Register** (60 FR 43577), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Administrative Record No. UT-1071-3). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 21, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of Utah Admin. R. 643-870-500, definitions of "Eligible lands and water" and "Left or abandoned in either an unreclaimed or inadequately reclaimed condition;" Utah Admin. R. 643-874-120, -121, -123, -124, -125, and -128, General Reclamation Requirements; Utah Admin. R. 643-875-132, Certification of completion of coal sites; Utah Admin. R. 643-877-120, Entry for Studies or Exploration; Utah Admin. R. 643-879-154, Disposition of Reclaimed Land; and Utah Admin. R. 643-882-121 and -122, Appraisals. OSM notified Utah of the concerns by letter dated March 26, 1996 (Administrative Record No. UT-1071-8).

Utah responded in a letter dated March 12, 1997, by submitting a revised amendment and additional explanatory information (Administrative Record No. UT-1071-9). Utah proposed revisions to Utah Admin. R. 643-870-500, definitions of "Eligible lands and water" and "Left or abandoned in either an unreclaimed or inadequately reclaimed condition;" and Utah Admin. R. 643-874-124 and -125, General Reclamation Requirements.

Based upon the additional explanatory information and revisions to the proposed plan amendment submitted by Utah, OSM reopened the public comment period in the April 7, 1997, **Federal Register** (62 FR 16507, Administrative Record No. UT-1071-11). The public comment period closed on April 22, 1997.

During the review of the revisions and additional explanatory information submitted by Utah, OSM identified concerns relating to the provisions of Utah Admin. R. 643-870-500,

definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition." OSM notified Utah of the concerns by telephone conversation record dated September 8, 1997 (Administrative Record No. UT-1071-14). Utah responded in a letter dated December 30, 1997, by submitting a revised amendment (Administrative Record No. UT-1071-15).

OSM announced receipt of the proposed revisions and additional explanatory information in the January 14, 1998, **Federal Register** (63 FR 2192, Administrative Record No. UT-1071-17) and invited public comment on the substantive adequacy of the proposed changes. Because no one requested a public hearing or meeting, none was held. The public comment period ended on January 29, 1998.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 884.14 and 884.15, finds that the proposed plan amendment submitted by Utah on August 2, 1995, and as revised and supplemented with additional explanatory information on March 12, 1997, and December 30, 1997, meets the requirements of the corresponding Federal regulations and is consistent with SMCRA. Thus, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to Utah's Rules

Utah proposed revisions to the following previously-approved rules that are nonsubstantive in nature and consist of minor editorial changes (corresponding Federal regulation provisions are listed in parentheses):

Utah Admin. R. 643-870-500 (30 CFR 870.5), definition of "Office" or "OSM;"

Utah Admin. R. 643-877-141 (30 CFR 877.14(a)), Entry for Emergency Reclamation;

Utah Admin. R. 643-879-141 (30 CFR 879.14), Management of Acquired Land;

Utah Admin. R. 643-879-152.200, 643-879-153, and 643-879-154 (30 CFR 879.15(b)(2), (c), and (d)), Disposition of Reclaimed Land;

Utah Admin. R. 643-882-132 (30 CFR 882.13(a)(3)), Liens; and

Utah Admin. R. 643-884-150 (30 CFR 884.15), State Reclamation Plan Amendment.

Because the proposed revisions to these previously-approved rules are nonsubstantive in nature, the Director finds that these proposed Utah rules meet the requirements of the Federal regulations. The Director approves the proposed revisions to these rules.

2. Substantive Revisions to Utah's Rules That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

Utah proposed revisions to the following rules that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding Federal regulations provisions (listed in parentheses):

Utah Admin. R. 643-870-500 (30 CFR 705.5), definition of "Secretary;"

Utah Admin. R. 643-870-500 (30 CFR 870.5 and Section 403(b)(2) of SMCRA), definition of "Left or abandoned in either an unreclaimed or inadequately reclaimed condition;"

Utah Admin. R. 643-874-100 and -110 (30 CFR 874.1 and 874.11), General Reclamation Requirements;

Utah Admin. R. 643-874-124 through -128 (30 CFR 874.12 (d), (e), (f), (g), and (h)), Eligible (coal) Lands and Water;

Utah Admin. R. 643-874-130 through -132 (30 CFR 873.13), Reclamation Objectives and Priorities;

Utah Admin. R. 643-874-140 through -144 (30 CFR 874.14), Utilities and other facilities;

Utah Admin. R. 643-874-150 (30 CFR 874.15), Limited liability;

Utah Admin. R. 643-874-160 (30 CFR 874.16), Contractor responsibility;

Utah Admin. R. 643-875-120 through -200 (30 CFR 875.12 through 875.20), Noncoal Reclamation; and

Utah Admin. R. 643-886-232.240 (30 CFR 886.23(b)), Reports.

Because these proposed Utah rules are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they meet the requirements of the Federal regulations. The Director approves the proposed revisions to these rules.

3. Utah Admin. R. 643-870-500, Definition of "Eligible Lands and Water"

Utah proposed a new definition of the term "Eligible lands and water" at Utah Admin. R. 643-870-500 to provide for: (1) Reclamation of drainage abatement expenditures for coal mining operations on lands and water damaged by such operations prior to August 3, 1977, and for which there is no continuing reclamation responsibility, and (2) eligibility of lands and water damaged by coal mining operations after August 3, 1977, and on or before November 5, 1990, if they meet the requirements specified in R643-874-123 and R643-874-124. Other requirements included in the proposed definition concern eligible lands and water following certification of the completion of all

known coal problems and additional eligibility requirements for water projects.

Utah's proposed definition at Utah Admin. R. 643-870-500 was not in compliance with the counterpart Federal definition at 30 CFR 870.5, which provides, in pertinent part, that "Eligible lands and water" includes lands and water damaged by coal mining operations after August 3, 1977, and November 5, 1990, if they meet the requirements of 30 CFR 874.12(d) and (e). Utah's proposed definition lacked a reference to Utah Admin. R. 643-874-125, which is the State counterpart to 30 CFR 874.12(e). However, Utah added a cross-reference to Utah Admin. R. 643-874-125 in its December 30, 1997, submittal. The definition now includes a provision allowing the State to expend funds made available under section 402(g)(1) and (5) of SMCRA for reclamation and abatement of any interim coal or insolvent surety site where other criteria are met. Therefore, the Director approves the revised definition of "Eligible lands and water" at Utah Admin. R. 643-870-500.

4. Utah Admin. R. 643-886-130 through -190, State Reclamation Grants

Utah proposes to delete the rules at Utah Admin. R. 643-886-130 through -190, concerning State Reclamation Grants, as the language is outdated with the implementation of the revised AML grant procedures in the February 22, 1995, **Federal Register** (60 FR 9974). The AML grant procedures were revised in 1995 to reflect several Congressional amendments to Title IV of SMCRA. Specifically, OSM revised the regulations at 30 CFR 886.13 to delete any reference which listed administrative grants as a separate entity; to delete reference to "impact assistance funding;" to delete specific references to sections of SMCRA; and to delete references to specific AML projects, which are now part of the Abandoned Mine Land Inventory System.

Utah, in order to reflect the Federal regulatory revisions, is proposing to delete references to the grant period, the annual submission of projects, the grant application procedures, grant agreements, and grant and budget revisions. All of the aforementioned requirements have been deleted in the revised Federal regulations except those concerning the grant period.

The revised Federal regulations at 30 CFR 866.13(a), concerning the grant period, state that: (1) The period for administrative costs of the agency should not exceed the first year of the grant, and (2) the Director shall approve

a grant period on the basis of information in the application showing that projects to be funded will fulfill the objectives of 30 U.S.C. 1201 et seq. These Federal regulations at 30 CFR 886.13(a) provide OSM's procedures for the processing of State AML grants, which apply to all State reclamation plans regardless of State plan provisions. Because 30 CFR 866.13(a) provides only Federal requirements, there is no need for the Utah plan to contain equivalent provisions. Therefore, the Director approves Utah's deletion of Utah Admin. R. 643-886-130 through 643-886-190.1

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Pursuant to 30 CFR 884.15(a) and 884.14(a)(2), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Utah plan (Administrative Record Nos. UT-1071-2 and UT-1071-10).

Four agencies responded that they had no comments: the State Historic Preservation Office (August 23, 1995, Administrative Record No. UT-1071-4); the Bureau of Mines (September 7, 1995, Administrative Record No. UT-1071-5); the U.S. Fish and Wildlife (September 12, 1995, Administrative Record No. UT-1071-6; April 8, 1997, Administrative Record No. UT-1071-12; and January 16, 1998, Administrative Record No. UT-1071-18); and the Mine Safety Health Administration (September 20, 1995, Administrative Record No. UT-1071-7 and May 1, 1997, Administrative Record No. UT-1071-13).

V. Director's Decision

Based on the above findings, the Director approves Utah's proposed plan amendment as submitted on August 2, 1995 and as revised on March 12, 1997 and December 30, 1997.

The Director approves, as discussed in: Finding No. 1, Utah Admin. R. 643-870-500, the definition of "Office" or "OSM;" 643-877-141, concerning Entry for Emergency Reclamation; 643-879-141, concerning Management of Acquired Land; 643-879-152.200, 643-

879-153, and 643-879-154, concerning Disposition of Reclaimed Land; 643-882-132, concerning Liens; and 643-884-150, concerning State Reclamation Plan Amendment; Finding No. 2, Utah Admin. R. 643-870-500, the definitions of "Secretary" and "Left or abandoned in either an unreclaimed or inadequately reclaimed condition;" 643-874-100 and -101, concerning General Reclamation Requirements; 643-874-124 through -128, concerning Eligible (coal) Lands and Water; 643-874-130 through -132, Reclamation Objectives and Priorities; 643-874-140 through -144, concerning Utilities and other facilities, 643-874-150, concerning Limited liability; 643-874-160, concerning Contractor responsibility; 643-875-120 through -200, Noncoal Reclamation; and 643-886-232.240, concerning Reports; Finding No. 3, Utah Admin. R. 643-870-500, concerning the definition of "Eligible lands and water," and Finding No. 4, the deletion of Utah Admin. R. 643-886-130 through -190, concerning State Reclamation Grants.

The Director approves the rules as proposed by Utah with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 944, codifying decisions concerning the Utah plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. 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 Tribe or State AMLR plans and revisions thereof since each plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based

on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed Tribe or State AMLR 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)).

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 Tribe or State submittal which is the subject of this rule is based upon 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 established by SMCRA or previously promulgated by OSM will be implemented by the Tribe or State. 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.

6. Unfunded Mandates Reform Act

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or private sector.

List of Subjects in 30 CFR Part 944

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

Dated: February 9, 1999.

Russell F. Price,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 944—UTAH

1. The authority citation for Part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.25 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

§ 944.25 Approval of Utah abandoned mine land reclamation plan amendments.

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| Original amendment submission date | Date of final publication | Citation/description |
|------------------------------------|------------------------------|--|
| * August 2, 1995 | * February 22, 1999 | * Utah Admin. R. 643–870–500; 643–874–100 and –110; 643–874–124 through –128; 643–874–130 through –132; 643–874–140 through –144; 643–874–150; 643–874–160; 643–875–120 through –200; 643–877–141; 643–879–141; 643–879–152.200, –153, and –154; 643–882–132; 643–884–150; and 643–886–232.240. |

[FR Doc. 99–4242 Filed 2–19–99; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL175–1a; FRL–6232–7]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the remaining portions of a vehicle inspection and maintenance (I/M) State Implementation Plan (SIP) revision submitted by the State of Illinois on June 29, 1995, which were conditionally approved by EPA on June 25, 1996. The final approval of the conditionally approved portions of the plan is based on the State's June 21, 1997, and December 9, 1998, submittals of additional documentation addressing

the requirements of EPA's conditional approval. This revision provides for the adoption and implementation of an enhanced I/M program in both the Chicago severe ozone nonattainment area and the East St. Louis moderate ozone nonattainment area.

DATES: This rule is effective on April 23, 1999, unless EPA receives adverse written comments by March 24, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comment should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the State submittal are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Francisco Acevedo at (312) 886–6061 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist at (312) 886–6061.

SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are significant contributors of volatile organic compounds (VOC), carbon monoxide (CO), and nitrogen oxide (NO_x) emissions. The motor vehicle inspection and maintenance program is an effective means of reducing these emissions. Despite improvements in emission control technology in past years, mobile sources in urban areas continue to remain responsible for roughly half of the emissions of VOC causing ozone, and most of the emissions of CO. They also emit substantial amounts of nitrogen oxides (NO_x) and air toxics. This is because the number of vehicle miles traveled has doubled in the last 20 years to 2 trillion miles per year, offsetting much of the technological progress in vehicle emission control over the same period. Projections