

concerns about the disclosure are being placed in the Dockets Management Branch (address above) and can be identified with the docket number found in brackets in the heading of the document.

Dated: July 17, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98-19916 Filed 7-21-98; 5:07 pm]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV-077-FOR]

West Virginia Permanent Regulatory Program

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

ACTION: Proposed rule; reopening of public comment period and opportunity for a public hearing.

SUMMARY: OSM is reopening the public comment period on certain parts of a proposed amendment to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was submitted on April 28, 1997 (with revisions submitted on May 14, 1997) and amends both the West Virginia Surface Mining Reclamation Regulations and the West Virginia Surface Mining Code. The comment period is being reopened specifically on the amendments to the definition of surface mining, special authorizations, fish and wildlife as a postmining land use for mountaintop removal operations, removal of abandoned coal refuse piles, re-mining, and no-cost reclamation. The amendments are intended to revise the State program to be consistent with the counterpart Federal provisions and to improve the effectiveness of the West Virginia program.

DATES: Written comments must be received on or before 4:00 p.m. on August 24, 1998. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on August 18, 1998. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on August 10, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should

be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Charleston Field Office at the address listed below.

Copies of the West Virginia program, the program amendments, and the administrative record on the West Virginia program are available for public review and copying at the addresses below, during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed changes by contacting the OSM Charleston Field Office.

Mr. Roger W. Calhoun, Director,
Charleston Field Office, Office of
Surface Mining Reclamation and
Enforcement, 1027 Virginia Street,
East, Charleston, West Virginia 25301
Telephone: (304) 347-7158.

West Virginia Division of
Environmental Protection, 10
McJunkin Road, Nitro, West Virginia
25143, Telephone: (304) 759-0515

In addition, copies of the amendments that are the subject of this notice are available for inspection during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26507, Telephone: (304) 291-4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255-5265

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office; Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. Background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of the approval can be found in the January 21, 1981, **Federal Register** (46 FR 5915-5956). Subsequent actions concerning the West Virginia program and previous amendments are codified at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Discussion of the Proposed Amendment

By letter dated April 28, 1997 (Administrative Record Number WV-1056), the West Virginia Division of Environmental Protection (WVDEP)

submitted an amendment to its approved permanent regulatory program pursuant to 30 CFR 732.17. Some revisions of the original amendments were submitted by letter dated May 14, 1997 (Administrative Record Number WV-1057). The amendment revises the West Virginia Surface Mining Reclamation Regulations (CSR Section 38-2 *et seq.*), and Sec. 22-3 of the West Virginia Surface Mining Code. The amendment concerns changes to implement the standards of the Federal Energy Policy Act of 1992, and other changes desired by the State.

During OSM's review of the proposed amendments the State submitted a new amendment to its Surface Mining Reclamation Regulations at CSR 38-2 by letter dated May 11, 1998 (Administrative Record Number WV 1086). The public comment period on the new amendment is open until July 15, 1998 (63 FR 32632; June 15, 1998). Certain of the proposed regulations in the new amendment are intended to implement some of the statutes which OSM is reviewing under the current amendment. Therefore, OSM is reopening the public comment period on the specific statutes identified below for which the State has recently submitted a new amendment containing implementing regulations. In addition, OSM received a request from a commenter that the public comment period be reopened on the proposed amendments at Section 22-3-13(c)(3) concerning the proposed addition of fish and wildlife habitat and recreation lands as an approvable postmining land use for mountaintop removal operations.

The Director is reopening the public comment period on the following Sections:

22-3-3(u) concerning the definition of "surface mine," "surface mining" or "surface mining operations;"

22-3-3(y) concerning the definition of "lands eligible for re-mining;"

22-3-13(b)(20) concerning the revegetation responsibility period for lands eligible for re-mining;

22-3-13(c) concerning the proposed addition of fish and wildlife habitat and recreation lands as an approvable postmining land use for mountaintop removal operations; and

22-3-28 concerning special authorization for reclamation of existing abandoned coal processing waste piles; coal extraction pursuant to a government financed reclamation contract; coal extraction as an incidental part of development of land for commercial, residential, industrial, or civic uses; and no cost reclamation contracts.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comments on the proposed amendments identified above. Comments should address whether the amendments identified above satisfy the applicable program approval criteria of 30 CFR 732.15. Commenters may refer to the relevant proposed implementing regulations submitted by the State on May 11, 1998, to support their comments. If the amendments are deemed adequate, they will become part of the West Virginia program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this notice and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the OSM Charleston Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by the close of business on August 10, 1998. If no one requests an opportunity to testify at the public hearing by that date, 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 remarks and appropriate questions.

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

Public Meeting

If only one person or group requests to testify 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 amendments may request a meeting at the OSM Charleston Field Office listed under **ADDRESSES** 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 in advance at the locations listed under **ADDRESSES**. A written summary of each public 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

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 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 17, 1998.

Allen D. Klein,

Regional Director Appalachian Regional Coordinating Center.

[FR Doc. 98-19792 Filed 7-23-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-100-1-9814b; FRL-6125-9]

Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the revisions to the Commonwealth of Kentucky's State Implementation Plan (SIP) for the general application and attainment status designations. The Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC) submitted the revisions to EPA on December 19, 1997.

The revisions to the general application rule clarify the reasonably available control technology (RACT) requirements to assure compatibility with the 1990 Clean Air Act (CAA) requirements for major sources of volatile organic compounds (VOCs) in ozone nonattainment areas. The attainment status designations regulation is being amended to make the boundaries and classifications of nonattainment areas for ozone compatible with the Federal classification.