

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 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 who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity 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 amendment may request a meeting by contracting 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 locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of 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 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 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 22, 1998.

Peter A. Rutledge,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 98-20262 Filed 7-28-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[CO-001-0026b; FRL-6131-8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the Colorado plan and associated regulations for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines at 40 CFR part 60, subpart Cc, which were required pursuant to section 111(d) of the Clean Air Act (Act). The State's plan, which was submitted to EPA on April 13, 1998, establishes performance standards for existing MSW landfills and provides for the implementation and enforcement of those standards.

In the Final Rules section of this **Federal Register**, the EPA is approving the State's submittal in a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to the direct final rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments must be received in writing on or before August 28, 1998.

ADDRESSES: Written comments on this action may be mailed to Vicki Stamper, 8P2-A, at the EPA Regional VIII Office listed. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466. Copies of the State documents relevant to this proposed rule are available for public inspection at the Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312-6445.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

Dated: July 20, 1998.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 98-20283 Filed 7-28-98; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 503

[Docket No. 98-11]

Availability of Records to the Public—Electronic Freedom of Information Act; Correction

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking; correction.

SUMMARY: This document corrects proposed § 503.23(a)(3) in a proposed rule published in the **Federal Register** on July 22, 1998, regarding Availability of Records to the Public—Electronic Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, 202-523-5725.

Correction

In the proposed rule FR Doc. 98-19432, beginning on page 39263 in the issue of July 22, 1998, make the following correction in the rule text. On page 39265 in the first column, § 503.23, paragraph (a)(3), correct “§§ 514.20(c) or 514.8(k)” to read “§§ 514.21(d) or 514.8(k)(2).”

Dated: July 23, 1998.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 98-20215 Filed 7-28-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 389

[FHWA Docket No. FHWA-98-4145]

Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Announcement of meeting.

SUMMARY: The FHWA is announcing a public meeting to solicit information that will assist the agency in implementing section 4007 of the Transportation Equity Act for the 21st Century (TEA 21), effective on June 9, 1998, governing waivers, exemptions, and pilot programs. Section 4007 amended 49 U.S.C. 31315 and 31136(e) by changing the agency's authority to grant waivers and exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs) and to conduct pilot programs. The new statutory language requires the FHWA, within 180 days of enactment of TEA 21, to establish procedures by which a person may request a waiver or an exemption.

The FHWA recognizes the public's interest in how the agency applies its waiver and exemption authority. For that reason, we are scheduling a public meeting to obtain comments and ideas from interested persons to assist the FHWA in implementing section 4007 expeditiously.

DATES: The public meeting will be held on Thursday, August 20, 1998, between 9 a.m. and 4 p.m. Comments for inclusion in the docket must be received no later than August 20, 1998.

ADDRESSES: The public meeting will be held in Room 2230 of the DOT Headquarters Building, 400 Seventh Street, SW., Washington, DC. Written, signed comments to the docket identified at the beginning of this document should be sent to: Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Persons desiring notification of receipt of comments must enclose a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT:

General Information. To request time to be heard and for other general information, contact Dianne Porter, Office of Motor Carrier Planning and Customer Liaison, (202) 366-4073.

Specific Rulemaking Information. For information concerning rulemaking, contact Neill L. Thomas, Office of Motor Carrier Research and Standards, (202) 366-4009 or Charles E. Medalen, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Availability

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a computer, modem, and suitable communications software from the Government Printing Office (GPO) electronic bulletin board service (telephone: 202-512-1661). Internet users may reach the GPO's web page at: <http://www.access.gpo.gov/su-docs/aces/aaces002.html>.

Participation and Attendance

All persons who would like to participate in the public meeting must notify the agency by contacting Dianne Porter by telephone at (202) 366-4073; E-Mail: dporter@fhwa.dot.gov; or FAX: (202) 366-7298 by 4 p.m., e.t., on Friday, August 14, 1998. All persons attending will be subject to Federal and DOT workplace security measures. Attendees must enter the building at the southwest quadrant which is located near the intersection of Seventh and “E” Streets, SW.

Background

The Motor Carrier Act of 1935 gave the FHWA and its predecessor, the Interstate Commerce Commission (ICC), broad authority to regulate qualifications and maximum hours of service of employees of, and safety of operation and equipment of motor carriers (now recodified at 49 U.S.C. 31502), which carried with it implicit authority to waive any regulation or exempt any entity.

Before TEA 21 (Pub. L. No. 105-178, 112 Stat. 107), the Motor Carrier Safety Act of 1984 (49 U.S.C. 31136) and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31315) provided the FHWA explicit authority to waive any part of a regulation, as it applies to a person or a class of persons, if the action taken was first determined to be consistent with the public interest and the safe operation of commercial motor vehicles. Before granting a waiver under these provisions of law, the FHWA had to publish the proposed waiver and the reasons for it in the **Federal Register** for public comment. This was a considerable limitation on the implicit authority in the 1935 Act inherited from the ICC in 1967 and presented a difficult test as interpreted by the U.S. Court of Appeals for the D.C. Circuit in *AHAS v. FHWA*, 28 F. 3d 1288 (1994).