

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

**Par. 3.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

### § 602.101 [Amended]

**Par. 4.** In § 602.101, paragraph (c) is amended by adding the entry "1.83-6 \* \* \* 1545-1448" in numerical order to the table.

Approved: June 19, 1995.

**Margaret Milner Richardson,**  
*Commissioner of Internal Revenue.*

**Leslie Samuels,**

*Assistant Secretary of the Treasury.*

[FR Doc. 95-17494 Filed 7-18-95; 8:45 am]

BILLING CODE 4830-01-U

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Part 2627

RIN 1212-AA77

#### Disclosure to Participants

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a clarifying correction to the final rule on disclosure to participants (29 CFR part 2627) that was published in the **Federal Register** of Friday, June 30, 1995 (60 FR 34412). The final regulations in that document implement a new notice requirement under section 4011 of the Employee Retirement Income Security Act of 1974, as amended by the Retirement Protection Act of 1994. The action is needed to clarify the final regulations.

**EFFECTIVE DATE:** July 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, or Catherine B. Klion, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024 (202-326-4179 for TTY and TDD).

**SUPPLEMENTARY INFORMATION:** The following correction is made to the final rule that was the subject of FR Doc. No. 95-16196, which was published Friday, June 30, 1995 (60 FR 34412). The final regulations in that document implement section 4011 of ERISA, which requires plan administrators of certain underfunded plans to provide notice to plan participants and beneficiaries of the plan's funding status and the limits on the PBGC's guarantee.

The PBGC is correcting § 2627.3 of the final regulations to make clear that a plan does not have to provide the Participant Notice for a plan year if it meets the DRC Exception Test in § 2627.3(b) for that plan year or for the prior plan year. Accordingly, on page 34414, in the second and third columns, paragraph (a) of § 2627.3 is corrected to read as follows:

#### § 2627.3 Notice requirement.

(a) *General.* Except as otherwise provided in this part, the plan administrator of a plan must provide a Participant Notice for a plan year if a variable rate premium is payable for the plan under section 4006(a)(3)(E) of the Act and part 2610 of this chapter for that plan year, unless, for that plan year or for the prior plan year, the plan meets the Deficit Reduction Contribution ("DRC") Exception Test in paragraph (b) of this section. The DRC Exception Test may be applied using the Small Plan DRC Exception Test rules in § 2627.4(b), where applicable.

\* \* \* \* \*

Issued in Washington, DC, this 12th day of July 1995.

**Martin Slate,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 95-17713 Filed 7-18-95; 8:45 am]

BILLING CODE 7708-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 926

#### Montana Abandoned Mine Land Reclamation (AMLR) Plan

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Montana AMLR plan (hereinafter referred to as the "Montana plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Montana proposed the addition of new provisions to its AMLR plan that concern the reclamation of interim program and bankrupt surety bond forfeiture coal sites, future set-aside funds and an acid mine drainage program, and water treatment supply replacement project requirements. Montana also included in this amendment updated policies and procedures concerning purchasing,

equal opportunity in employment, Americans With Disabilities Act, compliance with the National Oil and Hazardous Substances Contingency Plan, and coordination and consultation with other State and Federal agencies. The amendment is intended to incorporate the additional flexibility afforded by SMCRA, as amended by the Abandoned Mine Reclamation Act of 1990 (Pub. L. 101-508), and to improve operational efficiency.

**EFFECTIVE DATE:** July 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Casper Field Office, Telephone: (307) 261-5776.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on Title IV of SMCRA

Title IV of SMCRA established an AMLR program for the purposes of reclaiming and restoring lands and waters adversely affected by past mining. The program is funded by a reclamation fee levied on the production of coal. Generally, lands and waters eligible for reclamation under Title IV are those that were mined or affected by mining and abandoned or inadequately reclaimed prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State, Federal, or other laws. Lands and waters abandoned or inadequately reclaimed after August 3, 1977, are also eligible for reclamation under provisions at sections 402(g)(4) and 404 of SMCRA.

Title IV provides for State submittal to OSM of an AMLR plan. The Secretary of the Interior adopted regulations at 30 CFR 870 through 888 that implement Title IV of SMCRA. Under these regulations, the Secretary reviewed the plans submitted by States and solicited and considered comments of State and Federal agencies and the public. Based upon the comments received, the Secretary determined whether a State had the ability and necessary legislation to implement the provisions of Title IV. After making such a determination, the Secretary decided whether to approve the State program. Approval granted the State exclusive authority to administer its plan.

Upon approval of a State plan by the Secretary, the State may submit to OSM, on an annual basis, an application for funds to be expended by that State on specific projects that are necessary to implement the approved plan. Such annual requests are reviewed and approved by OSM in accordance with the requirements of 30 CFR part 886.

## II. Background on the Montana Plan

On November 24, 1980, the Secretary of the Interior approved the Montana plan. General background information, including the Secretary's findings, the disposition of comments, and the approval of the Montana plan can be found in the November 24, 1980, **Federal Register** (45 FR 70445). Subsequent actions concerning Montana's plan and plan amendments can be found at 30 CFR 926.25.

## III. Proposed Amendment

By letter dated March 22, 1995 (administrative record No. MT-AML-01), and memorandum dated April 5, 1995 (administrative record No. MT-AML-02), Montana submitted a proposed amendment to its AMLR plan pursuant to SMCRA. Montana submitted the proposed amendment at its own initiative to provide for the implementation of several initiatives established under the Abandoned Mine Reclamation Act of 1990 (Pub. L. 101-508). Montana proposed to revise its AMLR plan to allow abandoned mine reclamation funds to be used to reclaim interim program sites and insolvent surety coal mine sites meeting certain criteria where available funds are insufficient to provide for adequate reclamation or abatement at such site. Montana also proposed the addition of new provisions to allow setting aside up to 10 percent of the annual abandoned mine reclamation grants made to Montana to provide for restoration of eligible lands and waters after expiration of the Federal abandoned mine land program and implementation of an acid mine drainage program. Finally, Montana proposed to limit the expenditure of its allocated AMLR funds up to 30 percent for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants, and to replace water supplies adversely affected by past mineral mining practices. The amendment also contains updated policies and procedures concerning purchasing, equal opportunity in employment, Americans With Disabilities Act, compliance with the National Oil and Hazardous Substances Contingency Plan, and coordination and consultation with other State and Federal agencies.

OSM announced receipt of the proposed amendment in the April 25, 1995, **Federal Register** (60 FR 20251), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment

on its adequacy (administrative record No. MT-AML-013). Because no one requested a public hearing or meeting, none was held. The public comment period ended on May 25, 1995.

## IV. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 884.14 and 884.15, finds that the proposed Montana plan amendment as submitted by Montana on March 22, and April 5, 1995, is consistent with SMCRA and is in compliance with the corresponding Federal regulations at 30 CFR subchapter R. Thus, the Director approves the proposed amendment.

### 1. New Initiatives Submitted in Response to the Abandoned Mine Reclamation Act of 1990

a. *Reclamation of Interim Program and Bankrupt Surety Coal Sites.* Montana proposed to revise its AMLR plan by adding new language to provide—

(B) [a]bandoned coal mine sites mined after August 3, 1977, where bonds have been forfeited, may now be eligible for funding, if the Department [of Environmental Quality (DEQ), formerly the Department of State Lands (DSL)] makes either of the following findings:

(1) [t]he coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before April 1, 1980, the date in which the Secretary [of the Interior] approved Montana's program pursuant to section 503 [of SMCRA], and funds for reclamation or abatement which are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site; or,

(2) [t]he coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before November 5, 1990, the date of enactment of P.L. 101-508 [the Abandoned Mine Reclamation Act of 1990], and the surety of such mining operator became insolvent during such period, and 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 or abatement at the site.

[i]n determining which sites to reclaim, the Department shall follow the priorities stated in paragraphs (1) and (2) of Section 403 (a) of P.L. 95-87[SMCRA]. The Department shall ensure that priority is given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon the community. As per the conditions of Montana's Certification of Completion of Coal Reclamation of Coal-Related Impacts (Federal Register July 9, 1990) [see 55 FR 28022; July 9, 1990] if a site is determined to be eligible under this initiative it must be reclaimed ahead of eligible non-coal projects.

At Section A, I(B)(1), Montana's proposed language cites April 1, 1990,

as the date the Secretary approved Montana's regulatory program. Elsewhere in this amendment this date is correctly cited as April 1, 1980.

Section 402(g)(4) of SMCRA and the implementing Federal regulations at 30 CFR 874.12 (d) and (e) provide similar restrictions concerning the reclamation and abatement of interim program and bankrupt surety board forfeiture coal sites. According to the Federal requirements, such sites must have been mined for coal or affected by coal mining processes and the site was left in either an unreclaimed or inadequately reclaimed condition (1) between August 4, 1977, and the date on which the Secretary of the Interior approved a State's regulatory program pursuant to section 503 of SMCRA, and any funds pursuant to a bond or other financial guarantee or from any other source that would be available for reclamation and abatement are not sufficient to provide for adequate reclamation or abatement at the site, or (2) between August 4, 1977, and November 5, 1990, and the surety of the mining operator became insolvent during such period, and as of November 5, 1990, 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 or abatement at the site. In addition, to qualify for reclamation or abatement, such sites must be either priority 1 or 2 sites pursuant to section 403(a) (1) and (2) of SMCRA. Priority will be given to those sites in the immediate vicinity of a residential area or which have an adverse economic impact upon a community.

The proposed language for reclamation and abatement of interim program and bankrupt surety bond forfeiture sites to be added to the Montana plan contains the same requirements as the counterpart Federal requirements at section 402(g)(4) of SMCRA and 30 CFR 870.12(d) and (e). Therefore, the Director finds that the proposed AMLR plan provisions are consistent with the counterpart Federal provisions. The Director approves the addition to the Montana AMLR Plan of the provisions concerning reclamation of interim program and bankrupt surety bond forfeiture site.

b. *Set-Aside Program.* Montana proposed to revise its AMLR plan by adding new language to provide—

C. [a]cid mine drainage (AMD) projects may now be eligible for funding. Montana may receive and retain up to 10 percent of the total of the grants made annually to Montana where such amounts are deposited into an acid mine drainage abatement and

treatment fund for use at eligible qualified hydrologic units.

In addition, in conjunction with the specific language concerning establishment of a separate fund to address acid mining drainage problems, Montana expanded its initiative concerning set-aside programs to allow for the use of up to 10 percent of the funds received by Montana under section 402(g)(1) of SMCRA to establish a special trust fund, where such funds together with the interest earned on the monies deposited to the fund, may be expended to achieve the priorities stated in section 403(a) after September 30, 1995.

Section 402(g) (6) and (7) of SMCRA and the implementing Federal regulations at 30 CFR Parts 873 and 876 provide similar requirements and procedures for the creation of a special account, together with the interest earned on the account, whereby a State or Tribe can set-aside up to 10 percent of the total of the grants made annually to such State or Tribe in either (1) a special trust fund established to achieve the priorities of section 403(a) of SMCRA after September 30, 1995, or (2) an acid mine drainage abatement and treatment (AMD) fund established to implement, in consultation with the National Resource Conservation Service [formerly the Soil Conservation Service], AMD plans approved by OSM.

The language concerning creation of a set-aside program proposed to be added to the Montana plan provides similar requirements as those provided in the counterpart Federal program at section 402(g) (6) and (7) of SMCRA and 30 CFR Parts 873 and 876. Therefore, the Director finds that the proposed AMLR plan provisions are consistent with the counterpart Federal provisions. The Director approves the addition to the Montana AMLR Plan of the provisions concerning set-aside programs.

*c. Water Supply Facilities and Water Replacement Provisions.* Montana proposed to revise its AMLR plan by adding new language to provide—

D. Montana may expend up to 30 percent of funds allocated in any year through grants made available under paragraph (1) of Section 402(g) [of SMCRA] for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices.

Section 403(b)(1) of SMCRA and the implementing regulations at 30 CFR 874.14(a) provide that States or Tribes not certified to the completion of coal reclamation may expend up to 30 percent of the funds made available

under sections 402(g) (1) and (5) of SMCRA to such State or Tribe for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supply, including water distribution facilities and treatment plants, to replace water supplies adversely affected by coal mining practices. Under section 411 of SMCRA, where a State has certified to the completion of coal reclamation, there is no restriction placed on the funds used to address water supply facilities and water replacement. Montana certified to completion of all coal-related problems in the July 9, 1990, **Federal Register** (55 FR 28022). Therefore, the Director finds the proposed language to be added to Montana's plan concerning the limitation placed on funds used to replace water supplies adversely affected by coal mining practices is not inconsistent with section 403(b)(1) of SMCRA and 30 CFR 874.14(a). The Director approves the addition to the Montana AMLR Plan of the provisions concerning water replacement.

#### *2. Administration and Management*

Montana is adding Exhibit A to its plan to reflect changes in the organizational structure of the Montana DSL (now DEQ). The Federal regulations at 30 CFR 884.13(d)(1) require a State to provide a description of the administrative and management structure, including the organization of the designated agency conducting the State's reclamation program. The Director finds Montana's organizational changes to be consistent with the provisions of 30 CFR 884.13(d)(1) and approves the State's organization chart.

#### *3. Policies and Procedures*

With this amendment, Montana is clarifying its policies and procedures related to coordination with other agencies at Section A, III. Specifically, this section provides that the Montana DEQ consults and coordinates with Federal, State, and local agencies during project planning in order to insure compliance with environmental rules and regulations. Montana provided a list of critical elements requiring coordination. Agencies with which the Montana DEQ will consult include the State Historic Preservation Office, the Water Quality Bureau of the Montana Department of Health and Environmental Sciences, U.S. Army Corps of Engineers, local government planning offices and commissions, the Montana State Library Natural Resources Information System, U.S. Fish and Wildlife Service, the Montana Department of Fish, Wildlife, and Parks,

U.S. Natural Resource Conservation Service, U.S. Forest Service, and the Bureau of Land Management.

The Federal regulations at 30 CFR 884.14(d)(1) require a State to provide a description of the relationship of the designated agency conducting the State's reclamation program to other State organizations or officials that will participate in or augment the designated agency's reclamation capacity.

In addition, Montana provides that the Montana DEQ will comply with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) when undertaking response actions on sites where the potential exists for the release of hazardous substances and pollutants. Montana's proposed language provides an explanation of the benefits of complying with the NCP and references NCP Section 300.430, which requires a detailed analysis of alternatives using distinct criteria divided into separate consideration categories.

The Director finds Montana's proposed addition of language to its AMLR plan that (1) Clarifies the required consultation and coordination between DEQ and the various State, Federal, and local agencies and governments to ensure compliance with environmental rules and regulations, and (2) requires compliance with NCP is consistent with 30 CFR 884.14(d)(1). The Director approves the addition of this section to Montana's AMLR plan.

#### *4. Additional Contents of Montana's 1995 AMLR Plan Amendment*

Exhibits B, C, and D of Montana's 1995 AMLR Plan amendment contain updates on policies and procedures concerning a supplemental legal opinion, equal employment policy and rules, handicapped person's preference rules, Americans With Disabilities Act transition plan with updates, and purchasing rules. These exhibits provide references to the following information pertaining to the Montana plan in general:

a. A designation by the Governor of the State that the Montana DSL (now DEQ) is the designated agency authorized to administer the State's reclamation program;

b. A legal opinion from the State Chief Legal Counsel that the designated agency has the authority under State law to conduct the Montana AMLR program in accordance with Title IV of SMCRA;

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 conducted under the Montana reclamation plan;

Montana submitted these discussions to satisfy each of the requirements of 30 CFR 884.13. The Director finds that Exhibits B, C, and D satisfy the requirements of and are consistent with the Federal regulations at 30 CFR 884.13. The Director approves Exhibits B, C, and D of Montana's AMLR plan.

## V. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

### 1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

### 2. Agency Comments

Pursuant to 30 CFR 884.15(a) and 884.14(a)(2), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Montana plan (administrative record No. MT-AML-03).

a. *U.S. Bureau of Mines (BOM)*. BOM, Washington, D.C., responded on April 19, 1995, that its Division of Environmental Technology reviewed the amendment and had no comments to provide (administrative record No. MT-AML-08).

BOM, Western Field Operations Center, located in Spokane, Washington, responded on May 3, 1995, that it had reviewed the proposed amendment (administrative record No. MT-AML-011). BOM stated that it appeared that the amendment would allow Montana to redirect funds from non-coal reclamation to coal-related reclamation in a consistent, predictable manner. BOM stated further that, although SMCRA funds are intended primarily for coal-related reclamation, and the amendment supports that objective, some funds should probably continue to be spent on environmental problems at hardrock mine sites.

b. *U.S. Bureau of Indian Affairs (BIA)*. BIA responded on April 25, 1995, that it had reviewed the subject amendment, and had no problem with the concept (administrative record No. MT-AML-010). However, BIA pointed out in its response that the "set-aside" funds should be available for on-reservation, as well as off-reservation, use when the need arises. OSM responds that funds

collected from coal mined on Montana State lands are distributed to the State of Montana as State-share AMLR funds, while funds collected from coal mined on Indian lands are distributed to the appropriate Indian tribes. Montana's State-share funds would be available for use by Montana for reclamation activities on State lands. OSM administers the Federal program for surface coal mining and reclamation operations on Indian lands and provides through the Federal program funding for reclamation activities on Indian lands.

c. *U.S. Army Corps of Engineers*. By letter dated May 9, 1995, the U.S. Army Corps of Engineers stated that it reviewed the proposed amendment and found it to be satisfactory (administrative record No. MT-AML-012).

d. *Environmental Protection Agency (EPA) Concurrence and Comments*. OSM solicited EPA's concurrence and comments on the proposed amendment (administrative record No. MT-AML-04). EPA did not respond to OSM's request.

e. *Montana State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)*. OSM solicited comments on the proposed amendment from the SHPO and the ACHP (administrative record No. MT-AML-03). ACHP did not respond to OSM's request. The SHPO responded on April 24, 1995 (administrative record No. MT-AML-09), that it understood the "Policy and Procedures" section of the proposed amendment to require that Montana DSL (now DEQ) will coordinate OSM consultation responsibilities with the Montana SHPO for section 106 of the National Historic Preservation Act of 1966 (NHPA) review. OSM notes that the language at Section A, III(A)(1) concerning "Policies and Procedures" requires the Montana DEQ to consult and coordinate with Federal, State, and local agencies during project planning in order to insure compliance with environmental rules and regulations and that NHPA is included in the list of critical elements requiring consultation (see finding No. 3).

The SHPO further stated that under section 106 of NHPA, OSM may use the services of the Montana DEQ to prepare necessary information, but OSM remains responsible for section 106 compliance. OSM concurs that in accordance with section 106 of NHPA, and absent any agreements to the contrary between OSM, the Montana SHPO, and the ACHP, OSM is the agency responsible for section 106 consultation in Montana.

The specific language at Section A, III(A)(1) in the proposed amendment requires that consultation under NHPA is with the Montana SHPO. OSM interprets this to mean that for Montana's AMLR program, Montana DEQ will consult with the Montana SHPO to the extent that DEQ has a role in the consultation process. As required under 30 CFR 884.14(d)(1), a State must provide a description of the relationship of the designated agency conducting the State's reclamation program to other State organizations or officials that will participate in or augment the designated agency's reclamation capacity. Accordingly, OSM reviewed the "Policies and Procedures" section of the proposed amendment in the context of the requirements at 30 CFR 884.14(d)(1) and determined that the consultation with the SHPO describes a specific relationship between the Montana DEQ and another State agency that will participate in or augment the capacity of the Montana DEQ in implementing Montana's AMLR program. OSM still remains responsible for consultation with the SHPO and ACHP under section 106 of NHPA. Therefore, in response to this comment, the Director requires no further changes to Montana's plan.

f. *Mine Safety and Health Administration (MSHA)*. MSHA stated in its response dated June 2, 1995, that MSHA personnel had reviewed the amendment and it did not appear to conflict with any current MSHA regulations (administrative record No. MT-AML-16).

## VI. Director's Decision

Based on the above findings, the Director approves Montana's proposed plan amendment as submitted on March 22 and April 5, 1995. The Director is also taking this opportunity to (1) provide an effective date for the approval of the Montana plan at 30 CFR 926.20, (2) change the name of the designated regulatory authority in Montana and correct the codification of the paragraphs within section 30 CFR 926.20 for the locations of the publicly available copies of the Montana plan, and (3) add a new section at 30 CFR 926.25 for amendments to the Montana plan.

As discussed in finding No. 1, the Director approves the provisions concerning (1) reclamation of interim program and bankrupt surety coal sites, (2) a set-aside program, and (3) water supply facilities and water replacement proposed to be added to Montana's AMLR Plan.

As discussed in finding No. 2, the Director approves Exhibit A concerning

the administration and management of Montana's reclamation program.

As discussed in finding No. 3, the Director approves the policies and procedures concerning consultation and coordination by the designated agency in administering Montana's AMLR program.

As discussed in finding No. 4, the Director approves Exhibits B, C, and D as additions to Montana's AMLR Plan.

The Director approves the proposed revisions of the Montana plan with the provision that they be fully promulgated in identical form to the plan amendment submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 926, codifying decisions concerning the Montana plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

## VII. 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 AMLR plans and revisions thereof since each such plan is drafted and promulgated 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 applicable Federal regulations at 30 CFR Parts 884 and 888.

### 3. 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 6, appendix 8, paragraph 8.4B(29)).

### 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 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. Accordingly, 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 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 13, 1995.

**Richard J. Seibel,**  
Regional Director, Western Regional  
Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

## PART 926—MONTANA

1. The authority citation for Part 926 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 926.20 is revised to read as follows:

### § 926.20 Approval of Montana Abandoned Mine Land Reclamation Plan.

The Montana Abandoned Mine Land Reclamation Plan, as submitted on June 16, 1980, and as revised on July 28, 1980, is approved effective November 24, 1980. Copies of the approved plan are available at:

(a) Montana Department of Environmental Quality, 1625 Eleventh Avenue, Helena, MT 59620-1601.

(b) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, Room 2128, Casper, WY 82601-1918.

3. Section 926.25 is added to read as follows:

### § 926.25 Approval of abandoned mine land reclamation plan amendments.

(a) The Montana AMLR Plan amendment, as submitted to OSM on April 20, 1983, and as revised on June 15, 1983, is approved effective September 19, 1983.

(b) Certification by Montana of completion of all known coal-related impacts, as submitted to OSM on December 27, 1989, is accepted effective July 9, 1990.

(c) The Montana AMLR Plan amendment, as submitted to OSM on March 22 and April 5, 1995, is approved effective July 19, 1995.

[FR Doc. 95-17715 Filed 7-18-95; 8:45 am]

BILLING CODE 4310-05-M

## 30 CFR Part 944

### Utah Regulatory Program and Utah Abandoned Mine Land Reclamation (AMLR) Plan

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving, with additional requirements, a proposed amendment to the Utah regulatory program and Utah AMLR plan (hereinafter referred to as the "Utah program" and the "Utah plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of proposed revisions to the Utah Coal Mining and Reclamation Act of 1979. The revisions to the Utah program concern definitions of new terms; rulemaking authority and procedures; administrative procedures; Division of Oil, Gas and Mining (Division) action on permit applications; informal conferences; appeals and further review; release of performance bonds; revegetation standards on lands eligible for re-mining; operator requirements for underground coal mining; contest of violation or amount of penalty; violations of Utah's program or permit conditions; judicial review of rules and orders; repeal of specific sections of the Utah Code Annotated 1953; and repeal dates of certain provisions of the Utah program. The revisions to the Utah plan concern lands and water eligible for reclamation, recovery of reclamation costs, and liens against reclaimed lands. The amendment is intended to revise the Utah program to be consistent with the