

The FHWA expects that these proposed changes will create uniformity and enhance safety and mobility at little additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

#### *Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this proposed action on small entities. This notice of proposed rulemaking adds some new and alternative traffic control devices and traffic control device applications. The proposed new standards and other changes are intended to improve traffic operations, expand guidance, and clarify application of traffic control devices. As noted previously, any expenses to public entities or the motoring public to implement the proposed changes would be minimal. Therefore, the FHWA hereby certifies that these proposed revisions would not have a significant economic impact on a substantial number of small entities.

#### *Executive Order 12612 (Federalism Assessment)*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or other Federal agencies within two years of issuance. The proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the highway. To the extent that this amendment would override any existing State requirements regarding traffic control devices, it does so in the interests of national uniformity.

#### *Executive Order 12372 (Intergovernmental Review)*

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

#### *Paperwork Reduction Act*

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### *National Environmental Policy Act*

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

#### *Regulation Identification Number*

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### **List of Subjects in 23 CFR 655**

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations. (23 U.S.C. 109(d), 114(a), 315, and 402(a); 23 CFR 1.32, 655.601, 655.602, and 655.603; 49 CFR 1.48)

Issued: November 25, 1997.

**Kenneth R. Wykle,**

*Federal Highway Administrator.*

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## **DEPARTMENT OF THE INTERIOR**

### **Office of Surface Mining Reclamation and Enforcement**

#### **30 CFR Part 926**

[SPATS No. MT-017]

#### **Montana Regulatory Program and Abandoned Mine Land Reclamation Plan**

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

**ACTION:** Proposed rule; reopening and extension of public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of revisions and additional explanatory information pertaining to a previously proposed amendment to the Montana regulatory program (hereinafter, the "Montana

program") and abandoned mine land reclamation plan (hereinafter, the "Montana plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and additional explanatory information for Montana's proposed statutes consist of revisions to statutes pertaining to the designation of the Montana State Regulatory Authority and reclamation agency under SMCRA, a statutory definition of "prospecting," revegetation success criteria for bond release, and prospecting under notices of intent. The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations and SMCRA, and to improve program efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.s.t., December 22, 1997.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the Montana program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses 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 Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Room 2128, Casper, WY, 82601-1918, Telephone: (307) 261-5776.

Steve Welch, Chief, Industrial and Energy Minerals Bureau, Montana Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901, Telephone: (406) 444-4964.

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: (307) 261-5776.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on the Montana Program and Montana Plan**

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program as administered by the Department of State Lands. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15, 926.16, and 926.30.

On October 24, 1980, the Secretary of the Interior conditionally approved the

Montana plan as administered by the Department of State Lands. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana plan can be found in the October 24, 1980, **Federal Register** (45 FR 70445). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.20.

## II. Proposed Amendment

By letter dated May 16, 1995, Montana submitted a proposed amendment to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*) (Administrative Record No. MT-14-01). Montana submitted the proposed amendment in response to required program amendments at 30 CFR 926.16 (f) and (g), and at its own initiative. The provisions of Montana Code Annotated (MCA) that Montana proposed to revise were: 82-4-203, MCA (definitions); 82-4-204, MCA (rulemaking authority); 82-4-205, MCA (administration by Department of Environmental Quality); 82-4-221, MCA (mining permit required); 82-4-223, MCA (permit fee and surety bond); 82-4-226(8), MCA (prospecting permit); 82-4-227, MCA (refusal of permit); 82-4-231, MCA (submission of and action on reclamation plan); 82-4-232, MCA (area mining; bond; alternate plan); 82-4-235, MCA (inspection of vegetation—final bond release); 82-4-239, MCA (reclamation by regulatory authority); 82-4-240, MCA (reclamation after bond forfeiture); 82-4-242, MCA (funds received by regulatory authority); 82-4-251, MCA (noncompliance; suspension of permits); 82-4-254, MCA (violation; penalty; waiver). The proposed amendment consisted of statutory revisions enacted by the 1995 Montana Legislature.

OSM announced receipt of the proposed amendment in the June 5, 1995, **Federal Register** (60 FR 29521), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Administrative Record No. MT-14-06). Because no one requested a public hearing or meeting, none was held. The public comment period ended on July 5, 1995.

During its review of the amendment, OSM identified concerns relating to the definitions of "Board," "Commissioner," and "Director" at (MCA) 82-4-203 (6), (10), and (12); Board rules and Administration by Department at (MCA) 82-4-205; Inspection of vegetation—final bond

release at (MCA) 82-4-235; the definition of "prospecting" at (MCA) 82-4-226(8); and Prospecting permit at (MCA) 82-4-226. OSM also addressed outstanding required program amendments at 30 CFR 926.16 (h), (i), and (j) as they related to prospecting. OSM notified Montana of the concerns by letter dated December 5, 1996 (Administrative Record No. MT-14-08). Montana responded in a letter dated November 6, 1997, by submitting a revised amendment and additional explanatory information (Administrative Record No. MT-14-11). The revisions to the amendment consist of new statutory language enacted by the 1997 Montana Legislature.

Montana proposes revisions to, and additional explanatory information for, the definitions of "Board," "Commissioner," and "Director" at (MCA) 82-4-203 (6), (10), and (12); Board rules and Administration by Department at (MCA) 82-4-205; Inspection of vegetation—final bond release at (MCA) 82-4-235; the definition of "prospecting" at (MCA) 82-4-226(8); and Prospecting permit at (MCA) 82-4-226.

Specifically, the revisions and additional explanatory information submitted by Montana includes the following:

### 1. Definition of "Director" in the Department of Environmental Quality at (MCA) 82-4-203(12)

Montana has defined the role of the "Director" in the newly created Department of Environmental Quality. Montana has provided explanatory information concerning the Department of Environmental Quality responsibilities in the implementation of the Montana program under SMCRA.

### 2. Board Rules and Administration by Department at (MCA) 82-4-204 and 82-4-205

Montana has revised the responsibilities of the "Board" and the "Department" to alleviate a duplication of duties.

### 3. Revegetation Criteria for Bond Release at (MCA) 82-4-235

The 1997 Montana Legislature revised 82-4-235(a) to delete language which would have allowed final bond release (in some cases) with introduced species providing a major or dominant component of the reclaimed vegetation.

### 4. Definition of "Prospecting" and Prospecting Permit at (MCA) 82-4-203(5) and 82-4-226(8)

Montana has submitted a revised definition of "prospecting." In addition,

Montana has revised 82-4-226(8) to provide that prospecting under a notice of intent would only be allowed in those situations in which less than 250 tons of coal would be removed and on lands not determined to be unsuitable for mining.

### 5. Required Program Amendments at 30 CFR 926.16 (h), (i), and (j)

Montana has presented a revision to address required program amendment (h) concerning the removal of more than 250 tons of coal. (See above discussion.) Montana has presented explanatory information concerning required program amendments (i) and (j).

## III. Public Comment Procedures

OSM is reopening the comment period on the proposed Montana program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. 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. If the amendment is deemed adequate, it will become part of the Montana program.

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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

## IV. 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 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 the Federal regulations at 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.

### 3. 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)).

### 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 State submittal that 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.

### 6. 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 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 23, 1997.

### Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA-189-0059; FRL-5932-3]

### Approval and Promulgation of State Implementation Plans; California; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** EPA is proposing to approve a state implementation plan (SIP) revision submitted by the State of California to provide for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is proposing to approve the SIP revision under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas. The demonstration of attainment in the SIP depends, in part, upon reductions from an enhanced inspection and maintenance (I/M) program for motor vehicles. Since EPA has previously granted interim approval to the California I/M program, the Agency is proposing interim approval of the CO attainment demonstration portion of the plan.

**DATES:** Written comments on this proposal must be received by January 5, 1998.

**ADDRESSES:** Comments should be addressed to the EPA contact below.

The rulemaking docket for this notice, Docket No. 97-17, may be inspected and copied at the following location during normal business hours. A reasonable fee may be charged for copying parts of the docket. Environmental Protection Agency, Region 9, Air Division, Air Planning Office, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California  
South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California

### FOR FURTHER INFORMATION CONTACT:

Dave Jesson (415) 744-1288, Air Planning Office (AIR-2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105-3901.

## SUPPLEMENTARY INFORMATION:

### I. Background

#### A. The Carbon Monoxide Problem

Carbon monoxide is a colorless, odorless gas emitted in combustion processes. In the South Coast, like most urban areas, CO comes primarily from tailpipe emissions of cars and trucks.<sup>1</sup> Exposure to elevated CO levels is associated with impairment of visual perception, work capacity, manual dexterity, and learning ability, and with illness and death for those who already suffer from cardiovascular disease, particularly angina or peripheral vascular disease.

Under section 109 of the CAA, EPA has established primary, health-related NAAQS for CO: 9 parts per million (ppm) averaged over an 8-hour period, and 35 ppm averaged over 1 hour. Attainment of the 8-hour CO NAAQS is achieved if not more than one non-overlapping 8-hour average in any consecutive 2-year period per monitoring site exceeds 9 ppm (values below 9.5 are rounded down to 9.0 and are not considered exceedances).

The South Coast has continuously achieved the 1-hour NAAQS for the past 6 years. For this reason, the South Coast SIP and this action address primarily the 8-hour NAAQS. In 1995, the South Central Los Angeles County area recorded 13 exceedances of the 8-hour NAAQS, the largest number of CO exceedances within the SCAB and, in fact, within the country. Most of the CO exceedances in the SCAB occur during the months of January, November, and December, with peak concentrations typically around 7 a.m. and 10 p.m.

#### B. Clean Air Act Requirements

The Federal CAA was substantially amended in 1990 to establish new planning requirements and attainment deadlines for the NAAQS. Under section 107(d)(1)(C) of the Act, areas designated nonattainment prior to enactment of the 1990 amendments, including the South Coast, were designated nonattainment by operation of law.<sup>2</sup> Under section 186(a) of the Act,

<sup>1</sup> In the 1990 base year planning (winter) inventory for the South Coast, onroad vehicles accounted for approximately 80 percent of CO emissions, while nonroad engines and stationary sources contributed roughly 18 and 2 percent, respectively. Despite continued growth in vehicle use, the percent of CO emissions from onroad vehicles is predicted to decline to about 50 percent by the year 2010, as a result of the cleaner motor vehicles mandated by the California low-emission vehicle program.

<sup>2</sup> For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305. The nonattainment area includes all of Orange

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