disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

*Public Meeting*

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the location listed under **ADDRESSES**. A written summary of each meeting will be made a part of 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 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 promulgated 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 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.

*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. 601 *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

OSM has determined and certifies pursuant to 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 22, 1998.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 98–14272 Filed 5–28–98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**RIN 1018–AE83**

## 50 CFR Part 17

## Endangered and Threatened Wildlife and Plants; Notice of Public Hearings and Reopening of Comment Period on Proposed Reclassification From Endangered to Threatened Status for the Mariana Fruit Bat From Guam, and Proposed Threatened Status for the Mariana Fruit Bat From the Commonwealth of the Northern Mariana Islands

**AGENCY:** Fish and Wildlife Service, Interior.

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

**SUMMARY:** The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of two public hearings on the proposed reclassification from endangered to threatened status for the Mariana fruit bat from Guam, and on proposed threatened status for the Mariana fruit bat from the Commonwealth of the Northern Mariana Islands. In addition, the Service has reopened the comment period. All parties are invited to submit comments on this proposal.

**DATES:** The comment period now closes on July 10, 1998. There will be two public hearings, one each on the islands of Saipan and Rota. The public hearing on Saipan will be held from 7:30 p.m. to 9:00 p.m. on Wednesday, June 24, 1998. The public hearing on Rota will be held from 7:30 p.m. to 9:00 p.m. on Thursday, June 25, 1998. Prior to each of the public hearings, the Service will be available from 5:00 to 6:30 p.m. to provide information and to answer questions.

**ADDRESSES:** On Saipan, the public hearing will be held at the Pacific Gardenia Hotel, Chalan Kanoa Beach Road. On Rota, the public hearing will be held at the Rota Resort and Country Club. Written comments and materials concerning this proposal may be submitted at the hearings or sent directly to Mr. Brooks Harper, Field

Supervisor, Ecological Services, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., Room 3–122 Box 50088, Honolulu, HI 96850. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** David Worthington or Christa Russell at 808/541–3441 (see **ADDRESSES** section).

**SUPPLEMENTARY INFORMATION:**

## Background

The Mariana fruit bat is a medium-sized fruit bat that is restricted to the Mariana archipelago, comprised of the Territory of Guam and the Commonwealth of the Northern Mariana Islands (CNMI), where it is known from all islands.

The movement of bats among the Mariana Islands is an aspect of their biology that is critical to conservation. The 1984 Federal listing (49 FR 33881) of fruit bats resident on Guam was based on the assumption that these bats formed a separate population segment distinct from the bats found in the CNMI. Recently, biologists in the Mariana Islands have gathered evidence indicating that movement of bats among the Mariana Islands links these colonies as a single population. Thus, the Service believes that the Mariana fruit bats in the CNMI and Guam represent one population, but recognizes that the bats on Guam are not recovering and that survival of bats on Guam continues to be threatened by a variety of factors. However, when viewed in the context of representing a portion of the entire Mariana fruit bat population in the Mariana Islands, rather than as a distinct population as previously thought, reclassification from endangered to threatened is appropriate and biologically justified. Therefore, proposing to list the entire population of *Pteropus mariannus mariannus* as threatened throughout its range, including bats in both the CNMI and Guam, retains an appropriate level of protection for this bat on Guam while increasing overall protection to the Mariana fruit bat throughout the Mariana Islands.

The fruit bats of Guam and the CNMI are threatened by degradation or loss of habitat through the development of forested areas, illegal hunting, the possible introduction of alien species such as the brown tree snake (*Boiga irregularis*) to the CNMI, and the potential impacts of typhoons that can disrupt small populations. Most of the known Mariana fruit bat roost sites in the Mariana Islands are on public land.

On August 27, 1984, the Service listed the Guam population of Mariana fruit bats as endangered (49 FR 33881). Fruit bats found on Aguijan, Tinian, and Saipan are currently identified as candidates for listing (62 FR 49401). On March 26, 1998, the Service published a rule proposing reclassification from endangered to threatened status for the Mariana fruit bat from Guam, and proposing threatened status for the Mariana fruit bat from the Commonwealth of the Northern Mariana Islands (63 FR 14641–14650).

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. Public hearing requests by the CNMI Governor, the CNMI Department of Lands and Natural Resources, the CNMI Division of Fish and Wildlife, and CNMI Representatives Heinz S. Hofschneider and Diego T. Benavente, were received within the allotted time period. The Service has scheduled public hearings for Saipan and Rota. The public hearing on Saipan is on Wednesday, June 24, 1998, at the Pacific Gardenia Hotel from 7:30 p.m. to 9:00 p.m. On Rota, the hearing will be on Thursday, June 25, 1998, at the Rota Resort and Country Club from 7:30 p.m. to 9:00 p.m. Public hearings are an opportunity for the public to provide oral comments for the official record, which does not allow for questions and responses to questions; therefore, prior to each public hearing, the Service will be available to provide information and answer questions from 5:00 p.m. until 6:30 p.m.

Oral and written comments will be accepted and treated equally. Parties wishing to make statements for the record should bring a copy of their statements to the hearings. Oral statements may be limited in length, if the number of parties present at the hearings necessitates such a limitation. There are no limits to the length of written comments or materials presented at the hearings or mailed to the Service. Written comments carry the same weight as oral comments. Legal notices announcing the date, time, and location of the hearings are being published in newspapers concurrently with this **Federal Register** notice.

The comment period on the proposal was initially closed on May 26, 1998. To accommodate the hearings, the public comment period is reopened upon publication of this notice. Written comments may now be submitted until July 10, 1998, to the Service office in the **ADDRESSES** section.

## Author

The primary author of this notice is David Worthington (see **ADDRESSES** section).

## Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

**William F. Shake,**

*Acting Regional Director, Region 1, Portland, Oregon.*

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