

or exceed the required nominal full load efficiency rating. The individual sample efficiencies must comply with the nominal efficiency tolerance required by the Standard. Manufacturers information indicating efficiency ratings must be in agreement with CSA International's records.

Selection of Basic Model Types To Represent A Series of Motors

A minimum of five (5) basic model types are required to be tested to verify the efficiency ratings of a series of motors. The basic model types are to be selected such that they represent the complete range of motors within the series. This may require that more than 5 basic model types are selected. High volume production motors are to be represented in the basic model types selected.

Samples Required for Scheduled Motor Retesting

A goal for verifying continued compliance with the standard is to re-test high volume motors at least once every 2 years. Other motors of different frame series are to be re-tested as needed to ensure continued compliance.

The initial sample lot shall consist of one motor. If the result equals or exceeds the minimum result from the qualification tests, then no further samples are required. If the result is less than the minimum result from the qualifying tests, then select motor samples per the qualifying test procedure.

Summary of CSA International Section 4 Supporting Documentation

Section 4, Attachment 1, contains a copy of an information letter to "All Manufacturers, Distributors and Importers of Three Phase Induction Motors Rated 1 hp to 200 hp," which is entitled "CSA Energy Efficiency Verification Program for Three Phase Induction Motors Covered by CSA Standard CAN/CSA C390-M85," and provides a table of applicable energy efficiency levels extracted from Table 3 of CSA Standard 390-M85, "Energy Efficiency Test Methods for Three-Phase Induction Motors." On January 28, 2000, CSA International provided to the U.S. Department of Energy a copy of Table 2, "Minimum Nominal Efficiency (January 1996)," from CSA Standard C390-93, and made the assertion that its verification program tests to these requirements.

Also, Section 4, Attachment 1, contains a copy of a CSA International information bulletin addressed to "Manufacturers, Distributors and Importers of Electric Motors," dated August 31, 1992, which is entitled "CSA Energy Efficiency Verification of Electric 3-Phase Induction Motors," and provides a "Guide to the CSA Energy Efficiency Verification Service."

Section 4, Attachment 2, is a copy of the CSA International Directory, "List of Products CSA Verified for Energy Efficiency 1999," DIR 016-99.

Section 5.—Examples of Other CSA International Accreditations

The certification system and technical capabilities of the Association have enabled CSA International to be accredited nationally

and internationally for a wide product spectrum such as electrical safety, energy efficiency, plumbing and gas. See Attachment 1 for examples of accreditations CSA International has received.

Summary of CSA International Section 5 Supporting Documentation

Section 5, Attachment 1, contains copies of the following documents CSA International has received in recognition of its certification system and technical capabilities:

1. Letter of inclusion in the register of Recognized Certification Bodies for Electrical Products (Safety) Regulation, from the Electrical & Mechanical Services Department, Hong Kong, December 27, 1997;
2. Certificate of Accreditation in recognition of being an Accredited Environmental Laboratory from the Canadian Association for Environmental Analytical Laboratories Inc. and the Standards Council of Canada, December 1, 1998;
3. Letter of listing as an administrator for the HUD Building Certification Program for plastic plumbing fixtures, from the U.S. Department of Housing and Urban Development, September 19, 1997;
4. Letter of listing as an approved testing laboratory from the International Association of Plumbing and Mechanical Officials, September 12, 1997;
5. Letter and certificates of accreditation for commercial products testing plumbing fixtures and fixture fittings from the National Voluntary Laboratory Accreditation Program, U.S. Department of Commerce, July 28, 1998;
6. Notice of final decision for recognition of the Canadian Standards Association as a Nationally Recognized Testing Laboratory from the Occupational Safety and Health Administration, U.S. Department of Labor, 61 FR 59110 (November 20, 1996);
7. Letter and certificates of approval as a testing laboratory for electrical and mechanical equipment (gas and plumbing) from the City of Los Angeles, California, December 31, 1996;
8. National Evaluation Service Committee Report of findings that the Canadian Standards Association complies with the requirements for a testing laboratory for HVAC and refrigeration equipment, plumbing fixtures and material, electrical products—including electric motors, natural gas-fired appliance, oil-fired appliances and precast/prestressed concrete products, from the National Evaluation Service, Inc., May 1, 1996;
9. Letter of recognition as an approved testing laboratory for gas, oil and electric appliances and accessories from the Department of Consumer & Industry Services, State of Michigan, March 19, 1998;
10. Letter of accreditation to label electrical and mechanical equipment from the North Carolina Building Code Council, Department of Insurance, State of North Carolina, September 19, 1997;
11. Certificate of Accreditation as a certification organization from the Standards Council of Canada, October 5, 1993; and
12. Letter of renewal of accreditation as an electrical testing laboratory from the

Department of Labor and Industries, State of Washington, May 16, 1997.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SPATS No. AL-069-FOR]

Alabama 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 Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alabama proposes revisions to and additions of regulations concerning removal of coal incidental to government financed construction and general requirements for reclamation plans. Alabama also corrected citation references. Alabama intends to revise its program to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Alabama program and the proposed 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 will follow for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., c.d.t., May 26, 2000. If requested, we will hold a public hearing on the amendment on May 22, 2000. We will accept requests to speak at the hearing until 4:00 p.m., c.d.t. on May 11, 2000.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Arthur W. Abbs, Director, Birmingham Field Office, at the address listed below.

You may review copies of the Alabama 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 Birmingham Field Office.

Arthur W. Abbs, Director, Birmingham Field Office, Office of Surface Mining, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290-7282
Alabama Surface Mining Commission, 1811 Second Avenue, P.O. Box 2390, Jasper, Alabama 35502-2390, Telephone (205) 221-4130

FOR FURTHER INFORMATION CONTACT:

Arthur W. Abbs, Director, Birmingham Field Office. Telephone: (205) 290-7282. Internet: aabbs@balgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the May 20, 1982, **Federal Register** (47 FR 22062). You can find later actions on the Alabama program at 30 CFR 901.15 and 901.16.

II. Description of the Proposed Amendment

By letter dated April 11, 2000 (Administrative Record No. AL-0631), Alabama sent us an amendment to its program under SMCRA and the Federal regulations at 30 CFR 732.17(b). Alabama sent the amendment in response to our letter dated January 13, 1998 (Administrative Record No. AL-0577), that we sent to Alabama under 30 CFR 732.17(c). The amendment also includes changes made at Alabama's own initiative. Alabama proposes to amend the Alabama Surface Mining Commission (ASMC) rules. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES**.

A. 880-X-2A-.06, Definitions

Alabama proposes to revise the definition of "government-finance construction" to read as follows:

Government-finance construction means construction funded 50 percent or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds. Funding at less than 50 percent may qualify if the construction is undertaken as an approved reclamation project under Title IV of the Federal Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, as amended. Construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments does not qualify as government-financed construction.

Alabama also corrected citation references in the definitions of "material damage" and "occupied residential dwelling and structures related thereto."

B. 880-X-2D-.04, Applicability

Alabama proposes to add language to this section to provide that, with the exception of the requirements of new section 880-X-2D-.06, coal extraction which is incidental to government-financed construction is exempt from the Alabama Surface Mining Control and Reclamation Act (ASMCRA) and its implementing regulations.

C. 880-X-2D-.06, Additional Requirements for Coal Removal Incidental to Abandoned Mine Land Projects

Alabama proposes to add this new section to provide additional requirements for coal removal incidental to Abandoned Mine Lands (AML) projects. The requirements of this section apply to coal removal incidental to government financed construction where funding for the project is less than 50 percent and the construction is undertaken as an approved reclamation project under Title IV of the Federal Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*, as amended. Paragraph (1) requires the AML contractor and any subcontractor involved in the removal of coal from, or processing of coal on, the project site to obtain or possess a valid license under 880-X-6. Paragraph (2) requires the AML contractor to identify the prospective purchasers or end users of all coal that he or she will extract under the project before the ASMC can grant concurrence under 30 CFR 874.17. Paragraph (3) requires the AML contractor to maintain records of the exact tonnage of coal removed, as well as the names and addresses of all purchasers or end users of the coal at the project site. The AML contractor must make these records available to the ASMC upon request. Paragraph (4) provides that this exemption applies only to coal located within the boundaries of the approved construction project. In addition, removal of the coal must be necessary to achieve the objectives of the AML project. Paragraph (5) provides that both the Alabama Department of Industrial Relations and the ASMC must approve the project in accordance with the provisions of 30 CFR 874.17 before the AML contractor can remove coal under this Subchapter. Finally, paragraph (6) provides that all coal removal under this exemption must be under the direct supervision of the AML contractor. He or she is liable for any violations of these regulations.

D. 880-X-8I-.08, Reclamation Plan: General Requirements

Alabama proposes to add two additional sentences to section 880-X-8I-.08(2)(d) to read as follows:

A demonstration of the suitability of topsoil substitutes or supplements shall be based upon analysis of the thickness of soil horizons, total depth, texture, percent coarse fragments, pH, and areal extent of the different kinds of soils. The regulatory authority may require other chemical and physical analyses, field-site trials, or greenhouse tests if determined to be necessary or desirable to demonstrate the suitability of the topsoil substitutes or supplements.

E. 880-X-8I-.10, Subsidence Control Plan

Alabama corrected a citation reference at 880-X-8I-.10(2)(h).

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Alabama program.

Written Comments: If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the notice, and explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments: Please submit Internet comments as an ASCII, WordPerfect, or Word file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS NO. AL-069-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Birmingham Field Office at (205) 290-7282.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at OSM's Birmingham Field Office (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your

name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

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., c.d.t. on May 11, 2000. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who testifies at the public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

If you are disabled and need a special accommodation to attend a public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting: If only one person requests an opportunity to speak at a hearing, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to “establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.” Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be “in accordance with” the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations “consistent with” regulations issued by the Secretary under SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of this section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not 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

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that 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 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. Therefore, 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.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

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 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 13, 2000.

Ervin J. Barchenger,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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