

III. Public Comment Procedures

According to the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is approved, it will become part of the Ohio program.

Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. We may not consider comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center in the final rulemaking or include them in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review) exempts this rule from review.

Executive Order 12988

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and 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

We have analyzed this rule in accordance with the criteria of the national Environmental Policy Act and 526DM. This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

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.*). The information collection is not covered by an existing OMB approval. An OMB form 83-I has not been prepared and has not been approved by the Office of Policy Analysis.

Regulatory Flexibility Act

The Department of the Interior 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 Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this rule will not produce a Federal mandate of \$100 million or greater in any year, i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 25, 1998.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 98-217]

1998 Biennial Regulatory Review

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has adopted a Notice of Proposed Rulemaking (NPRM) to revise its rules to eliminate the Wireless Telecommunications

Bureau's reference facility in Gettysburg, Pennsylvania. The demand to review application and licensing records will be met by the Commission's public access capabilities, particularly as the use of electronic filing increases. The NPRM also proposes to update the Commission's rules to accurately reflect the location and availability of license application information within the Wireless Telecommunications Bureau.

DATES: Comments are due November 5, 1998 and reply comments are due November 20, 1998.

ADDRESSES: Parties should file an original and five copies of all comments, reply comments, and supporting comments with the Office of the Secretary, 1919 M Street, NW, Suite 222, Washington, DC 20554. Parties submitting diskettes should send them to the Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, 2100 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Walter Boswell, 717-338-2601.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking. The full text of this NPRM is available for inspection and copying during normal business hours at the FCC Dockets Branch, Room 230, 1919 M Street NW, Washington, DC. The text of the NPRM may also be purchased by calling International Transcription Service at 202-857-3800.

Given the readily available electronic access to information concerning applications and licenses for wireless telecommunications services, this NPRM proposes to close the Commission's Gettysburg reference facility. Due to its location outside the Washington, DC area, the Gettysburg reference facility is not as well used as those at Commission headquarters. The demand to review materials will be easily met by the Commission's public access capabilities, particularly as the use of electronic filing expands to the point where the Commission receives little or no paper from applicants. The Wireless Telecommunications Bureau staff in Gettysburg will accept requests at their front counter to review paper documents, and the Commission's duplication services contractor will provide copies of applications upon request for their usual research and copying fees.

List of Subjects in 47 CFR Part 0

Public information and Inspection of records.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Section 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.453 is amended by revising the introductory text, paragraph (g) introductory text, paragraph (h) introductory text and adding new paragraph (o) to read as follows:

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC:

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(g) *The Common Carrier Bureau, Network Services Division Public Reference Room.* The following documents, files and records are available for inspection at this location.

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(h) *The Wireless Telecommunications Bureau, Commercial Mobile Services Reference Room.* The following documents, files and records are available for inspection at two different locations. The Legal Branch is the responsible custodian for both locations.

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(o) Electronically stored application and licensing data for commercial radio operator applications and all authorizations in the Wireless Radio services are available for public inspection via the Commission's wide area network. Wireless Radio services include Commercial and Private Mobile Radio, Common Carrier and Private Operational Fixed Point-to-Point Microwave, Local Television Transmission Service (LTTS), Digital Electronic Message Service (DEMS), Aviation Ground and Marine Coast applications.

3. Section 0.455 is amended by revising paragraph (f) to read as follows:

§ 0.455 Other locations at which records may be inspected.

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(f) *Wireless Telecommunications Bureau.* See § 0.453(o) of this chapter.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC13

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List the San Xavier Talussnail (*Sonorella eremita*) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Fish and Wildlife Service (Service) withdraws a proposal to list the San Xavier talussnail (*Sonorella eremita*) as an endangered species under the Endangered Species Act of 1973, as amended. This species occurs on a hillside on private property in Pima County, Arizona. Following publication of the proposed rule, the Service gathered additional information on land ownership, and a conservation agreement was completed which reduces threats to the species to a level at which listing as threatened or endangered is not warranted.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Arizona Ecological Services Field Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021.

FOR FURTHER INFORMATION CONTACT: Debra Bills at the above address or telephone 602/640-2720.

SUPPLEMENTARY INFORMATION:

Background

The San Xavier talussnail (*Sonorella eremita*) is a land snail and was first described in 1910 by H.A. Pilsbry and L.E. Daniels (Pilsbry and Ferriss 1915). The species has a globose (globular) shell with as many as 4.5 whorls, a white to pinkish tint and a chestnut-brown shoulder band. It is approximately 19 millimeters (0.7 inches) in diameter. Its shell is very typical of desert *Sonorella* (Pilsbry and Ferriss 1915).

The San Xavier talussnail lives in a deep, northwestward facing, limestone rockslide in Pima County, Arizona. Its habitat is protected from drying effects of the sun by outcrops of limestone and decomposed granite to the northeast and southwest, and by the hill itself to the southeast (Pilsbry and Ferriss 1915, Hoffman 1990). The vegetation, slope of the hillside, and depth of the slide provide necessary moisture conditions. The talussnail is similar to other *Sonorella* species in that it feeds on fungus or decaying plant material

(Hoffman 1990). The San Xavier talussnail is hermaphroditic (has both male and female reproductive organs) (Morton 1968, Hoffman 1990). After a rain, the snail will lay eggs, feed, and mate. Fertilization and production of eggs takes several days. If the rains are short-lived, the snails hold the eggs until the next rain. The species requires 3 or 4 years to mature, depending on rainfall frequency, and has a reproductive life of 4 to 6 years, depending on the number of days it remains active (Hoffman 1990).

Talussnails are sensitive to drying and sedimentation resulting from disturbance of the talus slope and associated vegetation. In general, desert snails are known to protect themselves from drying by crawling into deep, cool rockslides that are not filled with soil. The limestone rock or other talus that contains calcium carbonate is crucial to the species as it aids in shell deposition and neutralizes carbonic acid that is produced during estivation (period of inactivity) (Hoffman 1990). The San Xavier talussnail is known to estivate for up to three years and in most years is only active for three or four days (Hoffman 1990).

With the assistance of global positioning system units in February, 1998, the Service and the Arizona Game and Fish Department were able to obtain the exact location of the talus slope and identify the correct landowner. Discussions with this landowner led to a revised assessment of the threats faced by the San Xavier talussnail and the talus slope on which it resides.

Previous Federal Action

We included the San Xavier talussnail as a Category 2 candidate species in our May 22, 1984, notice of review of candidate invertebrates (49 FR 21664) and in our January 6, 1989, animal candidate Notice of Review (54 FR 554). Category 2 species were those taxa for which we had information indicating that listing may be warranted but for which the information was insufficient to support issuance of proposed listing rules. We included the San Xavier talussnail as a Category 1 candidate species in our November 21, 1991, animal candidate notice of review (56 FR 58804). Category 1 species were those taxa for which we had sufficient information to support issuance of listing proposals. We published a proposal to list this species in the **Federal Register** on March 23, 1994 (59 FR 21664). Publication of the proposal initiated a comment period which expired on May 23, 1994.

Processing of a final determination on the proposed rule to list the San Xavier