

Customs by extending the geographical limits of the port of Columbus, Ohio, to include Rickenbacker Airport which is currently operating as a user fee airport. The comment period is being extended another 30 days.

DATES: Comments are requested on or before May 31, 1996.

ADDRESSES: Comments (preferably in triplicate) may be addressed to the Regulations Branch, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 and inspected at Franklin Court, 1099 14th Street, N.W., Suite 4000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harry Denning, Office of Field Operations, (202) 927-0196.

SUPPLEMENTARY INFORMATION: A document was published in the Federal Register (61 FR 8001) on March 1, 1996, proposing to amend the Customs Regulations pertaining to the field organization of Customs by extending the geographical limits of the port of Columbus, Ohio, to include Rickenbacker Airport which is currently operating as a user fee airport. The document further stated that if the boundaries of the port are extended as proposed, the Customs Regulations would also be amended to remove Rickenbacker Airport's designation as a user fee airport. Customs solicited comments on the proposal and comments were due by April 30, 1996.

Customs has received a request to extend the comment period to allow interested parties to have more time to consider the proposal as the long-term economic development interests of the Greater Columbus Community make it imperative that there be full consideration of the proposal. Customs believes the request has merit. Accordingly, the period of time for the submission of comments is being extended 30 days.

All comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), between 9:00 a.m. and 4:30 p.m. on normal business days, at the address stated above.

Dated: April 30, 1996.

Marvin M. Amernick,
Acting Assistant Commissioner, Office of Regulations and Rulings.
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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SPATS No. AR-027-FOR]

Arkansas 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 Arkansas regulatory program (hereinafter the "Arkansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment was submitted at the State's own initiative and consists of revisions to and additions of regulations pertaining to re-mining, water replacement, subsidence damage repair/compensation, and enforcement. Arkansas also proposes to remove duplicated regulation sections for surface and underground mining permit applications pertaining to general requirements for the description of hydrology and geology, groundwater information, surface water information, alternative water supply information, and fish and wildlife resources information. The amendment is intended to incorporate the additional flexibility afforded by the revised Federal regulations, and to enhance the enforcement of the State program.

DATES: Written comments must be received by 4:00 p.m., c.d.t., June 3, 1996. If requested, a public hearing on the proposed amendment will be held on May 28, 1996. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t. on May 20, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Jack R. Carson, Acting Director, Tulsa Field Office, at the address listed below.

Copies of the Arkansas 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 Tulsa Field Office.

Jack R. Carson, Acting Director, Tulsa Field Office, Office of Surface Mining

Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Arkansas Department of Pollution Control and Ecology, Surface Mining and Reclamation Division, 8001 National Drive, Little Rock, Arkansas 72219-8913, Telephone (501) 682-0744.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Carson, Acting Director, Tulsa Field Office, Telephone: (918) 581-6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Program

On November 21, 1980, the Secretary of the Interior conditionally approved the Arkansas program. Background information on the Arkansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the November 21, 1980, Federal Register (45 FR 77003). Arkansas amended its program by submitting provisions that satisfied all of the conditions of the Secretary's approval of November 21, 1980. Effective January 22, 1982, OSM removed the conditions of the approval of the Arkansas permanent regulatory program. Information on the removal of the conditions can be found in the January 22, 1982, Federal Register (47 FR 3108). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 904.12, 904.15, and 904.16.

II. Description of the Proposed Amendment

By letter dated April 2, 1996 (Administrative Record No. AR-557), Arkansas submitted a proposed amendment to its program pursuant to SMCRA. Arkansas submitted the proposed amendment at its own initiative. The provisions of the Arkansas Surface Coal Mining and Reclamation Code (ASCMRC) that Arkansas proposes to amend are:

A. Subchapter A—General

1. *ASCMRC Section 700.10(b) Termination of Jurisdiction*

Arkansas proposed to add this paragraph to include provisions for termination of jurisdiction.

2. *ASCMRC Section 705.5 Definitions*

Arkansas proposes to amend this section by adding, alphabetically, definitions of "drinking, domestic or residential water supply," "land eligible for re-mining," "material damage,"

“non-commercial building,” “occupied residential dwelling and structures related thereto,” “previously mined areas,” “replacement of water supply,” and “unanticipated event or condition.”

B. Subchapter G—Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Procedures Systems

1. ASCMRC Section 771.12(h) Procedures

Arkansas proposes to amend this section by replacing the incorrect reference to Sections 787.11(b) and 787.12(b)(1) with a reference to Sections 787.11 and 787.12.

2. ASCMRC Section 771.25(b) Permit Fees

Arkansas proposes to amend this section by replacing the calculation of the annual administration and enforcement fee on a per affected acre basis with a flat fee of \$600.00 per year through the life of the permit.

3. ASCMRC Section 778.14(c) Compliance Information

Arkansas proposes to amend this section by replacing all existing language except for the last sentence of the paragraph.

4. ASCMRC Section 778.18 Personal Injury and Property Insurance Information

Arkansas proposes to amend this section by removing the reference to Part 806 and adding a reference to Section 800.60.

5. ASCMRC Section 779.19(b) Vegetation Information

Arkansas proposes to amend this section by replacing the reference to Part 779.20 with a reference to Section 780.16.

6. ASCMRC Section 779.22 Land Use Information

Arkansas proposes to remove this section and to incorporate its provisions into Section 780.23.

7. ASCMRC Section 779.25(k) Cross-sections, Maps, and Plans

Arkansas proposes to remove and reserve this section.

8. ASCMRC Sections 780.21 and 784.14 Hydrologic Information

Arkansas proposes to amend Section 780.21 by inserting a new subparagraph (f)(3)(v). Also, through an inadvertent oversight, Section 784.14 was not updated when Section 780.21 was amended in 1988. Therefore, Arkansas proposes to amend Section 784.14 by

renaming the heading, by deleting the inappropriate reference to Section 780.21(b)(3) and referencing instead Sections 780.21(e) and 780.21(f)(3)(iii) as inapplicable to underground operations, and inserting a reference to new paragraph Section 780.21(f)(3)(v). Additionally, through an apparent typographical error, the heading for Section 784.15 had been deleted making it appear that section 784.14 also references Section 780.23. Moreover, this reference incorrectly excluded Section 780.23(a)(2) from consideration for underground mining operations. Therefore, Section 784.14 is further amended by deleting the reference to Section 780.23 and placing the corrected reference under relisted Section 784.15.

9. ASCMRC Sections 780.23 and 784.15 Land Use Information

Arkansas proposes to amend Section 780.23 by replacing it in its entirety. Additionally, through an apparent typographical error, the heading for Section 784.15 had been deleted making it appear that Section 784.14 also references Section 780.23. Moreover, this reference incorrectly excluded Section 780.23(a)(2) from consideration for underground mining operations. Therefore, Arkansas proposes to relist the heading for Section 784.15, and to place the reference to Section 780.23 under this section.

10. ASCMRC Sections 780.25 and 784.16 Ponds, Impoundments, Banks, Dams and Embankments

Arkansas proposes to amend Sections 780.25 and 784.16 by replacing the term “Pond” in the heading with “Siltation Structures.” Also, Section 780.25 is proposed to be amended by replacing the terms “pond and sedimentation ponds” with “siltation structures” in paragraphs (a) and (b), by adding the phrase “and a detailed design plan” to paragraph (a), by replacing the impoundment classification criteria in paragraphs (a)(2), (a)(3), and (f), by replacing the references to now-removed Sections 816.91 through 816.93 in paragraphs (a)(3) (i) and (e) with a reference to Sections 816.81 through 816.84, by replacing the existing language in paragraph (c), and by revising the referenced sections in paragraph (d) from 816.85 to 816.84.

11. ASCMRC Section 783.22 Land Use Information

Arkansas proposes to remove this section and consolidate its provisions into amended Section 783.23.

12. ASCMRC Section 784.20 Subsidence Control

Arkansas proposes to amend this section by removing all existing language and adding new provisions for presubsidence surveys and subsidence control plans.

13. ASCMRC Section 784.25(a) Return of Coal Processing Waste to Abandoned Underground Workings

Arkansas proposes to amend this subsection by revising the reference to Section 816.88 with a reference to Section 816.81(f).

14. ASCMRC Section 785.25 Lands Eligible for Remining

Arkansas proposes to add new Section 785.25 pertaining to permitting requirements for lands eligible for remining.

15. ASCMRC Section 786.5(b) Definitions

Arkansas proposes to amend this subsection by revising the introductory text; by rearranging, alphabetically, the existing definitions; and by inserting alphabetically, definitions for “Applicant/Violator System or AVS,” “Federal violation notice,” “Ownership or control link,” “State violation notice,” and “violation notice.”

16. ASCMRC Section 786.11(c)(2) Public Notices of Filing of Permit Applications

Arkansas proposes to amend this subsection by replacing the reference to Section 783.20 with a reference to Section 780.16.

17. ASCMRC Section 786.17(c) Reveiw of Violations

Arkansas proposes to amend Section 786.17 by revising paragraph (c)(1), by adding an additional qualifying phrase to paragraph (c)(2) regarding permits which will be conditionally issued, and by adding new paragraph (c)(4) regarding an exception to the prohibitions of paragraph (b).

18. ASCMRC Section 786.19(g)–(r) Criteria for Permit Approval or Denial

Arkansas proposes to amend this section by adding new paragraphs (q) and (r) pertaining to lands eligible for remining.

19. ASCMRC Section 786.30 Improvidently Issued Permits: General Procedures

Arkansas proposes to amend this section by revising paragraphs (b) and (c), by renumbering the existing subparagraphs under (b) and (c), and by adding new paragraphs (b)(2) and (c)(2)

pertaining to when an ownership and control link may be challenged under Section 786.35.

**20. ASCMRC Section 786.31
Improvidently Issued Permits:
Rescission Procedures**

Arkansas proposes to amend this section by replacing the reference to Section 786.30(c)(4) with 786.30(c)(1)(iv), by adding a qualifying phrase regarding the provisions of proposed Section 786.35 to paragraph (a), and by deleting the right to appeal provisions of paragraph (c) which are now incorporated in Section 786.30.

**21. ASCMRC Section 786.32
Verification of Ownership or Control
Application Information**

Arkansas proposes to add new Section 786.32 pertaining to verification of ownership or control application information through manual data sources and automated data sources.

**22. ASCMRC Section 786.33 Review of
Ownership or Control Violation
Information**

Arkansas proposes to add new Section 786.33 pertaining to the review of violation notices and ownership or control links to determine whether the application can be approved.

**23. ASCMRC Section 786.34
Procedures for Challenging Ownership
or Control Links Shown in AVS**

Arkansas proposes to add new Section 786.34 pertaining to procedures for challenging ownership or control links shown in the AVS.

**24. ASCMRC Section 786.35
Standards for Challenging Ownership or
Control Links and the Status of
Violations**

Arkansas proposes to add new Section 786.35 pertaining to the standards for challenging ownership or control links shown in the AVS.

**25. ASCMRC Section 788.14(a)(3)
Permit Renewals: Completed
Applications**

Arkansas proposes to amend this subsection by replacing the reference to Section 806.14 with a reference to Section 800.60.

**C. Subchapter H—Small Operator
Assistance**

**1. ASCMRC Section 795.12 Program
Services and Data Requirements**

Arkansas proposes to revise the provisions in this section pertaining to its small operator assistance program (SOAP) and to revise the section title from "Program Services" to "Program

Services and Data Requirements." This amended section includes the provisions of former Section 795.16 Data Requirements.

**2. ASCMRC Section 795.13(a)(2)
Eligibility for Assistance**

Arkansas proposes to amend paragraph (a)(2) by changing the liability period and increasing the production level to 300,000 tons with respect to operator eligibility.

**3. ASCMRC Section 795.16 Data
Requirements**

Arkansas proposes to remove this section and combine it with amended Section 795.12 Program Services and Data Requirements.

**4. ASCMRC Section 795.17 Qualified
Laboratories**

Arkansas proposes to amend this section by revising the definition of "qualified laboratory" in paragraph (a)(1) and by replacing the references of Sections 795.16 (b)(1) and (b)(2) in paragraph (b)(2) with Sections 795.12 (b)(1) and (b)(2).

**5. ASCMRC Section 795.19 Applicant
Liability**

Arkansas proposes to amend this section by raising the production level to 300,000 tons and reducing the liability period, and by making other minor changes.

**D. Subchapter J—Bond Insurance
Requirements for Surface Coal Mining
and Reclamation Operations**

**1. Part 800—General Requirements for
Bonding of Surface Coal Mining and
Reclamation Operations Under the State
Program**

Arkansas proposes to amend Subchapter J by deleting all existing language from Part 800, and by removing Parts 805, 806, 807, and 808, and consolidating the provisions of these removed Parts into amended Part 800. Arkansas also proposes to change the title of Part 800 from "General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under the State Program" to "Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations Under the State Program."

**E. Subchapter K—State Program
Performance Standards**

**1. ASCMRC Section 816.41 Hydrologic
Balance Protection**

Arkansas proposes to amend this section by adding new paragraph (e) pertaining to permittees replacing a drinking, domestic or residential water

supply that is adversely impacted by underground mining activities.

**2. ASCMRC Section 816.46 Hydrologic
Balance: Siltation Structures**

Arkansas proposes to amend this section by expanding the definition of "other treatment facility" in paragraph (a)(3), by suspending paragraph (b)(2), and by revising paragraph (c)(2) regarding spillways.

**3. ASCMRC Section 816.49
Impoundments**

Arkansas proposes to amend this section by redesigning paragraphs (a)(1) through (a)(8) as paragraphs (a)(2) through (a)(9), respectively, and paragraphs (a)(9) through (a)(11) as paragraphs (a)(11) through (a)(13), respectively; by replacing the language of paragraph (a)(1) with language pertaining to impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service (SCS) Technical Release No. 60; by adding new paragraph (a)(10) pertaining to high walls; by revising newly redesignated paragraphs (a)(4), (a)(5), (a)(6)(i), and (a)(11), and existing paragraphs (c)(2) (i) and (ii) by inserting references to the SCS criteria for dam classification; and by replacing the existing language of a newly redesignated paragraph (a)(9) with language pertaining to spillways.

**4. ASCMRC Section 816.81 Coal Mine
Waste: General Requirements**

Arkansas proposes to amend this section by replacing the introductory text in paragraph (a); by replacing existing language in paragraph (c)(2) with language pertaining to design criteria for a disposal facility; and by deleting paragraphs (c)(3) and (c)(4).

**5. ASCMRC Section 816.82 Coal
Processing Waste Banks: Site Inspection**

Arkansas proposes to remove this section pertaining to inspections of coal processing waste banks.

**6. ASCMRC Section 816.85 Coal
Processing Waste Banks: Construction
Requirements**

Arkansas proposes to remove this section pertaining to the construction of coal processing waste banks.

**7. ASCMRC Section 816.86 Coal
Processing Waste: Burning**

Arkansas proposes to remove this section pertaining to extinguishing coal processing waste fires.

8. ASCMRC Section 816.88 Coal Processing Waste: Return to Underground Workings

Arkansas proposes to remove this section pertaining to the return of coal processing waste to underground mine workings.

9. ASCMRC Section 816.89 Disposal of Noncoal Mine Wastes

Arkansas proposes to amend this section by removing paragraph (d) pertaining to the handling of hazardous noncoal mine waste.

10. ASCMRC Section 816.91—816.93 Coal Processing Waste: Dams and Embankments

Arkansas proposes to remove Sections 816.91, 816.92, and 816.93 and incorporate their provisions into Section 816.84. Sections 816.91, 816.92, and 816.93 pertain to obtaining State approval, site preparation, and design and construction standards, respectively, before using coal processing waste to construct dams and embankments.

11. ASCMRC Section 816.112 Revegetation, Use of Introduced Species

Arkansas proposes to remove this section pertaining to substituting introduced species for native species.

12. ASCMRC Section 816.116 Revegetation: Standards for Success

Arkansas proposes to amend this section by revising paragraph (c)(2) by deleting the precipitation qualifier and by adding new subparagraphs (c)(2)(i) and (c)(2)(ii) pertaining to success standards for lands eligible for re-mining, by deleting paragraph (c)(3) pertaining to an average annual precipitation criterion, and by redesignating paragraph (c)(4) as (c)(3).

13. ASCMRC Section 816.121-U Subsidence Control: General Requirements

Arkansas proposes to amend this section by combining the provisions of Sections 816.121-U General requirements, 816.124-U Surface owner protection, and 816.126-U Buffer zones into revised Section 816.121-U General requirements.

14. ASCMRC Section 816.121-U Subsidence Control: Public Notice

Arkansas proposes to remove the first sentence of the introductory paragraph and paragraphs (b) and (c) and insert language pertaining to notifying landowners of proposed underground mining operations.

15. ASCMRC Section 816.124-U and 816.126-U Subsidence Control: Surface Owner Protection and Buffer Zones, Respectively

Arkansas proposes to remove these two sections and incorporate their provisions under revised Section 816.121-U General requirements.

16. ASCMRC Section 827.12 Coal Processing Plants: Performance Standards

Arkansas proposes to replace the references to Sections 816.91 through 816.93 in paragraph (e) with Section 816.84. Arkansas also proposes to amend paragraph (g) by replacing the terms "solid waste" and "any excavated materials" with "noncoal mine waste" and "excess spoil," and by rearranging and revising the referenced sections.

F. Subchapter L—State Program Inspection and Enforcement Procedures

1. ASCMRC Section 842.11 Inspections

Arkansas proposes to replace all existing language in paragraphs (c)(1) through (c)(4), and to add new paragraphs (d) through (f).

2. ASCMRC Section 842.14 Review of Adequacy and Completeness of Inspections

Arkansas proposes to amend this section by replacing references to specific sections with more generalized language.

G. Subchapter R—Abandoned Mine Land Reclamation

1. ASCMRC Section 874.5 Definitions

Arkansas proposes to amend this section by revising the definition of "left or abandoned in either an unreclaimed or inadequately reclaimed condition."

2. ASCMRC Section 874.12 Eligible Lands and Water

Arkansas proposes to amend this section by adding new paragraphs (a)(4) through (a)(8) pertaining to coal lands and water eligible for reclamation activities.

H. The proposed amendment also consists of removals of duplicative regulation sections for surface and underground mining permit applications pertaining to ASCMRC Sections 779.13 and 783.13 Description of hydrology and geology; General requirements, ASCMRC Sections 779.15 and 783.15 Groundwater information, ASCMRC Sections 779.16 and 783.16 Surface water information, ASCMRC Sections 779.17 and 783.17 Alternative water supply information, and ASCMRC Sections 779.20 and 783.20 Fish and wildlife resources information.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Arkansas program.

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 Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t. on May 20, 1996. 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 speak 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak 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

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).

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, to the extent allowed by law, 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 regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 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 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 26, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-11022 Filed 5-2-96; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 946

[VA-107-FOR]

Virginia 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 Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of statutory changes contained in Virginia House Bill 706 and the implementing regulations, both of which address sudden release of accumulated water from underground coal mine voids. The amendment is intended to improve the effectiveness of the Virginia program.

DATES: Written comments must be received by 4:00 p.m., on June 3, 1996. If requested, a public hearing on the proposed amendment will be held on May 28, 1996. Requests to speak at the hearing must be received by 4:00 p.m., on May 20, 1996.

ADDRESSES: Written comments and requests to speak at the hearing 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, 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 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, P.O. Box 1217, Powell Valley Square Shopping Center, Room 220, Route 23, 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 April 17, 1996 (Administrative Record No. VA-876), Virginia submitted amendments to § 45.1-243 of the Code of Virginia contained in Virginia House Bill 706, and concerning the sudden release of accumulated water from underground coal mine voids. Virginia also submitted the proposed implementing regulations at § 480-03-19.784.14 concerning hydrologic information for reclamation and operations plans, and § 480-03-19.817.41 concerning performance standards for hydrologic balance protection.

The proposed amendments are as follows:

1. § 45.1-243 of the Code of Virginia is amended by adding a new subsection to read as follows:

B. The Director's regulations shall require that permit applicants submit hydrologic reclamation plans that include measures that will be utilized to prevent the sudden release of