withdrawal, and the reasons for the withdrawal, to the original requestor.

Dated: February 17, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–4690 Filed 2–24–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 902

Alaska Permanent Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed program amendment.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Alaska permanent regulatory program (hereinafter, the ''Alaska program'') under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*) (SMCRA). The proposed amendment consists of revisions to rules pertaining to fees, adoption by reference, general permitting requirements, permit application information requirements, environmental resource information requirements, reclamation and operation plan, processing of permit applications, permitting for special categories of mining, exploration, small operator assistance program, bonding, performance standards, inspection and enforcement, and general provisions. The amendment is intended to revise the Alaska program to be consistent with the corresponding Federal regulations, clarify ambiguities, and improve operational efficiency. The amendment consists of proposed changes to the Alaska program as required by Part 902.16 of the Code of Federal Regulations and program deficiency letters dated November 1, 1989, February 7, 1990, and January 15, 1993.

DATES: Written comments must be received by 4:00 p.m., m.s.t. March 29, 1995. If requested, a public hearing on the proposed amendment will be held on March 24, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t. on March 14, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the Alaska program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contracting OSM's Casper Field Office.

Guy Padgett, Director, Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, Room 2128, Casper, WY 82601–1918, (307) 261–5776

Mr. Jules Tileston, Director, Division of Mining and Water Resources, Alaska Department of Natural Resources, 3601 C Street, Suite 800, Anchorage, Alaska 99503–5935, (907) 762–5163

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Director, Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION

I. Background on the Alaska Program

On March 23, 1983, the Secretary of the Interior conditionally approved the Alaska program as administered by the Alaska Department of Natural Resources. General background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program can be found in the March 23, 1983, Federal Register (48 FR 12274). Subsequent actions concerning Alaska's program and program amendments can be found at 30 CFR 902.15 and 902.16.

II. Proposed Amendment

By letter dated January 26, 1995 and FAX transmittals dated February 13 and 14, 1994 (Administrative Record No. AK IV–01), Alaska submitted proposed Amendment IV to its permanent program pursuant to SMCRA (SPATS AK–004–FOR). Alaska's proposed Amendment IV consists of: changes to the Alaska program as required by 30 CFR Part 902.16; changes in response to program deficiency letters from OSM dated November 1, 1989, February 7, 1990, and January 15, 1993; and changes to Alaska's own initiative. The provisions of the Alaska Administrative Code (AAC) that Alaska proposes to revise are: 11 AAC 05.010(a)(9) and 11 AAC 90.011, fees; 11 AAC 90.001, adoption of rules by reference; 11 AAC 90.002, responsibilities; 11 AAC 90.003, interim permits; 11 AAC 90.023, identification of interests and compliance information; 11 AAC 90.025, authority to enter and ownership information; 11 AAC 90.045(a), geology description; 11 AAC 90.049, surface water information; 11 AAC 90.083(b), reclamation plan requirements, roads; 11 AAC 90.097, transportation facilities; 11 AAC 90.099, placement of coal mine waste in underground workings; 11 AAC 90.117, processing of permit applications; 11 AAC 90.125, commissioner's findings; 11 AAC 90.126, improvidently issued permits; 11 AAC 90.127, permit conditions; 11 AAC 90.129, permit revisions and renewals; 11 AAC 90.149, alluvial valley floors; 11 AAC 90.163, exploration that substantially disturbs or is conducted in areas designated unsuitable for mining; 11 AAC 90.173, eligibility for small operator assistance; 11 AAC 90.207, self-bonding provisions; 11 AAC 90.321, hydrologic balance; 11 AAC 90.323, water quality standards; 11 AAC 90.325, diversions and conveyance of flow; 11 AAC 90.327, stream channel diversions; 11 AAC 90.336, impoundment design and construction; 11 AAC 90.337, impoundment inspection; 11 AAC 90.341, underground mine discharges; 11 AAC 90.345, surface and ground water monitoring; 11 AAC 90.375, public notice of blasting; 11 AAC 90.391, disposal of excess spoil or coal mine waste; 11 AAC 90.401, coal mine waste, refuse piles; 11 AAC 90.407, coal mine waste, dams and embankments; 11 AAC 90.409, coal mine waste, return to underground workings; 11 AAC 90.423, protection of fish and wildlife; 11 AAC 90.443, backfilling and grading; 11 AAC 90.457, Revegetation success standards; 11 AAC 90.491, construction and maintenance of roads and other transportation and support facilities; 11 AAC 90.601, inspections; 11 AAC 90.613, cessation orders, 11 AAC 90.901, applicability; 11 AAC 90.902, exception for coal extraction incidental to the extraction of other minerals; 11 AAC 90.907, public participation; and 11 AAC 90.911, definitions.

Specifically, Alaska proposes to:

—Revise 11 AAC 05.010(a)(9) and 90.011 to move the regulatory requirements for permit fees to the fee provisions for the whole department, and to set a fee for incidental boundary revisions;

—Revise 11 AAC 90.002 and delete 90.003, to eliminate provisions for continued operation or exploration under interim permits;

—Repeal and readopt 11 AAC 90.023 to clarify and add requirements for identification of ownership and control interests and compliance histories;

—Revise 11 AAC 90.025 to require ownership information for owners, lessees, and purchasers of record of

the surface and coal to be affected and owners of record of surface and mineral estates contiguous to the proposed permit area;

—Revise 11 AAC 90.045 to clarify the geologic strata for which permit application information is required.

—Revise 11 AC 90.049 to add ''alkalinity'' as a parameter required in surface water information;

—Revise 11 AAC 90.083 to require plans and schedule for road reclamation;

—Revise 11 AAC 90.097 to require descriptions of temporary fords and low water crossings;

—Revise 11 AAC 90.117(b) to clarify conditional permit issuance when unabated violations are under appeal;

—Revise 11 AAC 90.125 to add written findings regarding unabated violations for application approval or permit issuance;

—Add a new rule at 11 AAC 90.126 regarding permits subsequently found to have been improvidently issued due to unabated violations, including requirements for abatement plans or permit suspension or revocation;

—Revise 11 AAC 90.127 to require updates of ownership and control information when certain cessation orders are issued;

—Repeal and readopt 11 AAC 90.129 to add additional application requirements and procedures for major revisions, to revise the time schedules for processing of revisions, and to clarify that revisions are processed separately from associated renewal applications;

—Revise 11 AAC 90.149 to require that permit application information for alluvial valley floors include factors contributing to the collection and storage of water, regulation of flow of ground or surface waters, and water availability;

—Revise 11 AAC 90.163 to require a permit application for exploration in areas designated unsuitable for mining, for removal of more than 250 tons of coal under an exploration permit to require that coal testing is necessary for development of a surface coal mining operation for which a permit will soon be submitted, and to require that the demonstration must evidence that the entire reserve will not be removed and that other means of exploration are not adequate;

—Revise 11 AAC 90.173 to alter the proportions of coal produced by other operations that would be attributed to an applicant for small operator assistance under various ownership and control scenarios;

—Add at 11 AAC 90.207 new requirements for self-bonding;

—Revise 11 AAC 90.321, 90.325, 90.327, and 90.341 to replace the phrases ''water treatment facility[ies],'' ''treatment facilities,'' and ''erosion control structures'' with the phrase ''siltation structures;''

—Revise 11 AAC 90.336 to require spillways for a 100-year, 6-hour storm event for impoundments meeting the criteria of 30 CFR 77.216(a), and for a 25-year, 6-hour storm event for impoundments not meeting those criteria;

—Add a new requirement at 11 AAC 90.337 that all impoundments be inspected quarterly for structural weakness or other hazardous conditions;

—Revise 11 AAC 90.345 to require that surface water monitoring be conducted at both upstream and downstream monitoring sites in all receiving water bodies;

—Revise 11 AAC 90.391 to allow coal mine waste to be placed in excess spoil fills under certain circumstances, and to add requirements for slope protection and revegetation or other surface protection;

—Revise 11 AAC 90.401 to grant the commissioner discretion in allowing less than four feet of cover on refuse piles;

—Revise 11 AAC 90.407 to provide spillway design and operation for dams and embankments of coal mine waste that meet the criteria of 30 CFR 77.216(a);

—Revise 11 AAC 90.423 to require reports of state-listed or federally-listed species, to add consultation requirements for determining whether the operation may proceed, and to add requirements for, on request, informing the U.S. Fish and Wildlife Service of certain resource information;

—Revise 11 AAC 90.443 to require that all spoil generated and all reasonably available spoil be used to backfill remining operations, and to allow for use of spoil for blending in non-steep slope areas;

—Revise 11 AAC 90.457 to require, for some land uses, consultation with state agencies in specifying stocking and planting requirements, to add utility and time-in-place requirements for woody species to be counted, and to specify normal husbandry practices;

—Revise 11 AAC 90.491 to add design, construction, maintenance, and reclamation requirements for roads and facilities;

—Revise 11 AAC 90.601 by adding new requirements allowing the commission to establish inspection frequency on certain abandoned sites;

—Revise 11 AAC 90.603 by adding new requirements for updating ownership and control information after issuance of a cessation order;

—Revise 11 AAC 90.901 by adding provisions allowing for termination of jurisdiction and reassertion of jurisdiction in specified circumstances;

—Add a new rule at 11 AAC 90.902 specifying the requirements for exemption from regulation for coal extraction incidental to the extraction of other minerals;

—Revise 11 AAC 90.907 to allow for provision of documents to the public by mail in some instances, and to require the availability of documents for five years after bond release;

—Repeal and readopt 11 AAC 90.911 (definitions), including revision or addition of the definitions of ''alluvial valley floor,'' ''applicant,'' ''best technology currently available,'' ''coal,'' ''collateral bond,'' ''commissioner,'' ''compaction,'' ''cumulative measurement period,'' ''cumulative production,'' ''cumulative revenue,'' ''current assets,'' ''current liabilities,'' ''department,'' ''existing structure,'' ''fixed assets,'' ''fragile land,'' ''historic land,'' ''imminent danger to the health and safety of the public,'' ''incidental boundary revision,'' ''intermittent stream,'' ''irreparable damage to the environment,'' ''liabilities,'' ''major revision,'' ''mining area,'' ''natural hazard land,'' ''net worth,'' ''operation,'' ''operator,'' ''other minerals,'' ''ownership or control,'' ''parent corporation,'' ''perennial stream,'' ''performing any function or duty under this Act,'' ''permanent,'' ''permit,'' ''permit area,'' ''permittee,'' ''person,'' ''previously mined area,'' ''reclamation plan,'' ''significant imminent environmental harm to land, air, or water resources,'' ''siltation structure,'' ''soil horizons,'' ''soil survey,'' ''surface coal mining and reclamation operation,'' ''surface coal mining operations,'' ''[SMCRA],'' ''tangible net worth,'' ''topsoil,'' and ''unwarranted failure to comply''; and

—In the above and in other rules, make minor editorial and codification revisions.

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 Alaska program.

1. Written Comments

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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.s.t. on March 14, 1995. 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**. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify 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 specific date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment 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

1. 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).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that 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 the Federal regulations at 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.

3. 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)).

4. 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.*).

5. 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 that 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.

List of Subjects in 30 CFR Part 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 21, 1995.

Peter A. Rutledge,

Acting Assistant Director, Western Support Center.

[FR Doc. 95–4683 Filed 2–24–95; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 913

[IL–089]

Illinois 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 Illinois regulatory program (hereinafter referred to as the ''Illinois program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to 23 parts of Title 62 of the Illinois Administrative Code (IAC) pertaining to permit fees, definitions, coal exploration, permitting, environmental resources, reclamation plans, special categories of mining, small operator assistance, bonding, performance standards, inspection, enforcement, civil penalties, administrative and judicial review, and certification of blasters. The amendment is intended to revise the Illinois program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by the recently revised Federal regulations, provide additional safeguards, clarify ambiguities, and improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., [C.S.T.], March 29, 1995. If requested, a public hearing on the proposed amendment will be held on March 24, 1995. Requests to speak at the hearing must be received by 4:00 p.m., [C.S.T.], on March 14, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr.