

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 740, 745, 761, and 772**

RIN 1029-AB42 and 1029-AB82

Rulemaking and Environmental Impact Statement; Valid Existing Rights and Prohibitions of Section 522(e); Public Hearings**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.**ACTION:** Notice of public hearings.

SUMMARY: On January 31, 1997, the Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) published proposed rules which would implement and interpret section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM has received several requests to hold public hearings on the proposed rule and the supporting environmental impact statement and economic analysis and is announcing that public hearings will be held.

DATES: Public hearings are scheduled for: May 15, 1997, in Athens, Ohio at 7:00 p.m.; May 20, 1997, in Whitesburg, Kentucky at 7:00 p.m.; May 20, 1997 in Washington, Pennsylvania at 6:00 p.m.; and May 21, 1997, in Billings, Montana at 7:00 p.m.

ADDRESSES: The public hearings will be held in: Athens, Ohio at the Ohio University Inn, 331 Richland Avenue, Athens, Ohio 45701; Whitesburg, Kentucky at the Appalshop, 306 Madison Street, Whitesburg, KY 41585; Washington, Pennsylvania at the Ramada Inn, 1170 Chestnut Street, Washington, PA 15301; and Billings, Montana at the Sheraton Billings, 27 North 27th Street, Billings, Montana 59101.

FOR FURTHER INFORMATION CONTACT: Andy DeVito, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 208-2701; E-Mail: adevito@osmre.gov.

SUPPLEMENTARY INFORMATION: On January 31, 1997 (62 FR 4836-72) OSM published two proposed rules dealing with the interpretation and implementation of section 522(e) of SMCRA. The first rule, RIN 1029-AB42, would amend OSM's regulations to redefine the circumstances under which a person has valid existing rights (VER) to conduct surface coal mining

operations in areas where such operations are otherwise prohibited by section 522(e) of SMCRA. The second rule RIN 1029-AB82, is a proposed interpretative rulemaking to address the question of whether subsidence due to underground mining is a surface coal mining operation and thus prohibited in areas enumerated in section 522(e) of SMCRA. On January 31, 1997 (62 FR 4759), OSM also made available for public comment an Environmental Impact Statement analyzing the impact of the two proposed rules and the alternatives under consideration.

OSM has received requests to hold public hearings on the proposed rule and supporting documentation. As a result, OSM has scheduled four public hearings on the proposed rules. Refer to **DATES** and **ADDRESSES** for the times, dates and locations for each hearing. The hearings will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSM requests that persons who testify at a hearing give the transcriber a written copy of their testimony, if possible.

Dated: April 22, 1997.

Gene E. Krueger,

Acting Assistant Director, Program Support.

[FR Doc. 97-10771 Filed 4-24-97; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 901**

[SPATS No. AL-067-FOR]

Alabama 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 Alabama regulatory program (hereinafter the "Alabama program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Alabama Surface Mining Commission Rules pertaining to hearing orders and decisions, license application requirements, procedures for permit application review, determination of bond forfeiture amount, surface and ground water monitoring, disposal of excess spoil, and coal mine waste. The amendment is intended to revise the

Alabama program to provide additional safeguards, clarify ambiguities, and improve operational efficiency.

This document sets forth the times and locations that the Alabama program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.d.t., May 27, 1997. If requested, a public hearing on the proposed amendment will be held on May 20, 1997. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t. on May 12, 1997.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Andrew R. Gilmore, Acting Director, Birmingham Field Office, at the address listed below.

Copies of the Alabama program, the proposed amendment, a listing of any scheduled public hearings, 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 Birmingham Field Office.

Andrew R. Gilmore, Acting Director,
Birmingham Field Office, Office of
Surface Mining Reclamation and
Enforcement, 135 Gemini Circle, Suite
215, Homewood, Alabama 35209,
Telephone: (205) 290-7282.

Alabama Surface Mining Commission,
1811 Second Avenue, P.O. Box 2390,
Jasper, Alabama 35502-2390,
Telephone (205) 221-4130.

FOR FURTHER INFORMATION CONTACT:
Andrew R. Gilmore, Acting Director,
Birmingham Field Office, Telephone:
(205) 290-7282.

SUPPLEMENTARY INFORMATION:**I. Background on the Alabama Program**

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. Background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 901.15 and 901.16.