

(b) Within 30 days of an order granting a request for a hearing under § 2.1205 (b) through (d) or, in instances when it is published, within 30 days of notice of hearing issued under § 2.1205(j), the representative of an interested State, county, municipality, Federally-recognized Indian Tribe, and/or agencies thereof, may request an opportunity to participate in a proceeding under this subpart. The request for an opportunity to participate must state with reasonable specificity the requester's area of concern about the licensing activity that is the subject matter of the proceeding. Upon receipt of a request that is filed in accordance with these time limits and that specifies the requester's areas of concern, the presiding officer shall afford the requester a reasonable opportunity to make written and oral presentations in accordance with §§ 2.1233 and 2.1235, without requiring the representative to take a position with respect to the issues. Participants under this paragraph may notice an appeal of an initial decision in accordance with § 2.1253 with respect to any issue on which they participate.

Dated at Rockville, Maryland, this 24th day of May 1999.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 99-13654 Filed 5-28-99; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. CE149; Notice No. 23-98-05-SC]

#### Special Conditions: Soloy Corporation Model Pathfinder 21 Airplane; Airframe

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

**ACTION:** Reopening of comment period.

**SUMMARY:** This notice announces the reopening of the comment period for the proposed special conditions for the Soloy Corporation Model Pathfinder 21 airplane. The reopening responds to a request from Soloy Corporation. The reopening is needed to permit Soloy additional time to comment on the proposed special conditions.

**DATES:** Comments must be received on or before July 1, 1999.

**ADDRESSES:** Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel,

ACE-7, Attention: Rules Docket, Docket No. CE149, 601 East 12th Street, Kansas City, Missouri 64106, or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: Docket No. CE149. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

#### FOR FURTHER INFORMATION CONTACT:

David Keenan, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 601 East 12th Street, Kansas City, Missouri, 816-426-6934, fax 816-426-2169.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include with those comments a self-addressed, stamped postcard on which the following statement is made "Comments to Docket No. CE149." The postcard will be date stamped and returned to the commenter.

##### Availability of Special Conditions

Any person may obtain a copy of these special conditions by submitting a request to the Federal Aviation Administration, at the address specified under the **ADDRESS** section. Communications must identify Docket No. CE149.

##### Background

On March 9, 1999, the FAA issued Notice No. 23-98-05-SC (64 FR 14401, March 25, 1999). This notice proposed special conditions for the Soloy Corporation Model Pathfinder 21 airplane. The proposal resulted from a request by Soloy Corporation for a supplemental type certificate for the Model Pathfinder 21 airplane.

On April 21, 1999, Soloy Corporation requested that the comment period be extended in order to allow them sufficient time to comment on the proposals. The comment period was scheduled to close April 26, 1999.

#### Conclusion

Soloy requested the special conditions originally, and the request to extend the comment period came from Soloy. In view of this fact, and since Soloy may provide additional technical information, the FAA agrees that it would be in the public interest to grant Soloy Corporation's request to extend the comment period. Since the request to extend the comment period arrived near the end of the comment period, the FAA has decided to reopen the comment period. Accordingly, the comment period for Notice No. 23-98-05-SC, Docket No. CE149, is reopened until July 1, 1999.

#### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Issued in Kansas City, Missouri on May 13, 1999.

**Marvin Nuss,**

*Acting Manager, Small Airplane Directorate Aircraft Certification Service.*

[FR Doc. 99-13819 Filed 5-28-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-221-FOR]

#### Kentucky Regulatory Program

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky regulations pertaining to general requirements for performance bonds and liability insurance. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

**DATES:** If you submit written comments, they must be received by 4 p.m.,

(E.D.T.), July 1, 1999. If requested, a public hearing on the proposed amendment will be held on June 28, 1999. Requests to speak at the hearing must be received by 4 p.m., (E.D.T.), on June 16, 1999.

**ADDRESSES:** Mail or hand-deliver your written comments and requests to speak at the hearing to William J. Kovacic, Field Office Director, at the address listed below.

You may review copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233-2894. E-Mail: bkovacic@osmre.gov.

Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601. Telephone: (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233-2894.

#### **SUPPLEMENTARY INFORMATION:**

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

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the May 18, 1982, **Federal Register** (47 FR 21404). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

#### **II. Description of the Proposed Amendment**

By letter dated May 4, 1999 (Administrative Record No. KY-1459), Kentucky submitted a proposed amendment to its program at 405 KAR 10:010. Specifically, Kentucky proposes to authorize the cabinet to promulgate administrative regulations relating to surface and underground coal mining operations. This administrative regulation establishes the requirements for filing and maintaining performance

bonds and liability insurance, and bonding methods. Kentucky also proposes to incorporate a new performance bond form SME-42-F for coal mining operations on Federal lands. This form is necessary to implement the November 2, 1998, Federal/State cooperative agreement for Federal lands. It is a two-page standard form for a performance bond. The proposed regulation also incorporates changes to the existing bond form SME-42 for operations on non-Federal lands. It deletes the requirement to enter the name of the community located near the lands covered by the bond and deletes the requirement that a bond executed by an out-of-state surety be countersigned by a resident Kentucky agent.

#### **III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

##### *Written Comments*

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

##### *Public Hearing*

If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., (E.D.T.) on June 16, 1999. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, 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 responses and appropriate questions.

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

speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

##### *Public Meeting*

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting 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 at the locations listed under **ADDRESSES**. A written summary of each 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 917**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 24, 1999.

**H. Vann Weaver,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 99-13808 Filed 5-28-99; 8:45 am]

BILLING CODE 4310-05-U

## **DEPARTMENT OF THE INTERIOR**

### **Office of Surface Mining Reclamation and Enforcement**

#### **30 CFR Part 943**

[SPATS No. TX-041-FOR]

#### **Texas Regulatory Program**

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of an amendment to

the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Texas proposes to add revegetation success and normal husbandry practice guidelines to its program. Texas intends to revise its program to ensure that adequate data collection methods are used for determining revegetation success for purposes of releasing reclamation performance bonds and to ensure that the husbandry practices used by the permittee during the period of responsibility for revegetation success and bond liability are normal husbandry practices within the region for unmined lands.

This document gives the times and locations that the Texas program and the amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we follow for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4 p.m., c.d.t., July 1, 1999. If requested, we will hold a public hearing on the amendment on June 28, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.d.t. on July 16, 1999.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Texas program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Capitol Station, P. O. Box 12967, Austin, Texas 78711-2967, Telephone: (512) 463-6900.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: mwolfrom@tokgw.osmre.gov.

#### **SUPPLEMENTARY INFORMATION:**

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

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the February 27, 1980, **Federal Register** (45 FR 12998). You can find later actions concerning the Texas program at 30 CFR 943.10, 943.15, and 943.16.

##### **II. Description of the Proposed Amendment**

By letter dated May 13, 1999 (Administrative Record No. TX-649), Texas sent us an amendment to its program under SMCRA. Texas sent the amendment at its own initiative. The amendment includes a guidance document on the procedures and standards for determining revegetation success on surface-mined lands in Texas and a guidance document on the normal husbandry practices that permittees are to use during the period of responsibility for revegetation success and bond liability (extended responsibility period). Below is a summary of the two documents. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES**.

##### *1. Revegetation Success Guidelines: Procedures and Standards for Determining Revegetation Success on Surface-Mined Lands in Texas*

Texas is proposing a guideline document that describes the procedures and standards for determining revegetation success on reclaimed surface mined lands in Texas.

a. Section I contains introductory information. Revegetation success must be demonstrated by using the revegetation standards and statistically valid sampling techniques for measuring success contained in the proposed guideline document. The use of the methods contained in this guidance document by mining companies operating in Texas will provide assurance that adequate data collection methods have been used for determining revegetation success for purposes of releasing reclamation performance bond funds. Mining companies may propose alternative procedures for sampling and analysis of vegetation data. However, the use of alternative methods must be approved by Texas, and the alternative methods must be included in the approved regulatory program.

b. Section II describes the regulatory requirements for meeting revegetation