

## 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 931

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 24, 1998.

**Russell F. Price,**

*Acting Regional Director, Western Regional Coordinating Center*

[FR Doc. 98-32187 Filed 12-2-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SIPTRAX No. PA4082b; FRL-6194-4]

### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOX RACT Determinations for Individual Sources

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania for the purpose of establishing volatile organic compound (VOC) and nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) for five major sources located in Pennsylvania. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the accompanying technical support document. If no adverse comments are received in response to this action, 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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 on this action should do so at this time. If adverse comments are received that do not pertain to all paragraphs subject to this rulemaking action, those paragraphs not affected by the adverse comments will be finalized in the

manner described here. Only those paragraphs that receive adverse comments will be withdrawn in the manner described here.

**DATES:** Written comments must be received by January 4, 1999.

**ADDRESSES:** Written comments on this action should be addressed to Kathleen Henry, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Linda Miller, (215) 814-2068, at the EPA Region III office or via e-mail at miller.linda@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:** For additional information pertaining VOC and NO<sub>x</sub> RACT determinations for individual sources located in Pennsylvania, see the Direct Final rule located in the Rules and Regulations section of this **Federal Register**.

Dated: November 13, 1998.

**William Wisniewski,**

*Acting Regional Administrator, Region III.*

[FR Doc. 98-32006 Filed 12-2-98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### 43 CFR Parts 3100, 3106, 3130, and 3160

[AA-610-08-4111-2410]

RIN 1004-AC54

### Oil and Gas Leasing; Onshore Oil and Gas Operations

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Bureau of Land Management (BLM) is reopening the public comment period under a proposed rule published in the **Federal Register** on January 13, 1998, (63 FR

1936), concerning lessee responsibility for oil and gas drainage. BLM is reopening the comment period for 60 days in order to consult with Indian Tribes, pursuant to Executive Order 13084, on the issue of whether the proposed rule should apply to Tribal and individual Indian oil and gas leases. BLM seeks further public comments solely on the issue of the appropriateness of applying the proposed rule to Indian oil and gas leases.

**DATES:** Comments must be received on or before February 1, 1999. BLM will not necessarily consider comments received after this time in developing the final rule or include them in the administrative record.

**ADDRESSES:** If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to the Bureau of Land Management, Administrative Record, 1849 "C" Street, NW, Room 401LS, Washington, DC 20240. You may also comment via the Internet to WOCComment@wo.blm.gov. Please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: AC54" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452-5030.

Comments, including names and street addresses of respondents, will be available for public review at this address during regular business hours (7:45 a.m. to 4:15 p.m.), Eastern Time, Monday through Friday, except holidays. BLM will also post all comments on its home page ([www.blm.gov](http://www.blm.gov)) at the end of the comment period. Individual respondents may request confidentiality, which BLM will consider on a case-by-case basis. If you wish to request that BLM consider withholding your name, home street address, Internet address, or personal telephone number from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Finally, you may hand-deliver comments to BLM at 1620 L Street, NW, Room 401, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Donnie Shaw, Fluid Minerals Group, Bureau of Land Management, Mail Stop 401LS, 1849 "C" Street, NW, Washington, DC 20240; telephone (202) 452-0340 (Commercial or FTS).

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On January 13, 1998, (63 FR 1936), BLM published the drainage proposed rule in the **Federal Register**. The comment period was extended for 60 days in a notice published on February 24, 1998, (63 FR 9171). BLM is reopening the comment period for 60 days in order to consult with Indian Tribes, pursuant to Executive Order 13084, on the issue of whether the proposed rule should apply to Tribal and individual Indian oil and gas leases. Comments were solicited on this question in the original Notice of Proposed Rulemaking, but only one comment was received.

BLM seeks further public comments solely on the issue of the appropriateness of applying the proposed rule to Indian oil and gas leases. Specifically, BLM seeks comment on the issue of whether the proposed amendments to 43 CFR 3100.5 through 3100.80 should apply to both Federal and Indian leases. Should BLM determine to make those amendments applicable to Indian leases as well as Federal leases, the proposed amendments would be made in Part 3160 and replace 3162.2(a) and (b).

BLM is not considering applying to Indian oil and gas leases the proposed revisions to 43 CFR Subpart 3106 governing the obligations of Federal oil and gas assignors and assignees. Instead, Indian oil and gas leases are governed by the obligations in 25 CFR 211.53 and 212.53.

The proposed rule would clarify the responsibilities of oil and gas lessees for protecting Federal and Indian oil and gas resources from drainage by operations on nearby lands that would result in lower royalties to the Federal Government and Indian mineral owners. It would specify when the obligations of the lessee or operating rights owner to protect against drainage begin and end and what steps should be taken to determine if drainage is occurring.

Dated: November 23, 1998.

**Sylvia V. Baca,**

*Acting Assistant Secretary, Land and Minerals Management.*

[FR Doc. 98-31846 Filed 12-2-98; 8:45 am]

BILLING CODE 4310-84-p

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

**RIN 1018-AF30**

**Endangered and Threatened Wildlife and Plants; Proposed Special Regulations for the Preble's Meadow Jumping Mouse**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*) (Preble's) was listed as a threatened species under the Endangered Species Act (Act) of 1973 (16 U.S.C. sections 1531 to 1544) on May 13, 1998. At the time the Preble's was listed, a special rule for the conservation of Preble's was not promulgated and therefore virtually all of the restrictions of the Act became applicable to the species. This proposed rule would establish special standards for the conservation of the Preble's over the next 18 months, long enough to devise a more comprehensive and lasting approach for preserving the species.

**DATES:** Your comments on the proposed rule must be received by February 1, 1999 to receive consideration by the Service.

**ADDRESSES:** You should send your comments concerning this proposal to LeRoy Carlson, Field Supervisor, Colorado Field Office, Ecological Services, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225-0207. Comments and materials received are available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service's Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado.

**FOR FURTHER INFORMATION CONTACT:** LeRoy W. Carlson, Field Supervisor, Colorado Field Office (see **ADDRESSES** section), telephone 303/275-2370.

**SUPPLEMENTARY INFORMATION:****Background**

The Preble's meadow jumping mouse (*Zapus hudsonius preblei*), a subspecies of the meadow jumping mouse (*Zapus hudsonius*) is known to occur only in portions of Colorado and Wyoming. The final rule listing Preble's as a threatened species under the Endangered Species Act was published in the **Federal Register** on May 13, 1998 (63 FR 26517). Section 4(d) of the Act (16 U.S.C.

section 1533) provides that whenever a species is listed as a threatened species, the Secretary of the Interior will issue regulations deemed necessary and advisable to provide for the conservation of the species. This is done in either of two ways.

First, the Fish and Wildlife Service (Service) has issued regulations that generally apply to threatened wildlife virtually all the prohibitions that section 9 of the Act (16 U.S.C. section 1538) establishes with respect to endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to "take" any listed wildlife species; i.e., to harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect any threatened or endangered species or to attempt to engage in any such conduct [16 U.S.C. section 1532 (19)].

The Service's regulations for threatened wildlife, however, also provide that a "special rule" under section 4(d) of the Act can be tailored for a particular threatened species. In that case, the general regulations applying most section 9 prohibitions to threatened species do not apply to that species, and the special rule is to contain the prohibitions (and exemptions) necessary and appropriate to conserve that species.

At the time Preble's was listed, we did not promulgate a special section 4(d) rule and, therefore, the section 9 prohibitions, including the take prohibitions, became applicable to the species. We are now proposing to issue this special rule for the Preble's to replace those general prohibitions with special measures tailored to the conservation of this species.

We anticipate that this proposed rule will prohibit actions that threaten the Preble's, to the extent necessary to provide for the conservation of the Preble's. It also provides flexibility to private landowners for ongoing activities that will not jeopardize the species. We also believe that this rule would garner the support of State and local governments, private landowners, and other interested parties for a lasting, cooperative approach for the long-term conservation of the species.

This proposed rule is best understood in the context of other regulations and actions, already in place or in development, to provide for conservation of the Preble's.

First, it is important to understand that an activity now prohibited under the general regulations or that would be prohibited under this special rule may still be allowed under section 10 of the Act. That section provides for a person to obtain from us in appropriate