deemed to be in valid J–1 Exchange Visitor Program student status if they are (i) an undergraduate student and enrolled for not less than six semester hours of academic credit or its recognized equivalent; or (ii) a graduate student enrolled for not less than three hours of academic credit or its recognized equivalent.

Responsible officers who authorize on-campus or off-campus employment for these students should type or print on the pink copy of the Form IAP–66 ''Special Student Relief work authorization granted from (insert beginning date of employment) until (insert the earlier of the last day of the student's program or one year from the beginning date of employment),'' and sign and date such notation. If a reduced course load is also authorized due to the employment, the responsible officer should type or print on the pink copy of the Form IAP–66 ''reduced course load authorized,'' and sign and date such notation.

The Agency's suspension of the application of the requirements set forth in 22 CFR 514.23(e) and 22 CFR 514.23(g) for these identified students will continue until amended or rescinded by the Agency in a document published in the **Federal Register**.

Dated: June 16, 1998.

Joseph Duffey,

Director.

[FR Doc. 98–16588 Filed 6–23–98; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SPATS No. MO–034–FOR]

Missouri Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Missouri abandoned mine land reclamation plan (hereinafter referred to as the ''Missouri plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is intended to revise the Missouri plan to allow the Missouri Department of Natural Resources, Land Reclamation Commission, Land Reclamation Program to assume responsibility for administering the abandoned mine land reclamation emergency program in Missouri on behalf of OSM.

EFFECTIVE DATE: June 24, 1998.

FOR FURTHER INFORMATION CONTACT: Perry Pursell, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463–6460.

SUPPLEMENTARY INFORMATION:

I. Background on the Missouri Plan
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Missouri Plan

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. Background information on the Missouri plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning the Missouri plan and amendments to the plan can be found at 30 CFR 925.25.

II. Submission of the Proposed Amendment

Section 410 of SMCRA authorizes the Secretary to use funds under the abandoned mine land reclamation (AMLR) program to abate or control emergency situations in which adverse effects of past coal mining pose an immediate danger to the public health, safety, or general welfare. On September 29, 1982 (47 FR 42729), OSM invited States to amend their AMLR plans for the purpose of undertaking emergency reclamation programs on behalf of OSM. States would have to demonstrate that they have the statutory authority to undertake emergencies, the technical capability to design and supervise the emergency work, and the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

Under the provisions of 30 CFR 884.15, any State may submit proposed amendments to its approved AMLR plan. If the proposed amendments change the scope or major policies followed by the State in the conduct of its AMLR program, OSM must follow the procedures set out in 30 CFR 884.14 for reviewing and approving or disapproving the proposed amendments.

The proposed assumption of the AMLR emergency program on behalf of OSM is a major addition to the Missouri plan. Therefore, to assume the emergency program, Missouri must either revise its plan to include administering the AMLR emergency program, or demonstrate that its plan currently includes provisions for assuming and administering the emergency program.

By letter dated March 31, 1998 (Administrative Record No. AML–MO–103), Missouri submitted an amendment to its plan pursuant to SMCRA. Missouri submitted the amendment at its own initiative. The amendment is intended to demonstrate Missouri's capability to effectively undertake the AMLR emergency program on behalf of OSM. In its formal submittal, Missouri stated that a review of the Missouri plan indicates that the authority already exists for the Missouri Department of Natural Resources, Land Reclamation Commission, Land Reclamation Program (LRP) to assume responsibility for the AMLR emergency program. Missouri noted that the designation by the governor and the legal opinion of the State Attorney General that are included in its plan are applicable to all AML activities, including the emergency program, and that all other existing policies and procedures in its plan are adequate to cover the emergency program, with two minor exceptions. These exceptions were addressed in Missouri's technical capability to design and supervise the emergency works, and Missouri's amendment. The applicable parts of the existing Missouri plan and the revisions to the plan that would demonstrate that Missouri has the authority to undertake emergencies, Missouri's technical capacity to design and supervise the emergency work, and Missouri's administrative mechanisms to quickly respond to emergencies either directly or through contractors are discussed below.

A. The following information, taken from the approved Missouri plan, was included by reference in Missouri's formal submission to OSM in order to verify that the authority already exists for the LRP to assume AMLR emergency program responsibilities:

1. A letter from the Governor that designates the Missouri Department of Natural Resources, Land Reclamation Commission as the agency responsible for the Abandoned Mine Land Reclamation Program in Missouri.

2. A legal opinion from the Attorney General that the Missouri Department of Natural Resources, Land Reclamation Commission has the power to administer the Abandoned Mine Land Reclamation Program in Missouri.

3. A copy of sections 444.810, .825, .915, .920, .925, .930, and .940 of the Revised Statutes of Missouri (RSMo), the Missouri Land Reclamation Act.

RSMo section 444.915.1(5) authorizes the LRR to spend monies from the State Abandoned Mine Reclamation Fund for restoration, reclamation, abatement, control or prevention of adverse effects of coal mining practices when an emergency exists.

4. A copy of the Missouri Abandoned Mine Land Reclamation Program regulations (Code of State Regulations, 10 CSR 40–9.010, .020, .030, .040, .050, and .060). Missouri's regulations at 10 CFR 40–9.030(4) provide the right to enter upon any land where an emergency exists and on any other land to have access to the land where the emergency exists to restore, reclaim, abate, control or prevent the adverse effects of coal mining practices and to do all things necessary or expedient to protect the public health, safety or general welfare. Procedures are provided for this entry.

B. Missouri submitted a statement to demonstrate the LRP's technical capability to design and supervise the emergency work. The statement included references to work completed on non-emergency, high priority reclamation projects, the number of AML Section staff working on reclamation projects, and the ability of the staff members to prepare project designs and contract documents and to provide in-house resident inspection services.

C. Missouri updated its plan policy and procedures at sections 884.13(c)(6), rights of entry, and 884.13(d)(3), purchasing and procurement, to ensure that it has the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

D. After assuming the emergency program, Missouri would conduct investigations of potential emergency sites and perform remedial reclamation, following OSM's concurrence that an emergency situation exists. Missouri stated in its proposal that in administering the AMLR emergency program, it would follow procedures that are in compliance with the Federal Assistance Manual, Chapter 4–30, ''Characteristics of Grantee-Administered Emergency Reclamation Activities.''

OSM announced receipt of the proposed amendment in the April 22, 1998, **Federal Register** (63 FR 19874), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on May 22, 1998.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

A. Revisions to the Missouri Plan Policy and Procedure Sections

1. Section 884.13(c)(6), Rights of Entry

Missouri proposed to revise its policy concerning right of entry fro emergency purposes by removing the language that allowed emergency entries only upon request from the Office of Surface Mining. This revised paragraph reads as follows.

> In the event of an emergency, this agency may enter onto private property and perform whatever measures are necessary to protect the public health, safety, or welfare from past coal mining practices. If written consent cannot be obtained for the purpose of emergency reclamation, and if notice cannot be given prior to entry, notice will be given to the landowner as soon after entry as is practical.

The Director finds that the requirements of the revised policy in section 884.13(c)(6) are consistent with requirements in the Missouri regulation at 10 CSR 40–9.030(4) and the Federal regulation at 30 CFR 877.14, concerning entry for emergency reclamation.

2. Section 884.13(d)(3), Purchasing and Procurement

Missouri revised the procurement thresholds for services supplies and products contracts. The procurement thresholds that requires the use of formal sealed bids was raised from $10,000 to $25,000. The procurement threshold that requires compliance with State small purchase procedures was raised from $10,000 to $25,000. The negotiated procurement threshold was lowered from $10,000 to $3,000. Procurements in excess of $25,000 are to be recorded with the specified justification information.

The Director finds that a procurement threshold of $25,000 is adequate for implementation of an AMLR Emergency Program, and the proposed revisions are consistent with the requirements of 30 CFR 884.13(d)(3).

B. AMLR Emergency Program Demonstrations

OSM's guidelines, published in the September 29, 1982, **Federal Register** (47 FR 42729), outline three requirements for State assumption of the AMLR emergency program. To be granted emergency authority by OSM, the State agency must demonstrate that it has the: (1) statutory authority to undertake emergencies, (2) technical capability to design and supervise the emergency work, and (3) administrative mechanisms to respond quickly to emergencies either directly or through contractors.

1. Statutory Authority

The LRP has had statutory authority under RSMo section 444.915.1(5) to administer an emergency response program since approval of the Missouri plan on January 21, 1982. In order to implement this authority, Missouri's regulation at 10 CSR 40–9.030(4) provides for right of entry on any land where an emergency exists. In a letter dated January 25, 1980, the Governor of Missouri designated the Missouri Department of Natural Resources, Land Reclamation Commission as the State agency responsible for the Abandoned Mine Land Reclamation Program in Missouri. The Missouri Attorney General issued an official opinion on July 24, 1981, that the Missouri Department of Natural Resources, Land Reclamation Commission is authorized under State law to establish, administer and conduct a State reclamation program in accordance with the requirements of Title IV of the Federal Surface Mining Control and Reclamation Act of 1977, the regulations promulgated thereunder, and the State Reclamation Plan. Title IV of SMCRA covers both the regular AMLR program and the emergency reclamation program.

2. Technical Capability

The LRP has demonstrated through past performance that it has the technical capability to implement an AMLR emergency program. In its March 31, 1998, submission of the amendment, Missouri submitted the following statement to demonstrate the LRP's technical capability to design and supervise the emergency work.

> Over the past four years, Missouri has successfully completed several high priority shaft closure and four subsidence reclamation projects. Although these were non-emergency projects, they were completed in a timely manner and the scope of work was similar to Missouri's past AML emergency projects. With six Land Reclamation Specialists and a registered professional engineer on the AML Section staff, the LRP has the technical capability to respond rapidly to AML emergency situations. Project designs and contract documents can be prepared in-house, avoiding the usual time delays associated with procuring and coordinating consulting engineering services agreements. The AML Section can also provide in-house resident inspection services, since emergency reclamation projects are typically of short duration.

Missouri has conducted an AMLR Program since 1982. Technical capabilities utilized for emergency reclamation projects are the same as those used for normal, high priority reclamation projects; usually, only the project schedule is different. OSM's oversight reviews for the past 10 years have confirmed that the Missouri LRP has conducted subsidence abatement project design and construction work and has filled mine voids on many occasions with a high degree of competence and success. OSM's annual oversight reports also indicate that closure of shafts and mine portals and treatment of subsidence areas have been part of Missouri's high priority AMLR program for many years. As of the end of evaluation year 1997, the Missouri LRP had closed 125 vertical openings and 43 open mine portals and stabilized 634 acres of mine subsidence. These are the same types of abandoned mine land features that are likely to be encountered in the AMLR emergency program. OSM found in its review of the Missouri plan and OSM's annual oversight reports for 1991 through 1997 that Missouri has developed and refined the in-house investigation, design, and project administration abilities necessary to administer an AMLR program and an emergency response program.

3. Administrative Mechanisms

A review of Missouri's revised purchasing and procurement procedures at section 884.13(d)(3) found that the LRP has the authority to issue contracts for emergency work in amounts up to $25,000. The $25,000 limit is similar to the small purchase threshold for Federal agencies and will allow Missouri adequate flexibility to address emergency conditions. Other administrative processes required to implement the emergency program are the same as those already in place for the Missouri AMLR program.

In accordance with section 405 of SMCRA and 30 CFR 884.15, Missouri has submitted an amendment to its AMLR plan, and the Director has determined, pursuant to 30 CFR 884.14, that:

(1) The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

(2) Views of other Federal agencies have been solicited and considered.

(3) The State has the legal authority, policies and administrative structure necessary to implement the amendment.

(4) The proposed plan amendment meets all requirements of the Federal AMLR program regulations at 30 CFR Chapter VII, Subchapter R.

(5) The State has an approved State Regulatory Program.

(6) The amendment is in compliance with all applicable State and Federal laws and regulations.

Therefore, the Director finds that the proposed Missouri plan amendment allowing the State to assume responsibility for an emergency response reclamation program on behalf of OSM is in compliance with SMCRA and meets the requirements of the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

OSM solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

Federal Agency Comments

Pursuant to 30 CFR 884.14(a)(2) and 884.15(a), OSM solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Missouri plan (Administrative Record No. AML–MO–104). No comments were received.

V. Director's Decision

Based on the above findings, the Director approves the proposed plan amendment and Missouri's request to assume the AMLR emergency program as submitted by Missouri on March 31, 1998.

The Federal regulations at 30 CFR Part 925, codifying decisions concerning the Missouri plan, are being amended to implement this decision.

VI. 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 and Tribal abandoned mine land reclamation plans and revisions thereof, since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Part 884.

National Environmental Policy Act

No environmental impact statement is required for this rule. Agency decision on proposed State and Tribal abandoned mine land reclamation 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)).

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 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. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. 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.

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 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 16, 1998.

Kathy Karpan,

Director Office of Surface Mining.

For the reasons set out in the preamble, 30 CFR Part 925 is amended as set forth below:

PART 925—MISSOURI

1. The authority citation for Part 925 continues to read as follows:

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

2. Section 925.25 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
March 31, 1998	June 24, 1998 ..	AMLR plan sections 884.13(c)(6) and (d)(3); Emergency response reclamation program.

[FR Doc. 98–16811 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA–112–FOR]

Virginia Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving an amendment to the Virginia permanent regulatory program (hereinafter) referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises numerous provisions of the Virginia program concerning surface coal mining and reclamation operations. The amendment is intended to revise the State program to be consistent with the Federal regulations.

EFFECTIVE DATE: June 24, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (540) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program.
II. Submission of the Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085–61115).

Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 946.11, 946.12, 946.13, 946.15, and 946.16.

II. Submission of the Amendment

By letter dated December 1, 1997 (Administrative Record No. VA–938), the Virginia Department of Mines, Minerals and Energy (DMME) submitted numerous amendments to the Virginia program. The DMME stated that the purpose of the amendments is to address issues identified by OSM in a letter dated May 30, 1997, pursuant to 30 CFR 732.17(d) (Administrative Record Number VA–955). The DMME also stated that the proposed amendments are intended to be materially consistent with the corresponding Federal standards.

The proposed amendment was published in the December 23, 1997, **Federal Register** (62 FR 67016), and in the same notice, OSM opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on January 22, 1998. No one requested to speak at a public hearing, so no hearing was held.

By electronic mail dated March 6, 1998 (Administrative Record Number VA–953), OSM provided the State with comments on the proposed amendments. The DMME responded to those comments by electronic mail dated March 20, 1998 (Administrative Record Number VA–954).

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Virginia program. Only the substantive changes will be discussed below.

1. 4 VAC 25–130–700.5 Definition of ''Other Treatment Facilities''

This definition has been amended to add ''neutralization'' as an example of chemical treatments, and to add ''precipitators'' as an example of mechanical structures. In addition, a new subsection (b) has been added to provide that '' other treatment facilities'' will have to comply with all applicable State and Federal water quality laws and regulations. The Director finds that with the proposed changes, the Virginia program definition of ''other treatment facilities'' is substantively identical to and therefore no less effective than the counterpart Federal definition at 30 CFR 701.5.

4 VAC 25–130–700.5 Definition of ''Previously mined area.'' This definition has been revised to state that '' previously mined area'' means land affected by surface coal mining operations prior to August 3, 1997, that has not been reclaimed to the standards of this Chapter. The Director finds that the proposed definition is substantively identical to and therefore no less effective than the counterpart Federal definition at 30 CFR 701.5.

2. 4 VAC 25–130–779.22 Land Use Information

This provision has been deleted. The counterpart Federal regulation at 30 CFR 779.22 was deleted on May 27, 1994 (59 FR 27932). In that final rule notice, OSM consolidated the land use information requirements of sections 30 CFR 779.22 and 30 CFR 780.23 into final 30 CFR 780.23. As discussed below in Finding 4, 4 VAC 25–130–780.23 concerning reclamation plans; land use information is being amended by the State, and is substantively identical to and therefore is less effective than the counterpart Federal regulations at 30