

within Montana under the permanent regulatory program.

**DATE:** *Written comments:* Written comments must be received by 4:00 p.m., m.s.t. on May 7, 1997.

**ADDRESSES:** Written comments should be mailed or hand delivered to Ranvir Singh, Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Suite 3320, 1999 Broadway, Denver, CO 80202-5733.

Copies of the Montana program, proposed amendments to the cooperative agreement and the related information required under 30 CFR Part 745 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 revisions by contacting any one of the following persons:

*Ranvir Singh*, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202-5733, Telephone: (303) 844-1489;

*Guy Padgett*, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Room 2128, Casper, WY 82601-1918, Telephone: (307) 261-6550;

*Jan Sensibaugh*, Montana Department of Environmental Quality, 1520 East Sixth Avenue, Helena, MT 59620-0901, Telephone: (406) 444-5270.

**FOR FURTHER INFORMATION CONTACT:** Ranvir Singh, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202-5733, Telephone: (303) 844-1489.

**SUPPLEMENTARY INFORMATION:** On June 4, 1980, the Governor of Montana submitted a request for a cooperative agreement between the Department of the Interior and the State of Montana to give the State primacy in the administration of its approved regulatory program on Federal lands within Montana. The Secretary approved the cooperative agreement on January 19, 1981 (46 FR 20983, April 8, 1981). The text of the existing cooperative agreement can be found at 30 CFR 926.30.

On July 5, 1994, the Governor, pursuant to 30 CFR 745.14, and, at the recommendation of OSM, submitted a proposed revision to the approved cooperative agreement. The proposed revision would streamline the permitting process in Montana by delegating to Montana the sole

responsibility to issue permits for coal mining and reclamation operations on Federal lands under the revised Federal lands program regulations, and would eliminate duplicative permitting requirements, thereby increasing governmental efficiency, which is one of the purposes of the cooperative agreement. This revision would also update the cooperative agreement to reflect current regulations and agency structures.

OSM published a proposed rule which would incorporate the revisions into the cooperative agreement. See 62 FR 1408, January 10, 1997. The public comment period closed on March 11, 1997. OSM is reopening the comment period for an additional 30 days. Anyone wishing to comment should send them to OSM. See **ADDRESSES** above.

Dated: March 31, 1997.

**Mary Josie Blanchard**,

*Assistant Director, Program Support.*

[FR Doc. 97-8786 Filed 4-4-97; 8:45 am]

**BILLING CODE 4310-05-M**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 944

[SPATS No. UT-032-FOR]

#### Utah Abandoned Mine Land Reclamation Plan

**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 revisions and additional explanatory information pertaining to a previously proposed amendment to the Utah abandoned mine land reclamation (AMLR) plan (hereinafter, the "Utah plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and additional explanatory information for Utah's proposed rules pertain to definitions of "eligible lands and water" and "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and general reclamation requirements. The amendment is intended to revise the Utah plan to meet the requirements of the corresponding Federal regulations, to incorporate the additional flexibility afforded by the revised Federal

regulations, to clarify ambiguities, and to improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t., April 22, 1997.

**ADDRESSES:** Written comments should be mailed or hand delivered to James F. Fulton at the address listed below.

Copies of the Utah 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 the normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Denver Field Division:

*James F. Fulton*, Chief, Denver Field Division, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3300, Denver, Colorado 80202.

*Mark R. Mesch*, Administrator, Abandoned Mine Reclamation Program, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801, (801) 538-5340.

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 844-1424.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Utah Plan

On June 3, 1983, the Secretary of the Interior approved the Utah plan. General background information on the Utah plan, including the Secretary's findings and the disposition of comments, can be found in the June 3, 1983, **Federal Register** (48 FR 24876). Subsequent actions concerning Utah's plan and plan amendments can be found at 30 CFR 944.25.

##### II. Proposed Amendment

By letter dated August 2, 1995, Utah submitted a proposed amendment to its plan (administrative record No. UT-1071) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Utah submitted the proposed amendment at its own initiative and in response to a September 26, 1994, letter (administrative record No. UT-1011) that OSM sent to Utah in accordance with 30 CFR 884.15(b). The provisions of the Utah Administrative Rules (Utah Admin. R.) that Utah proposed to revise and add were: Utah Admin. R. 643-870-500, definitions of "eligible lands and water," "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and "Secretary"; Utah Admin. R. 643-874-100, -110,

-124 through -128, -130 through -132, -140 through -144, -150, and -160, general reclamation requirements for coal lands and waters; Utah Admin. R. 643-875-120 and -122 through -125, -130 through -133, -140 through -142, -150 through -155, -160, -170, -180, -190, and -200, noncoal reclamation; Utah Admin. R. 643-877-141, rights of entry; Utah Admin. R. 643-879-141, -152.200, -153, and -154, acquisition, management, and disposition of lands and water; Utah Admin. R. 643-882-132, reclamation on private land; Utah Admin. R. 643-884-150, State reclamation plan amendments; Utah Admin. R. 643-886-130 through -190, State reclamation grants; and Utah Admin. R. 643-886-232.240, reports.

OSM announced receipt of the proposed amendment in the August 22, 1995, **Federal Register** (60 FR 43577), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. UT-1071-3). Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 21, 1995.

During its review of the amendment, OSM identified concerns relating to the provisions of Utah Admin. R. 643-870-500, definitions of "eligible lands and water" and "left of abandoned in either an unreclaimed or inadequately reclaimed condition"; Utah Admin. R. 643-874-120, -121, -123 through -125, and -128, general reclamation requirements; Utah Admin. R. 643-875-132, certification of completion of reclamation of coal sites; Utah Admin. R. 643-877-120, rights of entry; Utah Admin. R. 643-879-154, disposition of reclaimed land; and Utah Admin. R. 643-882-121 and -122, appraisals. OSM notified Utah of the concerns by letter dated March 26, 1996 (administrative record No. UT-1071-8). Utah responded in a letter dated March 12, 1997, by submitting a revised amendment and additional explanatory information (administrative record No. UT-1071-9).

Utah proposes revisions to and additional explanatory information for Utah Admin. R., 643-870-500, definitions of "eligible lands and water" and "left of abandoned in either an unreclaimed or inadequately reclaimed condition" and Utah Admin. R. 643-874-120, -121, -124, and -125, eligible lands and water.

Specifically, Utah proposes to revise its definition of the term "eligible lands and water" at Utah Admin. R. 643-870-500 to read:

"Eligible lands and water" means lands and water eligible for reclamation or drainage abatement expenditures and are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an [inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal laws. Provided, however, that lands and water damaged by coal mining operations after that date may also be eligible if they meet the requirements specified in R643-874-124. For additional eligibility requirements for water projects, see R643-874-124. For additional eligibility requirements for lands affected by re-mining operations see R643-874-128. For eligibility requirements for lands affected by mining for minerals other than coal, see R643-875-120.

Utah is also proposing to revise its definition of "left or abandoned in either an unreclaimed or inadequately reclaimed condition" at Utah Admin. R. 643-870-500 to read:

"Left or abandoned in either an unreclaimed or inadequately reclaimed condition" means lands and water:  
Which were mined or which were affected by such mining, wastebanks, processing or other mining processes prior to August 3, 1977, and all mining has ceased; and  
Which continue, in their present condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health and safety of the public; and  
For which there is no continuing reclamation responsibility under State or Federal laws, except as provided in R643-874-124 and R643-874-141.

Utah is not proposing to revise Utah Admin. R. 643-874-120 and -121 by adding the word "coal" to its description of eligible lands and water. Utah states that it considers omission of the word "coal" to be an important statement of policy and explains that its approved plan lists aggressive pursuit of noncoal reclamation as a purpose of the State reclamation program. Utah further offers that its rules at Utah Admin. R. 643-875 regarding noncoal eligibility ensure that the more restrictive noncoal eligibility requirements of SMCRA will be met.

In addition, Utah proposes to add to its rules at Utah Admin. R. 643-874-124 and -125 a reference to Utah Admin. R. 643-874-123, which provides for the reclamation of sites where the forfeited bond is insufficient to pay the total cost of reclamation. Utah Admin. R. 643-874-124 extends the use of AMLR funds for reclamation of interim program and bankrupt surety sites and Utah Admin. R. 643-874-125 requires that those sites determined to be eligible under the criteria provided at Utah Admin. R.

643-874-124 also have the same or more urgent priority as coal sites that qualify as priority 1 or 2 sites under Utah Code Annotated 40-10-25(2), which is the State's counterpart statute to section 403(a) of SMCRA.

### III. Public Comment Procedures

OSM is reopening the comment period on the proposed Utah 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 884.15(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 Utah 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 Denver Field Division 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.

#### 6. Unfunded Mandates Reform Act

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or private sector.

#### List of Subjects in 30 CFR Part 944

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 26, 1997.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

[FR Doc. 97-8790 Filed 4-4-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 946

[VA-106-FOR]

#### Virginia Regulatory Program

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** OSM is reopening the comment period on information submitted by Virginia concerning parts of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The information submitted by Virginia for which the comment period is being reopened includes Virginia's technical justification for the proposed use of a 28-degree angle of draw with the rebuttable presumption of causation by subsidence provision. Virginia's proposed amendment is intended to revise the State program to be consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16772).

**DATES:** Comments must be received by 4:00 p.m., on April 22, 1997.

**ADDRESSES:** Written comments should be mailed or hand delivered to Mr. Robert A. Penn, Director, Big Stone Gap Field Office at the first address listed below.

Copies of the Virginia program, the proposed amendment, the technical justification for the 28-degree angle of draw, other information submitted by Virginia, and all written comments received in response to this amendment will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303

Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (703) 523-8100

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Telephone: (703) 523-4303.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and program amendments can

be found at 30 CFR 946.12, 946.13, 946.15, and 946.16.

##### II. Discussion of the Proposed Amendment

By letter dated May 21, 1996 (Administrative Record No. VA-882), Virginia submitted amendments to the Virginia program concerning subsidence damage. The amendments are intended to make the Virginia program consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16722). Virginia stated that the proposed amendments implement the standards of the Federal Energy Policy Act of 1992, and sections 45.1-243 and 45.1-258 of the Code of Virginia.

The proposed amendment was published in the June 11, 1996, **Federal Register** (61 FR 29506), and in the same notice, OSM opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on July 11, 1996. The public comment period was reopened on July 24, 1996 (61 FR 38422), to accept additional comments on the proposed use of a 28-degree angle of draw with the rebuttable presumption of causation by subsidence provision. That comment period ended on August 8, 1996. On September 12, 1996 (61 FR 48110), OSM announced a scheduled public hearing on the proposed amendments. The hearing was held on September 18, 1996 (Administrative Record Number VA-896).

By letter dated July 11, 1996 (Administrative Record Number VA-894), OSM requested that Virginia provide additional information on the proposed amendments, including technical justification for the use of the 28-degree angle of draw. Virginia responded to that request for additional information by letter dated January 3, 1997 (Administrative Record Number VA-902). OSM is reopening the public comment period on the additional information submitted by Virginia, including the technical justification of the use of a 28-degree angle of draw.

##### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comment on whether the additional information submitted by Virginia satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Virginia program.

##### Written Comments

Written comments should be specific, pertain only to the issues proposed in