

of "past mining practices" rather than "past coal mining practices."

At NMSA 69-25B-12, it proposes to add a section setting forth emergency powers for the director of the Mining and Minerals Division.

### III. Public Comment Procedures

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 New Mexico plan.

#### 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 Albuquerque 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.d.t. on September 6, 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 specified 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 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 931

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 14, 1995.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

[FR Doc. 95-20723 Filed 8-21-95; 8:45 am]

BILLING CODE 4310-05-M

### 30 CFR Part 944

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

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

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

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Utah AMLR plan (hereinafter, the "Utah plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of new rules to the Utah plan concerning definitions of certain terms, general reclamation requirements for coal lands and waters, eligible lands and water prior to certification, certification of completion of coal sites, eligible lands and water subsequent to certification, exclusion of certain noncoal reclamation sites, extension of land acquisition authority and lien requirements to noncoal, limited liability, contractor responsibility, and reports. It also consists of editorial revisions and deletion of certain provisions concerning State reclamation grants. The amendment is intended to incorporate the additional flexibility afforded by SMCRA, and to improve operational efficiency.

**DATES:** Written comments must be received by 4 p.m. m.d.t., September 21, 1995. If requested, a public hearing on the proposed amendment will be held on September 18, 1995. Requests to present oral testimony at the hearing

must be received by 4 p.m., m.d.t., on September 6, 1995.

**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 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, Western Regional Coordinating Center.

James F. Fulton, Chief, Denver Field Division, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, Colorado 80202  
Mary Ann Wright, Administrator, Abandoned Mine Reclamation Program, Department of Natural Resources, Division of Oil, Gas and Mining, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah 84180-1203, Telephone: (801) 538-5340

**FOR FURTHER INFORMATION CONTACT:** James F. Fulton, Telephone: (303) 672-5524.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Utah AMLR Plan**

On June 3, 1983, the Secretary of the Interior approved the Utah 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 Utah plan 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 944.20 and 944.25.

**II. Proposed Amendment**

By letter dated August 2, 1995 (administrative record No. UT-1071), Utah submitted a proposed amendment to its plan pursuant to SMCRA. Utah submitted the proposed amendment in response to OSM's 30 CFR 884.15(d) letter dated September 26, 1994 (administrative record No. UT-1011).

Utah is proposing to revise its AMLR plan by adding new provisions to the Utah Administrative Rules (Utah Admin. R.) 643-870-500 through 643-886-200. Specifically, Utah proposes to revise (1) Utah Admin. R. 643-870-500 by providing definitions for the terms "eligible lands and water," "left or abandoned in either an unreclaimed or inadequately reclaimed condition," and

"Secretary;" (2) Utah Admin. R. 643-874-100, -110, -124 through -128, -130 through -132, -140 through -144, -150, and -160, by providing general reclamation requirements for coal lands and waters, including interim program and bankrupt surety coal sites, reclamation objectives and priorities, utilities and other facilities, limited liability, and contractor responsibility; (3) Utah Admin. R. 643-875-120 and -122 through -125, by providing eligibility requirements for noncoal lands and water prior to certification; (4) Utah Admin. R. 643-875-130 through -133, by providing requirements related to certification of completion of all coal-related reclamation; (5) Utah Admin. R. 643-875-140 through -142, -150 through -155, -160, -170, -180, -190, and -200, by providing eligibility requirements for lands and water subsequent to certification, including reclamation priorities for noncoal, exclusion of certain noncoal reclamation sites, land acquisition authority, lien requirements, limited liability, and contractor responsibility for noncoal; and (6) Utah Admin. R. 643-886-232.240, by providing a requirement for submission of Form OSM-76, "Abandoned Mine Land Problem Area Description," upon project completion to report the accomplishments achieved through the project.

Utah also proposes editorial revisions at (1) Utah Admin. R. 643-877-141, pertaining to the extension of right of entry for emergency reclamation to noncoal; (2) Utah Admin. R. 643-879-141, -152.200, -153, and -154, pertaining to the authority of the Board of Oil, Gas and Mining (Board) or Division of Oil, Gas and Mining (Division) for certain actions related to the management of acquired land and disposition of reclaimed land; (3) Utah Admin. R. 643-882-132, pertaining to the authority of the Division to waive liens against reclaimed land; and (4) Utah Admin. R. 643-884-150, pertaining to submission to the Director of OSM of a Utah plan amendment.

In addition, Utah is proposing to delete provisions at Utah Admin. R. 643-886-130 through 190, pertaining to the grant period, annual submission of projects, grant application procedures, grant agreements, grant and budget revisions, and audits as they relate to State reclamation grants.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 884.15(a) and 884.14(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.

**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 Denver Field Division, Western Regional Coordinating Center, 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.d.t., September 6, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. 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**. 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.

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**3. Public Meeting**

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#### 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 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 11, 1995.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

[FR Doc. 95–20722 Filed 8–21–95; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 675

[Docket No. 950206040–5040–01; I.D. 081595B]

#### Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Change in Assumed Pacific Halibut Discard Mortality Rate

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed change in assumed Pacific halibut discard mortality rate; request for comments.

**SUMMARY:** NMFS proposes to reduce the Pacific halibut discard mortality rate assumed for the 1995 hook-and-line Pacific cod fishery in the Bering Sea and Aleutian Islands management area (BSAI) from 12.5 percent to 11.5 percent. This action is necessary to implement the intent of the North Pacific Fishery Management Council (Council) to assess discard mortality rates observed in this fishery during the first half of 1995 and, if warranted, adjust the 12.5 assumed rate specified for this fishery to reflect more closely the 1995 observed rate.

**DATES:** Comments must be received by September 5, 1995.

**ADDRESSES:** Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. The final Environmental Assessment prepared for the 1995 BSAI groundfish total allowable catch specifications or the report prepared by the International Pacific Halibut Commission titled “Halibut Discard Mortality Rates in the 1995 BSAI Pacific Cod Hook-and-Line Fishery: Results From Inseason Data Analysis” may be obtained from the same address, or by calling 907–586–

7228. The final Stock Assessment and Fishery Evaluation (SAFE) report, dated November 1994, may be requested from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (907–271–2809).

**FOR FURTHER INFORMATION CONTACT:** Susan Salveson, NMFS, 907–586–7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 675 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island area (FMP). The FMP was prepared by the Council and approved by NMFS under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

NMFS, in consultation with the Council, annually establishes Pacific halibut bycatch allowances for specified BSAI groundfish fisheries. The Director, NMFS, Alaska Region (Regional Director), monitors each fishery’s halibut bycatch allowance using assumed discard mortality rates that are based on the best information available. NMFS published the 1995 halibut bycatch mortality allowances and assumed discard mortality rates in the **Federal Register** on February 14, 1995 (60 FR 8479) as part of the final 1995 specifications of groundfish and associated management measures. NMFS noted in this publication that the 12.5 percent discard mortality rate specified for the BSAI Pacific cod hook-and-line gear fishery would be subject to change pending the results of a mid-year analysis of halibut discard mortality rate data collected by NMFS-certified observers during the first half of 1995. The reasons and justification for this mid-year assessment are discussed in the February 14, 1995, final 1995 groundfish specifications.

Staff of the International Pacific Halibut Commission (IPHC) conducted an analysis of 1995 halibut viability data collected by NMFS-certified observers during the period January 1 to May 6. The results of this analysis are presented in a report titled “Halibut Discard Mortality Rates in the 1996 (BSAI) Pacific Cod Hook-and-Line Fishery: Results From Inseason Data Analysis” (see **ADDRESSES**). Results of this analysis indicate that a halibut discard mortality rate of 11.5 percent is more appropriate in estimating halibut bycatch mortality in the 1995 BSAI hook-and-line fishery for Pacific cod than the 12.5 percent rate established in the final 1995 groundfish specifications (February 14, 1995, 60 FR 8479). These