

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This notice confirms the effective date of a direct final rule which revises Class E airspace at Idabel, OK.

**EFFECTIVE DATE:** The direct final rule published at 63 FR 12620 is effective 0901 UTC, June 18, 1998.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on March 16, 1998 (63 FR 12620). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 18, 1998. No adverse comments were received, and thus this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on May 5, 1998.

**Albert L. Viselli,**

*Acting Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 98-12744 Filed 5-12-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-ASW-10]

#### Revision of Class E Airspace; McAlester, OK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This notice confirms the effective date of a direct final rule which revises Class E airspace at McAlester, OK.

**EFFECTIVE DATE:** The direct final rule published at 63 FR 12623 is effective 0901 UTC, June 18, 1998.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region,

Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on March 16, 1998 (63 FR 12623). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 18, 1998. No adverse comments were received, and thus this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on May 5, 1998.

**Albert L. Viselli,**

*Acting Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 98-12745 Filed 5-12-98; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-ASW-11]

#### Establishment of Class E Airspace; Miami, OK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This notice confirms the effective date of a direct final rule which establishes Class E airspace at Miami, OK.

**EFFECTIVE DATE:** The direct final rule published at 63 FR 12619 is effective 0901 UTC, June 18, 1998.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on March 16, 1998 (63 FR 12619). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule

advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 18, 1998. No adverse comments were received, and thus this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on May 5, 1998.

**Albert L. Viselli,**

*Acting Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 98-12746 Filed 5-12-98; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 920

[MR-041-FOR]

#### Maryland Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Maryland regulatory program (hereinafter referred to as the "Maryland program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Maryland proposed revisions to its regulations pertaining to bonding. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** May 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Program Manager, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937-2153.

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Maryland Program.
- II. Submission of the Proposed Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

#### **I. Background on the Maryland Program**

On December 1, 1980, the Secretary of the Interior conditionally approved the Maryland program. Background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the

conditions of approval can be found in the December 1, 1980, **Federal Register** (45 FR 79449). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 920.12, 920.15, and 920.16.

## II. Submission of the Proposed Amendment

By letter dated March 6, 1997 (Administrative Record No. MD-552.18), Maryland submitted a proposed amendment to its program pursuant to SMCRA in response to required amendments at 30 CFR 920.16 (h), (i), (j), and (n). Maryland is revising the Code of Maryland Regulations (COMAR) at section 26.20.14.01B—Performance Bonds. Specifically, Maryland proposes to require that a performance bond be conditioned upon the permittee faithfully performing every requirement of Subtitle 5 of the Annotated Code of Maryland, the Regulatory Program, the permit, and the reclamation plan. Maryland is also formally submitting an actuarial study which reviews the adequacy of its alternative bonding system.

OSM announced receipt of the proposed amendment in the March 25, 1997, **Federal Register** (62 FR 14079), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on April 24, 1997. OSM reopened the public comment period on April 6, 1998 (63 FR 16730) and clarified that Maryland's alternative bonding system was originally submitted with the understanding that it would cover acid mine drainage. Further, Maryland submitted additional changes to its program at COMAR 26.20.14.03 and 26.20.14.04 which pertain to performance bond requirements. In 1991, OSM approved changes to former COMAR 08.13.09.15C (now 26.20.14.03) and COMAR 08.13.09.15D (now 26.20.14.04) [56 FR 63649, December 5, 1991]. However, Maryland subsequently chose not to promulgate these approved changes. Instead, it now proposes to readopt the language at these sections. The comment period closed on April 21, 1998.

## III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment. Revisions not specifically discussed below concern nonsubstantive wording changes and paragraph notations to reflect

organizational changes resulting from this amendment.

1. *COMAR 26.20.14.01B—Performance Bonds.* Maryland is proposing to require that performance bonds be payable to the State, on forms provided by the Bureau of Mines, and conditioned on the permittee faithfully performing every requirement of Environmental Article, Title 15, Subtitle 5, Annotated Code of Maryland, the Regulatory Program, the permit, and the reclamation plan. The Director finds that the proposed revision is no less effective than the Federal regulation at 30 CFR 800.11(a) and he is removing the required amendment at 30 CFR 920.16(h).

2. *COMAR 26.20.14.03—Performance Bonds (formerly 08.13.09.15C).* Maryland is proposing to require that the amount of the performance bond be based upon the estimated cost to perform the reclamation required to achieve compliance with the regulatory program and the requirements of the permit in the event of a forfeiture. In addition, a separate bond for revegetation in the amount of \$600 per acre of affected land and a general bond in the amount of \$1500 per acre for the approved open acre limit is established. The Director finds that the proposed revision is no less effective than the Federal regulation at 30 CFR 800.14(b).

3. *COMAR 26.20.14.04—Performance Bonds (formerly 08.13.09.15D).* Maryland is proposing to require that the amount of the performance bond be adjusted as acreage in the permit area is revised, methods of mining operation change, standards of reclamation change, or when the cost of reclamation or restoration work changes. The Director finds that the proposed revision is no less effective than the Federal regulation at 30 CFR 800.15(a) and he is removing the required amendment at 30 CFR 920.16(j).

4. *Actuarial Study.* Maryland is formally submitting "Actuarial Analysis of the Alternative Bonding System for Surface Mine Reclamation" prepared by Arthur Andersen LLP (Administrative Record No. MD-552-12). The analysis concluded that Maryland's bonding system appears to be solvent on a short term basis. Short term solvency was defined as "the ability to pay for all currently outstanding known reclamations plus one average cost reclamation project." The analysis also concluded that Maryland's long term solvency based on its current rate structure is adequate until 1999, at which time rates may have to be adjusted for inflation. Long term solvency was defined as the ability of the fund to collect sufficient revenue to

pay for reclamation costs incurred in the future. Several recommendations were made concerning fund caps, bond amounts, contingency reserves, and catastrophe plans. OSM reviewed the document and concluded that the study was comprehensive and closely aligned with OSM's bonding guidance document, "Alternative Bonding Systems: An Analytical Approach and Identified Factors to Consider for Evaluating Alternative Bonding Systems." Maryland's alternative bonding system was originally submitted with the understanding that it would cover acid mine drainage. Maryland has since adopted a policy that will limit the liability of the alternative bonding system by increasing the permittee's individual bond amount where unanticipated acid mine drainage develops on a site. The Director is approving Maryland's alternative bonding system based on the results of the actuarial study. Maryland's bonding system achieves the objectives of and is no less effective than the Federal regulations at 30 CFR 800.11(e). He is removing the required amendments at 30 CFR 920.16(i) and (n).

## IV. Summary and Disposition of Comments

### Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No comments were received and because no one requested an opportunity to speak at a public hearing, no hearing was held.

### Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Maryland program. The U.S. Department of Labor, Mine Safety and Health Administration and the U.S. Department of the Army, Army Corps of Engineers, concurred without comment.

### Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Maryland proposed to make in this amendment pertains to air or water quality standards.

Therefore, OSM did not request EPA's concurrence.

The Federal regulations at 30 CFR Part 920, codifying decisions concerning the Maryland program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**V. Director's Decision**

Based on the above findings, the Director approves Maryland's proposed amendment as submitted on March 6, 1997. As discussed in Finding 1, the Director is removing the required amendment at 30 CFR 920.16(h). As discussed in Finding 4, the Director is removing the required amendments at 30 CFR 920.16 (i) and (n). He is also removing the required amendment at 30 CFR 920.16(j) because at COMAR 26.20.14.04A, Maryland is required to adjust the amount of the performance bond liability as acreage in the permit area is revised, as discussed in Finding 3.

The Federal regulations at 30 CFR Part 920, codifying decisions concerning the Maryland program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

**VI. 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 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 corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a submittal 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 corresponding Federal regulations.

*Unfunded Mandates*

This rule will not impose a cost of \$100 million of more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 920**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 1, 1998.

**Ronald C. Recker,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

**PART 920—MARYLAND**

1. The authority citation for part 920 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 920.15 is amended in the table by adding a new entry in chronological order by "Date of Final Publication" to read as follows:

**§ 920.15 Approval of Maryland regulatory program amendments.**

\* \* \* \* \*

Original amendment submissions date	Date of final publication	Citation/description
March 6, 1997	May 13, 1998	COMAR 26.20.14.01B, 26.20.14.03, 26.20.14.04, Actuarial Study.

**§ 920.16 [Amended]**

3. Section 920.16 is amended by removing and reserving paragraphs (h), (i), (j), and (n).

[FR Doc. 98-12646 Filed 5-12-98; 8:45 am]

BILLING CODE 4310-05-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 100**

[CGD07-98-013]

RIN 2115-AE46

**Special Local Regulations; River Race Augusta, Augusta, GA**

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the River Race Augusta, which will be held annually on the third Friday, Saturday and Sunday of May, between 7 a.m. and 5 p.m. Eastern Daylight Time (EDT) each day. Historically, there have been approximately sixty participants racing 16 to 18 foot outboard power boats on the Savannah River at Augusta, GA, between mile markers 199 and 197. These regulations are necessary to provide for the safety of life on navigable waters during the event, as the nature of the event and the closure of the Savannah River creates an extra or unusual hazard on the navigable waters.

**DATES:** These rules become effective May 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** LTJG A.L. Cooper, Coast Guard Group Charleston at (803) 720-7748.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

The Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on March 24, 1998 (63 FR 14057). No comments were received during the comment period.

**Background and Purpose**

These regulations are intended to provide for the safety of life and to promote safe navigation on the waters off Augusta on the Savannah River during the River Race August, by controlling the traffic entering, exiting and traveling within these waters. The concentration of spectator and participant vessels associated with the River Race poses safety concerns, which are addressed in these special local

regulations. These regulations prohibit the entry of non-participating vessels in the area downstream from the U.S. Highway 1 Bridge on the Savannah River between mile markers 199 and 197, annually from 7 a.m. to 5 p.m. each day, on the third Friday, Saturday and Sunday of May. These regulations permit the movement of spectator vessels and other non-participants after the termination of the race each day, and during intervals between scheduled events.

In accordance with 5 U.S.C. 553, good cause exists for making these regulations effective in less than 30 days after **Federal Register** publication. Delaying its effective date would be impracticable, as there was not sufficient time remaining from the receipt of the permit request to allow for a comment period and a full 30 day effective date period after publication. Delaying the effective date would also be contrary to the public interest because the event would be held with no regulations in force, creating a safety hazard.

**Regulatory Evaluation**

This rule is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of potential costs and benefits under Section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. These regulations will be in effect three days each year for only 10 hours each day.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and government jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 606(b) that this rule would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for ten hours in a limited area

of the Savannah River for three days each year.

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

**Federalism**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this rule consistent with Section 2.B.2 of Commandant Instruction M16475.1C. In accordance with that section, this action has been environmentally assessed (EA completed) and the Coast Guard has concluded that it will not significantly affect that quality of the human environment. An Environmental Assessment and a Finding of No Significant Impact has been prepared and are available in the docket for inspection or copying.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

**Final Regulations**

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 100 continues to read as follows:

**PART 100—[AMENDED]**

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new § 100.732 is added to read as follows:

**§ 100.732 Annual River Race Augusta; Savannah River, Augusta GA.**

(a) *Definitions:* (1) *Regulated Area.* The regulated area is formed by a line drawn directly across the Savannah River at the U.S. Highway 1 Bridge at mile marker 199 and directly across the Savannah River at mile marker 197. The regulated area would encompass the width of the Savannah River between these two lines.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast