

30 CFR Part 926**Montana 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 Montana AMLR plan (hereinafter, the "Montana plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of new provisions to the Montana plan concerning the reclamation of interim program and insolvent surety bond forfeiture coal sites, future set-aside funds and an acid mine drainage program, and water supply replacement project requirements. The amendment is intended to incorporate the additional flexibility afforded by SMCRA, as amended by the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508), and to improve operational efficiency.

DATES: Written comments must be received by 4 p.m., m.d.t., May 25, 1995. If requested, a public hearing on the proposed amendment will be held on May 22, 1995. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t., on May 10, 1995.

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

Copies of the Montana 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

Vic Anderson, Director, Abandoned Mine Reclamation Bureau, Montana Department of State Lands, Capitol Station, 1625 Eleventh Avenue, Helena, Montana 59620, Telephone: (406) 444-2074

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

SUPPLEMENTARY INFORMATION:**I. Background on the Montana AMLR Plan**

On November 24, 1980, the Secretary of the Interior approved the Montana plan. General background information, including the Secretary's findings, the disposition of comments, and the approval of the Montana plan can be found in the November 24, 1980, **Federal Register** (45 FR 70445). Subsequent actions concerning Montana's plan and plan amendments can be found at 30 CFR 926.20 and 926.25.

II. Proposed Amendment

By letter dated March 22, 1995 (administrative record No. MT-AML-01), and memorandum dated April 5, 1995 (administrative record No. MT-AML-02), Montana submitted a proposed amendment to its AMLR plan pursuant to SMCRA. Montana submitted the proposed amendment at its own initiative. Montana proposed to revise its AMLR plan to allow implementation of several initiatives established under the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508). The first initiative involves use of abandoned mine reclamation funds for reclaiming high priority sites where mining occurred during the period beginning on August 4, 1977, and ending on or before April 1, 1980, and where any funds available for reclamation or abatement are not sufficient to provide for adequate reclamation or abatement at the site. The second initiative involves use of abandoned mine reclamation funds for reclaiming high priority sites where mining occurred during the period beginning on August 4, 1977, and ending on or before November 5, 1990, during which time the surety became insolvent, and where funds immediately available from proceedings relating to such insolvency or from any other source, are not sufficient to provide for adequate reclamation or abatement at the site. The third initiative involves setting aside up to 10 percent of the total of the abandoned mine reclamation grants made annually to Montana to provide for restoration of eligible lands and waters after expiration of the Federal abandoned mine land program and implementation of an acid mine drainage program. The fourth initiative allows Montana to expend up to 30 percent of the abandoned mine reclamation grant funds allocated each year to the State for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supply, including

water distribution facilities and treatment plants, and to replace water supplies adversely affected by past mineral mining practices.

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 Montana 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 Casper 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., May 10, 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.

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