manufacturing, merely for pooling purposes. This double hauling of milk is putting a financial burden on the handlers who operate pool units. Thus, this action is necessary to prevent uneconomical and inefficient movements of milk.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that such action is necessary to permit the continued pooling of supply plants and the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning the suspension. Two comments in support of this action were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the Federal Register.

List of Subjects in 7 CFR Part 1030

Milk marketing orders.

It is therefore ordered, that the following provisions in title 7, part 1030, § 1030.7(b)(6)(v) of the Chicago Regional order, are hereby suspended for the months of October 1, 1992, through January 31, 1993.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. The authority citation for 7 CFR part 1030 continues to read as follows:


§ 1030.7 [Temporarily suspended in Part]

2. In § 1030.7, paragraph (b)(6)(v) is hereby suspended for the months of October 1, 1992, through January 31, 1993.


John E. Frydenlund,
Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92-26330 Filed 10-29-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1139

[Docket No. AO-309-A31, DA-92-37]

Milk in the Great Basin Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the period of December 1, 1992, through August 31, 1993, provisions of the Great Basin order limiting the amount of milk that a producer-handler may purchase from pool plants or other order plants without losing its unregulated status. The same provisions were previously suspended for the period of December 1990 through August 1991 based on a public hearing held at Salt Lake City, Utah, on August 27-28, 1990, and again for December 1991 through August 1992. The suspension is needed to facilitate the orderly marketing of milk pending final actions based on the 1990 hearing.

EFFECTIVE DATE: December 1, 1992, through August 31, 1993.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-4829.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:


Recommended Decision: Issued August 24, 1992; published August 28, 1992 (7 FR 39148).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Puruant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain producer-handlers and tends to encourage more orderly marketing of milk in the Great Basin marketing area.

The final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Great Basin marketing area.

After consideration of all relevant material, including the record of the hearing, the exceptions and comments received in response to the Recommended Decision, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act for the period of December 1, 1992, through August 31, 1993:

In § 1139.10(b)(1)(ii), the words "in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during the month."

Statement of Consideration

This action makes inoperative for the months of December 1992 through August 1993 or until the amendatory formal rulemaking proceeding is concluded, whichever is earlier, the provisions of the Great Basin milk order that limit the amount of milk that a producer-handler may purchase from pool plants and other order plants.

Under the current provisions, the amount of milk that a producer-handler may buy from pool plants or from other order plants to supplement its own production is limited to 5,000
pounds or 5 percent of its Class I sales, whichever is greater.

This provision was previously suspended for the months of December 1990 through August 1991, and again for the months of December 1991 through August 1992. The suspension was requested by Brown Dairy, Inc., a producer-handler located in Coalville, Utah, pending completion of action on several proposed amendments to the Great Basin order that were considered at the hearing held August 27-28, 1990 at Salt Lake City, Utah.

On August 24, 1992, the Acting Administrator issued a Recommended Decision that adopted an amendment proposed by Brown Dairy. The amendment would remove the limit on supplemental Class I milk purchases from pool plants during December through August for a producer-handler who did not exceed the purchase limit during the prior September-November period. Comments and exceptions were filed by several parties in response to the Recommended Decision. The only comment received in response to the producer-handler issue was filed by Western Dairymen Cooperative, Inc. (WDCI). Briefly stated, WDCI supported the concept, but felt that the proposed provisions were too liberal.

The basis for producer-handler exemption from full regulation is that producer-handlers are usually small-volume operations that tend to be self-sufficient in maintaining the burden of their own reserve milk supplies. The order’s limit on supplemental purchases is intended to prevent producer-handlers from shifting the burden of maintaining a reserve milk supply to pool producers, particularly the seasonal reserves that result from the seasonal variation in milk production. Otherwise, a producer-handler could shift this burden to pool producers by maintaining sales accounts equal to its production in peak-production months and then buying supplemental milk from pool sources during the low-production months (September through November).

By keeping the supplemental purchase limit in effect for the seasonally low-production months of September through November, the pool producers would tend to be protected from carrying the seasonal reserve supply burden for producer-handlers. In addition, if the limit were applied only during such months, it would provide an incentive for producer-handlers to change their breeding program to effect peak production during the market’s low-production months and obtain supplemental supplies during the period of higher production in the market. This would tend to lessen the burden of wide seasonal swing in the volume of total reserve supplies in the market and thereby contribute to marketing efficiencies. In addition, it would tend to discourage excess surplus production by producer-handlers. Also, it would facilitate potential marketing efficiency that may be gained by enabling producer-handlers to service nearby ski resort and summer camp accounts.

It is not likely that the necessary amendatory action procedures will be completed by December 1, 1992. It is therefore concluded that the limit should be suspended for the months of December 1992 through August 1993, or until such time as the amendatory rulemaking noticed at 55 FR 33915-33918 (August 20, 1990) is completed if that date is earlier.

It is hereby found and determined that notice of a proposed suspension, public procedure thereon, and thirty days’ notice of the effective date thereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that unnecessary production of surplus milk by producer-handlers is being discouraged by the limit on purchases of pool milk by producer-handlers and the limit is unduly disrupting the marketing of milk to seasonal recreational sales accounts in the marketing area;

(b) This suspension does not require the removal of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for the suspension were fully reviewed at a public hearing and all interested parties had the opportunity of being heard on this matter and to file exceptions to the Recommended Decision.

Therefore, good cause exists for making this order effective December 1, 1992.

List of Subjects in 7 CFR Part 1139

Milk Marketing Orders.

It is therefore ordered, That the following provisions in title 7, part 1139, § 1139.10 of the Great Basin order are hereby suspended for the period of December 1, 1992, through August 31, 1993, or until such time as the amendatory rulemaking noticed at 55 FR 33915-33918 (August 20, 1990) is completed, if that date is earlier.

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

1. The authority citation for this CFR part 1139 continues to read as follows:


§ 1139.10 (Temporarily Suspended in Part)

2. In § 1139.10(b)(1)(ii), the words “in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person’s Class I disposition during the month” are suspended for the period of December 1, 1992, through August 31, 1993.

John E. Frydenlund,
Deputy Assistant Secretary, Marketing and
Inspection Services.

[FR Doc. 92-26338 Filed 10-29-92; 8:45 am]
BILLING CODE 3410-02-48
Federal Register / Vol. 57, No. 211 / Friday, October 30, 1992 / Rules and Regulations

thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a national health or the provision of state or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. The Act provides that the district court of the United States in the district in which person resides or does business has jurisdiction to review the Secretary’s determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

This action also was reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the Federal Register (51 FR 31808), and it was determined that the Order would not have a significant effect upon a substantial number of small entities. Many importers may be classified as small entities. This final rule decreases the amount of assessments on imported pork and pork products subject to assessment by three- to four-hundredths of a cent per pound, or as expressed in cents per kilogram, seven- to nine-hundredths of a cent per kilogram. Adjusting the assessments on imported pork and pork products will result in an estimated decrease in assessments of $170,000 over a 12-month period.

Accordingly, the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801-4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. However, that rate was increased to 0.35 percent effective December 1, 1986 (56 FR 51835). The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the Federal Register (51 FR 31898; as corrected, at 51 FR 36393 and amended at 55 FR 1909, 53 FR 30243, and 56 FR 51635) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay the U.S. Customs Service (USCS), upon importation, the assessment of 0.35 percent of the animal’s declared value and importers of pork and pork products to pay to the USCS, upon importation, the assessment of 0.35 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule decreases the assessments on all of the imported pork and pork products subject to assessment listed in 7 CFR section 1230.110 (October 15, 1991; 56 FR 51635). This decrease is consistent with the decrease in the average annual price of domestic barrows and gilts at the seven markets for calendar year 1991 as reported by the USDA, AMS, Livestock and Grain Market News (LGMMN) Branch. This decrease in assessments will make the equivalent market value of the live porcine animals from which the imported pork and pork products were derived reflect the recent decrease in the market value of domestic porcine animals, thereby promoting comparability between importer and domestic assessments. This final rule will not change the current assessment rate of 0.35 percent of the market value.

The methodology for determining the per-pound amounts for imported pork and pork products was described in the supplementary information accompanying the Order and published in the September 5, 1998, Federal Register at 51 FR 31801. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the USDA Statistical Bulletin No. 616 “Conversion Factors and Weights and Measures.” These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average seven market price for barrows and gilts as reported by the USDA, AMS, LGMMN Branch. This average price is published on a yearly basis during the month of January in the LGMMN Branch’s publication “Livestock, Meat, and Wool Weekly Summary and Statistics.” Finally, the equivalent value is multiplied by the applicable assessment rate of 0.35 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual seven market price decreased from $54.55 in 1990 to $48.46 in 1991, a decrease of about 11 percent. This decrease will result in a corresponding decrease in assessments for all the Harmonized Tariff Systems (HTS) numbers listed in the table in §1230.110 of an amount equal to three- to four-hundredths of a cent per pound, or as expressed in cents per kilogram, seven- to nine-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products the decrease in assessment amounts will result in an estimated $170,000 decrease in assessments over a 12-month period.

On June 23, 1992, AMS published in the Federal Register at 57 FR 27949 a proposed rule which would decrease the per pound assessment on imported pork and pork products consistent with decreases in the 1991 average prices of domestic barrows and gilts to provide comparability between importer and domestic assessments. The proposal was published with a request for comments by July 23, 1992. No comments were received. Accordingly, this final rule establishes the per pound and per kilogram assessments on imported pork and pork products as proposed.
DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
30 CFR Part 936
Pennsylvania Abandoned Mine Lands Reclamation Plan

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Pennsylvania Abandoned Mine Land Reclamation Program (hereinafter referred to as the PA-Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to new PA-Plan program initiatives made in response to the Pennsylvania Abandoned Mine Reclamation Act of 1990 (Public Law 101-508). The amendment also provides information for the new program initiatives and updates the information, policies, and procedures that affect Part B of the original Plan.


FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, PA 17101, Telephone: (717) 782-4038.

SUPPLEMENTARY INFORMATION:
I. Background on the Pennsylvania Program

On July 31, 1982, the Pennsylvania Plan was made effective by the approval of the Secretary of the Interior.

Information on the general background of the Pennsylvania Plan, including the Secretary’s findings, the disposition of comments, and an explanation of the conditions of the approval of the Pennsylvania Program can be found in the July 30, 1982, Federal Register (47 FR 33079).

II. Submission of Amendment

By letter dated April 17, 1992 (Administrative Record No. PA-806.00), the Pennsylvania Department of Environmental Resources (PADER) submitted to OSM a proposed amendment to revise the PA-Plan on its own initiative. The amendment would change the PA-Plan to allow for program initiatives made available under the Abandoned Mine Reclamation Act of 1990. In addition, the amendment proposes to update policies, procedures, and information contained in the PA-Plan as originally approved.

The amendment consists of parts D and E to be added to the original plan made up of parts A, B, and C. Part D provides information for the new program initiatives and updates the information, policies, and procedures that affect Part B of the original Plan. Part E contains a detailed discussion of the program modifications to implement the new initiatives under the Abandoned Mine Reclamation Act of 1990 and information required by 30 CFR 894.14 to demonstrate that the State has the authority, policies, and administrative structure to carry out the new initiatives of the PA-Plan and its abandoned mine land reclamation (AMLR) program in general.

On July 31, 1992, in response to an issue letter prepared by OSM on July 28, 1992, Pennsylvania submitted additional minor revisions to the program amendment (Administrative Record No. PA-806.30). The revisions consisted of primarily word and reference changes to clarify the proposed language of parts D and E of the amendment.

OSM announced receipt of the proposed amendment in the May 29, 1992, Federal Register (57 FR 22673) and in the same notice opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on June 29, 1992. The public hearing scheduled for June 23, 1992, was not held.

List of Subjects in 7 CFR Part 1230
Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Subpart B—[Amended]
2. Subpart B—Rules and Regulations is amended by revising § 1230.110 to read as follows:
§ 1230.110 Assessments on Imported Pork and Pork Products.

The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

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<th>Live porcine animals</th>
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<tr>
<td>0203.91.00006...........</td>
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<td>0.35 percent customs entered value.</td>
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</tbody>
</table>

The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

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Dated: October 27, 1992
Daniel Haley,
Administrator.
FR Doc. 92-26360 Filed 10-29-92; 8:45 am]
BILLING CODE 3140-02-M

Federal Register / Vol. 57, No. 211 / Friday, October 30, 1992 / Rules and Regulations 49135
III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR part 884, are the Director's findings concerning the proposed amendment to the PA-Plan. Nothing in this amendment affects the State's authorization to conduct the PA-Plan as originally approved on July 31, 1982 (47 FR 33079). Only those revisions to the original plan approved by OSM that substantively amend the PA-Plan will be discussed in this final rule. Minor revisions not specifically discussed are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below contain language similar to the corresponding Federal rules, concern non-substantive wording changes, or revise cross-references and paragraph notation to reflect organizational changes resulting from this amendment.

1. New Initiatives Response to Abandoned Mine Reclamation Act of 1990

Abandoned Mine Land (AML) Site Eligibility Criteria

Pennsylvania is revising the PA-Plan by adding:

Part D.I.B.(1) and part E.II. to include the new eligibility criteria for sites where the coal mining occurred during the period beginning on August 4, 1977, and ending on or before the date the Secretary approved the State program (July 31, 1982), and where any funds available for reclamation are not sufficient to provide for adequate reclamation or abatement at the site; and

Part D.I.B.(2) and part E.III. to include the new eligibility criteria for abandoned sites where the coal mining occurred during the period August 4, 1977, and ending on or before November 5, 1990, where the surety of such mining operator became insolvent during such period, and where funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are not sufficient to provide for adequate reclamation at the site.

Pennsylvania is also adding a provision to part D.I.B. that applies to both eligibility criteria that requires the State to follow the priorities established in paragraphs (1) and (2) of section 403(a) of SMCRA and to give priority to those sites which are in the immediate vicinity of a residential area or have an adverse economic impact on a community.

Since each of these provisions is substantively identical to SMCRA section 402(g)(4)(B) (i) and (ii) and (C), the Director finds that they are no less stringent than these counterpart Federal statutes.

b. Acid Mine Drainage Abatement and Treatment Fund

Pennsylvania is revising its Plan in parts D.I.C. and II.F. and part E.IV. to enable the State to receive and retain up to 10 percent of its total grant awarded under paragraphs (1) and (5) of section 402(g) of SMCRA to be deposited in an Acid Mine Drainage Abatement and Treatment Fund (AMD Fund).

Pennsylvania is also adding provisions to part E.IV. which discuss in detail the procedures for the development and implementation of the AMD abatement and treatment plans to provide for the abatement of the causes and treatment of the effects of acid mine drainage. The Director finds that the State's revisions to its Plan to be substantively identical to and therefore no less stringent than the counterpart provisions in section 402(g)(6) and (7) of SMCRA as amended in 1990.

c. Water Supply Replacement Projects

Pennsylvania is revising the PA-Plan by adding parts D.I.D. and part E.V. to enable the State to spend up to 30 percent of the funds allocated under paragraphs (1) and (5) of SMCRA section 402(g), to protect, repair, replace, construct, or enhance facilities related to water supply adversely affected by coal mining practices. In addition, the revisions clarify that the criteria allow for funding where a predominance of the adverse affects was caused by coal mining that occurred prior to August 3, 1977. The Director finds that the revisions are substantively identical to and therefore no less stringent than the requirements of SMCRA at section 430(b)(1) and (2) as amended in 1990.

2. Administration and Management

Pennsylvania is adding part D.II.C. of its Plan to reflect changes in the organizational structure of the PADER. The new organization structure is contained in Exhibit 5 of the revised Plan. The Federal regulations at 30 CFR 884.13(d)(1) require that the State provide a description of the administrative and management structure, including the organization of the designated agency conducting the reclamation activity. The Director finds the State's organizational changes to be consistent with the provisions of the cited Federal regulation.

3. Policies and Procedures

a. Pennsylvania is revising its Plan in part D.III.C to delete reference to those State Executive Orders and Directives that have been revoked or have expired. In conjunction with those changes, the PA-Plan is also being revised to include a narrative concerning coordination with the Bureau of Forestry for the gathering of information on endangered and threatened species within the State and coordination with the State Historical Preservation Office for conducting archaeological and historical studies. In addition, reference is made to the Memorandum of Understanding (MOU) between the PADER and applicable County Conservation Districts that outline the method of cooperation pertaining to activities under the PA-Plan.

b. Pennsylvania is revising part D.III.E. of its Plan to incorporate revisions to the criteria used to determine whether to file a lien for increases in property value resulting from an AML project. The Federal regulations at 30 CFR 882.13(a) provide the State with the discretionary authority to place or waive a lien against land reclaimed if the reclamation results in a significant increase in the fair market value. OSM reviewed and approved the modifications on June 11, 1986 (Administrative Record No. PA-806.13), and again on October 24, 1989 (Administrative Record No. PA-806.12).

Based upon these approval, the Director finds that the revisions to part D.III.E. are consistent with the Federal counterpart regulations at 30 CFR 882.13.

4. Contents of Pennsylvania Reclamation Plan

Part E.I. of Pennsylvania's Plan contains discussions that provide references to the following information pertaining to the PA-Plan in general:

a. A designation by the Governor of the agency authorized to administer the reclamation program;

b. A legal opinion from the State Attorney General that the designated...
agency has the authority under State law to conduct the program;

(c) A description of the policies and procedures to be followed by the designated agency in conducting the reclamation program;

d) A description of the administrative and management structure to be used in conducting the reclamation program; and

e) A general description of the reclamation activities to be in conducted under the State reclamation plan.

Pennsylvania submitted these discussions to satisfy each of the requirements of 30 CFR 884.14 and 884.13. Since the information does satisfy the requirements of 30 CFR 884.13 and 884.14, the Director finds part E.I to be consistent with these Federal regulations.

III. Summary and Disposition of Comments

Public Comments

OSM solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received as of June 29, 1992, the close of the public comment period. Since no one requested an opportunity to testify at a public hearing, the scheduled hearing was not held.

Agency Comments

In accordance with 30 CFR 884.14(a)(2), OSM solicited the views of other Federal agencies having an interest in the amendment. The U.S. Department of the Interior, Bureau of Mines and the U.S. Department of Agriculture, Soil Conservation Service responded without providing comments. The U.S. Department of Labor, Mine Safety and Health Administration, commented that the language and complexity was sufficiently discussed in the exhibits and that the exhibits provide adequate justification for the document format. The U.S. Department of the Interior, Fish and Wildlife Service, Environmental Protection Agency, and the U.S. Department of the Army Corps of Engineers did not respond to requests for comments.

IV. Director's Decision

Based on the above findings, the Director is approving the program amendment to the PA-Plan submitted by Pennsylvania on April 17, 1992.

The Federal rules at 30 CFR part 938 codifying decisions concerning the Pennsylvania program are being amended to implement this decision. This amendment to the Federal rules is being made effective immediately to expedite the State amendment process and to encourage states to bring their programs in conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of the program amendment which 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.). The Director has determined that this amendment contains no such provisions and that EPA concurrence is therefore unnecessary.

V. Procedural Determinations

Executive Order 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 6 of Executive Order 12291 for actions related to approval or disapproval of State AMLR plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 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 AMLR plans and revisions thereof since each such plan is drafted and adopted by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of title IV of SMCRA (30 U.S.C. 1231–1243) and the Federal regulations at 30 CFR part 884.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM, appendix 8, paragraph 8.4E(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget 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 submitted which is the subject of this rule is based upon 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. Hence, this rule will ensure that existing requirements established by SMCRA or 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 in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 938

Abandoned Mine Land Plans, Coal Mining, Intergovernmental relations, Surface mining, Underground mining.


Jeffrey D. Jarrett,
Acting Assistant Director, Eastern Support Center.

PART 938—PENNSYLVANIA—[AMENDED]

1. The authority citation for part 938 continues to read as follows:


2. Section 938.20 is revised to read as follows:

§ 938.20 Approval of the Pennsylvania Abandoned Mine Land Reclamation Plan.

The Pennsylvania Abandoned Mine Land Reclamation Plan as submitted on November 3, 1980, is approved. Copies of the approved Plan are available at the following locations:

Department of Environmental Resources, Office of Resources Management, Third and Reilly Street, Evangelical Press Building, 2nd Floor, Harrisburg, PA 17120
Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite
§ 938.25 Approval of Pennsylvania Abandoned Mine Reclamation Plan (AMLR) amendments.

(a) The Pennsylvania AMLR Plan amendment submitted April 17, 1992, is approved effective October 30, 1992. [FR Doc. 92-28280 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Coding Accuracy Support System (CASS) Certification of Address Matching Software/Hardware for Automation-Based Rates

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends the requirements for Coding Accuracy Support System (CASS) certification of address matching software used to prepare automation-rate mailings to require that address matching software products be capable of generating accurate delivery point barcode (DPBC) information.

As explained in the proposed rule, the purpose of this change was to eliminate costly and redundant Postal certification processes and ensure that the necessary CASS certified address matching software is in place for mailers to make a smooth transition from ZIP +4 barcoding to delivery point barcoding by the March 21, 1993, effective date that has been proposed by the Postal Service.


FOR FURTHER INFORMATION CONTACT: George T. Hurst, (202) 268-5232.

SUPPLEMENTARY INFORMATION: On July 21, 1992, the Postal Service published in the Federal Register a proposed rule to eliminate CASS certification of ZIP +4 address matching software and replace it with delivery point coding certification, as well as to offer CASS certification of 2-digit delivery point add-on matching software, 57 FR 32188. The deadline for submitting comments on the proposed rule was August 17, 1992. All comments received or mailed by that date have been considered. The Postal Service received a total of 2 comments from 1 commenter representing a corporation. On the basis of the comments received and further consideration of the proposals by the Postal Service, the Postal Service has decided to adopt the regulations as proposed.

Evaluation of Comments Received

One comment objected to the proposed requirement that 2-digit delivery point coding (DPC) utilities (address matching software capable of generating only the DPC information) be used only on addresses that have been previously standardized with CASS certified address matching software. The commenter noted that the Postal Service's ZIP +4 file cannot validate the accuracy of a specific "house number" in that it contains ZIP +4 code information pertaining to ranges of address records and therefore it is not useful as a standardization mechanism prior to using a 2-digit DPC utility. The commenter further stated that the mere presence of a ZIP +4 code on a database record, obtained from a CASS certified process, is evidence enough that the record can be, and in fact is standardized, and that the house number (or primary street number) has been validated for accuracy to the extent possible using the Postal Service's current ZIP +4 file. The commenter concluded that there is no increased assurance of address accuracy through standardization, and therefore the proposed requirement that mailers' addresses be replaced with the Postal Service's standardized version for purposes of delivery point barcoding with 2-digit utilities should not be adopted.

The Postal Service has determined that address quality can be substantially enhanced when using the standardized address information available on the Postal Service's ZIP +4 files. A large portion of the addresses that have been previously standardized with 2-digit DPC utilities can enhance tile format by placing secondary, numerical address information in proper tile sequence. For these reasons, the Postal Service adopts the requirement that 2-digit DPC utility software be used only with addresses that have been previously standardized via a CASS certified address matching process to ensure the accuracy of the information the software must identify to develop a correct DPC.

The second comment concerned the accuracy of specific primary street records during a CASS certified address matching process. In addition, address matching software used properly in conjunction with the current ZIP +4 file can enhance file format by placing secondary, numerical address information in proper file sequence. For many addresses, proper sequencing of numerical information is essential prior to processing with a 2-digit DPC utility to develop correct delivery point information. A 2-digit DPC utility must detect the appropriate set of numbers (or characters) from which it must develop the correct delivery point code information on a given address. The actual placement and/or format of numerical information in an address record may, in some instances, be the only means by which a 2-digit utility can distinguish the correct information to use in generating the delivery point code information.

For instance, address records having an apartment number preceding the street number may be correctly ZIP +4 coded using current CASS certified address matching software (this type of software performs a standardization routine prior to address matching to the USPS ZIP +4 file). Under existing requirements, however, correctly sequenced, standardized addresses generated from this CASS certified address matching process do not have to be rewritten back to address lists. The original, missequenced, nonstandardized addresses can be used for mailings at ZIP +4 barcoded rates as long as they have been correctly ZIP +4 coded using a CASS certified process.

However, 2-digit utility software is not required to perform address standardization before identifying the primary street number. Accordingly, such addresses would likely be incorrectly delivery point coded using a 2-digit utility because the first set of numbers appearing in the delivery address line would not represent the primary street number from which the delivery point code information is derived. The same is true of address records having a suite number improperly placed directly after the street number, separated by only a hyphen. The only effective means of assuring that 2-digit DPC utilities develop delivery point code information from the appropriate address characters is to use them exclusively on addresses that have been previously standardized and ZIP +4 coded via CASS certified address matching software.

For these reasons, the Postal Service adopts the requirement that 2-digit DPC utility software be used only with addresses that have been previously standardized via a CASS certified address matching process to ensure the accuracy of the information the software must identify to develop a correct DPC.