

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*

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)).

#### *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 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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 12, 1995.

Brent Wahlquist,

*Regional Director, Mid-Continent Regional Coordinating Center.*

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### **30 CFR Part 950**

#### **Wyoming Abandoned Mine Land Reclamation (AMLR) Plan**

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

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

**SUMMARY:** OSM is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the Wyoming AMLR plan (hereinafter, the "Wyoming plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information for Wyoming's proposed statute pertains to the amount of a lien placed on private lands upon the completion of reclamation operations. The amendment is intended to clarify ambiguities and improve operational efficiency.

**DATES:** Written comments must be received by 4 p.m., m.d.t., October 5, 1995.

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

Copies of the Wyoming plan, the proposed amendment, and all written comments received in response to this document 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 contacting OSM's Casper Field Office. Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, Wyoming 82601-1918.

Stan Barnard, Acting AML Administrator, Department of Environmental Quality, Abandoned Mine Land Division, Herschler Building, Third Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002.

Telephone: (307) 777-6145.

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

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on the Wyoming Plan**

On February 14, 1983, the Secretary of the Interior approved the Wyoming plan. Information pertaining to the general background, revisions, and amendments to the initial plan submission, as well as the Secretary's findings, the disposition of comments,

and the approval of the Wyoming plan can be found in the February 14, 1983, Federal Register (48 FR 6536). Subsequent actions concerning Wyoming's plan and plan amendments can be found at 30 CFR 950.30 and 950.35.

##### **II. Proposed Amendment**

By letter dated April 21, 1995, Wyoming submitted a proposed amendment to its plan pursuant to SMCRA (administrative record No. WY-AML-18-8). Wyoming submitted the proposed amendment at its own initiative. The provisions of the Wyoming plan that the State proposed to revise were:

Wyoming Statute (W.S.) 35-11-1206 (a) and (b), liens for reclamation on private lands, and W.S.35-11-1209, contractor eligibility.

OSM announced receipt of the proposed amendment in the May 18, 1995, Federal Register (60 FR 26704), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. WY-AML-18-9). The public comment period ended on June 19, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of W.S.35-11-1206(a) that limit the amount of any lien to the cost of reclamation work or to the amount determined by the appraisal to be the increase in the fair market value of the land as a result of the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal or noncoal mining practices, whichever is less. OSM also identified concerns relating to the provisions of W.S.35-11-1206(b) that provide that the amount reported to be the increase in the value of the land, but not exceeding the cost of the reclamation work, shall constitute the amount of the lien. OSM notified Wyoming of the concerns by letter dated August 8, 1995 (administrative record No. WY-AML-18-16).

Wyoming responded in a letter dated August 29, 1995, by submitting additional explanatory information concerning W.S. 35-11-1206 (a) and (b) and the inclusion of the cost of reclamation in determining the amount of the lien to be placed on reclaimed lands (administrative record No. WY-AML-18-17). In its response, Wyoming stated that when proposed W.S. 35-11-1206 was presented to the Wyoming legislature, there was considerable debate on it with regard to a potential governmental takings if the property owner had to pay a lien amount that

was more than the cost to perform the reclamation work. Debate focused on who would pay for costs associated with potential lawsuits should a lien be placed for more than the reclamation cost, and whether the reclamation would be authorized by a property owner if the lien for the reclamation exceeded the actual cost of the reclamation. Wyoming further stated that over 25,000 acres have been reclaimed since the start of the Wyoming AMLR program and that there had never been an instance where the cost of reclamation was less than the increase in property value.

### III. Public Comment Procedures

OSM is reopening the comment period on the proposed Wyoming plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.14 and 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Wyoming plan.

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.

### 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 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 950

Abandoned mine land reclamation program, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 7, 1995.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–5300–1]

### 40 CFR Parts 64 and 70

#### Compliance Assurance Monitoring Rule

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice of public meeting; notice of document availability.

**SUMMARY:** On October 22, 1993, the EPA published a notice of proposed rulemaking (58 FR 54648) that contained proposed rules to govern a new enhanced monitoring program under section 114(a)(3) and related provisions of the Clean Air Act. In light of the President's concerns regarding flexibility and cost-effectiveness, the EPA believes that it may be inappropriate to take final action on the rule as proposed and has proceeded to develop an alternative approach to meet the statutory requirement of section 114(a)(3), as well as the periodic monitoring requirements under section 503(b) of the Clean Air Act; this approach is called compliance assurance monitoring or CAM.

The EPA is planning to propose regulations on compliance assurance monitoring in December 1995. These regulations will impose new monitoring requirements on major stationary sources of air pollution. Notice is hereby given that the EPA will hold a public meeting on September 22, 1995 to provide the stakeholders potentially affected by these regulations with an opportunity to discuss the issues raised by the regulations in advance of the EPA's formal proposal. This notice also announces the public availability of a draft regulatory package for review in advance of the public meeting. In addition, the Agency will accept written comments on the draft package provided that comments are received by September 22, 1995.

**DATES: Meeting:** The public meeting will be held on September 22, 1995 from 8:30 a.m. to 4:30 p.m. at the address set forth below. **Comments:** Written comments may be submitted to the docket at the address provided below until September 22, 1995. **Document Availability:** The draft regulatory package will be available in early September 1995 at the address provided below.

**ADDRESSES: Meeting Location:** The public meeting will be held at the Sheraton Inn—University Center, 2800 Middleton Avenue, Durham, North Carolina 27705, telephone (919) 383–8575. Participants wishing to arrange for overnight accommodations should advise the hotel that they are attending the EPA CAM meeting. To assist the EPA in planning the public meeting, persons interested in attending should contact Ms. Andrea Lewis, Public Meeting Coordinator, at (804) 979–3700, telefax (804) 296–2860, Perrin Quarles Associates, Inc., 501 Faulconer Drive, Suite 2–D, Charlottesville, Virginia