Medicine's (ACOEM) ''Guidelines for Protecting Health Care Workers Against Tuberculosis'' (Ex. 179–3); (2) ''Laboratory Performance Evaluation of N95 Filtering Facepiece Respirators, 1996'' (Morbidity and Mortality Weekly Report, December 11, 1998) (Ex. 179–4); (3) ''The Costs of Healthcare Worker Respiratory Protection and Fit-Testing Programs'' by Scott E. Kellerman et al. (September 1998, Journal of Infection Control and Epidemiology) (Ex. 179–5) and (4) ''The Relative Efficacy of Respirators and Room Ventilation in Preventing Occupational Tuberculosis'' by Kevin Fennelly and Edward Nardell (October 1998, Journal of Infection Control and Epidemiology) (Ex. 179–6).

Reopening of the Record and Request for Comments

In order to complete the rulemaking record on issues related to the feasibility of the proposed standard for homeless shelters and medical waste treatment facilities, OSHA is now reopening the rulemaking record and placing in the record the final homeless shelter study, ''Final Report on Site Visits to Nine Homeless Shelters'', (Ex. 179–1) and the NIOSH medical waste facility HHE(Ex. 179–2). OSHA is also submitting four additional documents, listed above, which include three articles related to respiratory protection issues discussed during the hearings and one article by the ACOEM outlining recommendations for controlling the transmission of TB. These exhibits are available in the Docket Office at the address listed above.

OSHA seeks public comment on (1) the homeless shelter report, (2) the NIOSH HHE, and (3) the underlying issues related to the feasibility of the proposed standard for homeless shelters, and whether the standard should cover medical waste treatment facilities, to help OSHA determine whether and, if so, how homeless shelters and medical waste treatment facilities should be regulated under the final TB standard. Comments are also requested on whether OSHA should require laboratories to decontaminate medical wastes containing *Mycobacterium tuberculosis* before these wastes are sent offsite for disposal. In addition, new information on including TB and AIDS clinics as well as social service workers and parole and probation officers within the scope of a final standard is sought.

OSHA also requests comment on four additional documents: the ACOEM TB guidelines and three articles addressing respiratory protection against TB, which are listed above. In particular, the Agency is interested in comments regarding the adequacy of qualitative fit-testing for N95 respirators for determining a face-seal leakage of no greater than 10 percent.

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC, this 9th day of June, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–15240 Filed 6–16–99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SPATS No. MO–035–FOR]

Missouri Regulatory Program

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of additional information about a previously proposed amendment to the Missouri regulatory program (Missouri program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Missouri submitted supporting documentation for the normal husbandry practices proposed in the previous amendment. The practices include applying pesticides and soil amendments; subsoiling; repairing rills and gullies; burning; overseeding; and planting and pruning trees. Missouri intends to revise its program to be consistent with the corresponding Federal regulations.

DATES: We will accept written comments until 4:00 p.m., c.d.t., July 19, 1999.

ADDRESSES: You should mail or hand deliver written comments to John W. Coleman, Mid-Continent Regional Coordinating Center, at the address listed below.

You may review copies of the Missouri program, the amendment, 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 Mid-Continent Regional Coordinating Center.

John W. Coleman, Mid-Continent Regional Coordinating Center, Office of Surface Mining, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002, Telephone: (618) 463–6460.

Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, Missouri 65102, Telephone: (573) 751–4041.

FOR FURTHER INFORMATION CONTACT: John W. Coleman, Mid-Continent Regional Coordinating Center. Telephone: (618) 463–6460. Internet: jcoleman@mcrgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Missouri Program

On November 21, 1980, the Secretary of the Interior conditionally approved the Missouri program. You can find general background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the November 21, 1980, **Federal Register** (45 FR 77017). You can find later actions on the Missouri program at 30 CFR 925.12, 925.15, and 925.16.

II. Discussion of the Proposed Amendment

By letter dated October 10, 1990, Missouri sent us an amendment to its program under SMCRA (Administrative Record No. MO–519). We announced receipt of the amendment in the November 1, 1990, **Federal Register** (55 FR 46076) and invited public comment on its adequacy. The public comment period closed December 3, 1990. In the September 29, 1992, **Federal Register** (57 FR 44660), we approved the amendment with exceptions. The exceptions included revisions to Missouri's regulation at 10 CSR 40–7.021(1)(B)2 concerning normal husbandry practices. We did not approve this regulation because Missouri had not provided evidence to substantiate the use of each proposed practice as a normal husbandry practice. As codified at 30 CFR 925.16(p)(15), we required Missouri to provide such evidence for the administrative record or to delete the regulation at 10 CSR 40–7.021(1)(B)2.

By letter dated June 4, 1999, Missouri submitted agricultural publications and

guidelines developed by the University of Missouri—Columbia Extension Division (UMC); other cooperative extension services in cooperation with the U.S. Department of Agriculture; the Missouri Department of Conservation (MDOC); and the U.S. Natural Resources Conservation Service (NRCS) as supporting documentation for the normal husbandry practices proposed in its regulation at 10 CSR 40–7.021(1)(B)2.

Missouri's regulation at 10 CSR 40–7.021(1)(B)2 would allow the permittee, on areas under Phase III liability or the five-year responsibility period, to use specified normal husbandry practices. The practices include: mowing; applying pesticides; applying soil amendments equal to or less than that recommended by the high management yield goals of the NRCS; subsoiling which occurs less than two feet below the surface and which does not remove the revegetation from the surface; burning; overseeding to maintain the approved composition of the stand; and planting and pruning trees. Using these practices will not cause the Phase III liability period to be extended if the permittee can demonstrate that: (1) discontinuance of these measures after the liability period expires will not reduce the probability of permanent revegetation success; (2) the practices are normal husbandry practices within the region on unmined lands having land uses similar to the approved postmining land use of the areas; and (3) the practices are necessary to prevent exploitation, destruction or neglect of the resource and to maintain the prescribed level of use or productivity. Repairing rills and gullies will not cause the Phase III liability period to be extended when rills and gullies develop after the initiation of the Phase III liability period and when that repair is restricted to the filling, grading and reseeding of the eroded portion of the area.

Missouri submitted the following documents to support the husbandry practices proposed in 10 CSR 40–7.021(1)(B)2:

Herbicides for Conservation Tillage Cropping Systems; UMC
1980 Recom. for Chemical Weed Control in Small Grains; UMC
Soil Insect Control in Reduced Tillage Cropping Systems; UMC
Corrective Liming of Missouri Soils; UMC
Using Your Soil Test Results; UMC
Native Warm-Season Grasses; MDOC
Prescribed Burning (Code 338); NRCS
Establishing Forages; UMC
Soil Compaction: The Silent Thief; UMC
Soil Compaction Tips; Cooperative Extension, University of Nebraska
Soil Compaction and Drainage; Ohio State University
Pasture and Hayland Planting (Code 512); NRCS
Tree/Shrub Establishment (Code 612); NRCS
Tree/Shrub Pruning (Code 660); NRCS
Woodland Site Preparation (Code 490); NRCS
Woodland Pruning (Code 660); NRCS
Critical Area Planting (Code 342); NRCS

III. Public Comment Procedures

We are reopening the comment period on the proposed Missouri program amendment at 10 CSR 40–7.021(1)(B)2 to provide you an opportunity to reconsider the adequacy of the amendment in light of the additional materials sent to us. Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Missouri program.

Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Mid-Continent Regional Coordinating Center.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and 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 State regulatory programs and program amendments 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

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on 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 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 substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published 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

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 10, 1999.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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