

specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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*Paragraph 5000 Class D Airspace*

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**AWP AZ D Glendale, AZ [Revised]**

Glendale Municipal Airport, AZ

(Lat. 33°31'38" N, long. 112°17'42" W)

That airspace extending upward from the surface to including 3,100 feet MSL within a 3-mile radius of the Glendale Municipal Airport excluding that portion west of a line beginning at lat. 33°29'00" N, long. 112°19'26" W; to lat. 33°29'29" N, long. 112°19'29" W; to lat. 33°33'24" N, long. 112°18'04" W; to lat. 33°34'32" N, long. 112°16'43" W. This class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Los Angeles, California, on March 3, 1995.

**Dennis T. Koehler,**

*Acting Manager, Air Traffic Division,  
Western-Pacific Region.*

[FR Doc. 95-6381 Filed 3-14-95; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 926**

**Montana Regulatory Program**

**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 the receipt of a proposed amendment to the Montana regulatory program (hereinafter, the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consist of revisions to Title 26, Chapter 4, Subchapters 3 through 12 of the Administrative Rules of Montana (ARM). The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by the revised Federal regulations, clarify ambiguities, and improve operational efficiency

This document sets forth the times and locations that the Montana 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 procedures that will be followed regarding the public hearing if one is requested.

**DATES:** Written comments must be received by 4:00 p.m., m.s.t. April 14, 1995. If requested, a public hearing on the proposed amendment will be held on April 10, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t. on March 30, 1995.

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

Copies of the Montana program, the proposed amendment, and all written comments received in response to this notice 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, WY 82601-1918, Casper, WY 82601-1918, Telephone: (307) 261-5776.

Gary Amestoy, Administrator, Montana Department of State Lands, Reclamation Division, Capitol Station, 1625 Eleventh Avenue, Helena, Montana 59620, (406) 444-2074.

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

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Montana Program**

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program as administered by the Department of State Lands. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15 and 926.16.

**II. Proposed Amendment**

By letters dated February 1, 1995, and February 28, 1995, Montana submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record Nos. MT-12-01 and MT-12-05, State Program Amendment Tracking

System (SPATS) No. MT-003-FOR). Montana's proposed amendment consist of changes to the Montana program as required by 30 CFR 926.16; in response to program deficiency letters from OSM dated April 29, 1985, May 11, 1989, and March 29, 1990; and on its own initiative. The Montana proposed amendment consists of changes to Title 26, Chapter 4, Subchapters 3 through 12 of the State's ARM. The proposed revisions and rule changes are located at: ARM 26.4.301, definitions; ARM 26.4.304, legal, financial, compliance related information; ARM 26.4.304, baseline information for environmental resources; Arm 26.4.308, operation plans; ARM 26.314, plans for protection of the hydrologic balance; ARM 26.4.321, transportation facilities plans; ARM 26.4.304, review of applications; ARM 26.4.405, findings and notices of decision; ARM 26.4.405A, improvidently issued permits general requirements; ARM 26.4.405B, improvidently issued permits: revocation; ARM 26.4.407, conditions of permits; ARM 26.4.410, permit renewal; ARM 26.4.501A, final grading requirements; ARM 26.4.505, burial and treatment of waste materials; ARM 26.4.519A, thick overburden and excess spoil; ARM 26.4.524, signs and markers; ARM 26.4.601, general requirements for road and railroad loop construction; ARM 26.4.602, location of roads and railroad loops; ARM 26.4.603, embankments; ARM 26.4.605, Hydrologic impacts of roads and railroad loops; ARM 26.4.623, blasting schedules; ARM 26.4.633, water quality performance standards; ARM 26.4.634, reclamation of drainages; ARM 26.4.638, sediment control measures; ARM 26.4.639, sedimentation ponds and other treatment facilities; ARM 26.4.642, permanent and temporary impoundments; ARM 26.4.645, ground water monitoring; ARM 26.4.646, surface water monitoring; ARM 26.4.702, redistribution and stockpiling of soil; ARM 26.4.711, establishment of vegetation; ARM 26.4.711, eradication of rills and gullies; ARM 26.4.724, use of revegetation comparison standards; ARM 26.4.726, vegetation production, cover, diversity, density, and utility requirements; ARM 26.4.821, alternate reclamation: submission of plan; ARM 26.4.825, alternate reclamation: Alternate revegetation; ARM 26.4.924, disposal of underground development waste: general requirements; ARM 26.4.927, disposal of underground development waste: durable rock fills; ARM 26.4.930, placement and disposal of coal processing waste: special application requirements; ARM

26.4.923, disposal of coal processing waste; ARM 26.4.1001, permit requirements; ARM 26.4.1001A, notice of intent to prospect; ARM 26.4.1002, information and monthly reports; ARM 26.4.1005, drill holes; ARM 26.4.1006, roads and other transportation facilities; ARM 26.4.107, grading, soil salvage, storage, and redistribution; ARM 26.4.1009, diversions; ARM 26.4.1011, hydrologic balance; ARM 26.4.1014, test pits: application requirements, review procedures, bonding and additional performance standards; ARM 26.4.1116, bonding: criteria and schedule for release of bond; ARM 26.4.1116A, reassertion of jurisdiction; ARM 26.4.1141, designation of lands unsuitable; ARM 26.4.1206, notices, orders of abatement and cessation orders: issuance and service; and ARM 26.4.1212, point system for civil penalties and waivers.

Specifically, Montana proposes to:

- Revise ARM 26.4.301 to add the definitions of “Owned or controlled” and “Waste disposal structure;” to modify the definition of “Test pit;” and to recodify the numbering of definitions affected by this action.
- Revise ARM 26.4.303 to require new information on ownership and control, and status of violations in the permit application requirements.
- Revise ARM 26.4.304 to clarify baseline informational needs regarding groundwater and surface water resources in the permit application.
- Revise ARM 26.4.308 to require cross sections, design drawings, and other specifications for other support facilities.
- Revise ARM 26.4.314 to provide a list of considerations when summarizing the probable hydrologic consequences of the proposed mining operation.
- Revise ARM 26.4.321 to demonstrate that transportation facilities are in compliance with performance standards.
- Revise ARM 26.4.404 to identify under what situations the department would conditionally issued a permit.
- Revise ARM 26.4.405 to require the applicant to provide any new information regarding ownership/control and violations prior to making a decision to approve the permit application.
- Provide new rule requirements at ARM 26.4.405A to allow the department to consider, if it has reason to believe, that a permit has been improvidently issued.
- Provide new rule requirements at ARM 26.4.405B concerning revocation of an improvidently issued permit.
- Revise ARM 26.4.407 to require certain information from the permittee when a cessation order has been issued.
- Revise ARM 26.4.410 to clarify when a permit need not be renewed.
- Revise ARM 26.4.501A to require that grading and backfilling may not be more than four rather than two spoil ridges behind the pit being worked.
- Revise 26.4.505 concerning waste disposal structure location, design criteria, and inspection requirements.
- Revise 26.4.519A to delete the requirement that all highwalls and depressions must be eliminated when mining in thick overburden.
- Revise ARM 26.4.524 to require identification of the mine safety and health administration number and contractor identification (if applicable) on mine area access signs.
- Revise ARM 26.4.601 to require a report that roads have been constructed or reconstructed in accordance with the approved plan.
- Revise ARM 26.4.602 to identify when stream fords can be used.
- Revise ARM 26.4.603 to remove the ability for a registered land surveyor to design and certify embankments and require all embankments to have a minimum seismic safety factor of 1.2.
- Revise ARM 26.4.605 to require that all roads used to haul coal or spoil or be retained in the post mining land use, must meet certain design criteria for water-control structures.
- Revise ARM 26.4.623 to allow the department to impose more restrictive conditions when explosives are to be detonated.
- Revise ARM 26.4.633, to correct an incorporated cite regarding revegetation performance requirements as related to sediment control through BTCA practices.
- Revise ARM 26.4.634 to clarify drainage systems/drainage channel reclamation requirements and when detailed reclamation plans prior to reclaiming a drainage channel is required.
- Revise ARM 26.4.638 to correct an incorporated citation on revegetation performance standards in relation to sedimentation control measures.
- Revise ARM 26.4.639 to allow for a single spillway in the construction of sedimentation ponds, provide design criteria/size relationship when a spillway is not needed, require that a sediment pond constructed per 30 CFR 77.216(a) must meet certain spillway discharge standards, and delete certain requirement before a sedimentation pond can be removed.
- Revise ARM 26.4.642 to clarify when inspection reports are needed for dams and embankments.
- Revise ARM 26.4.645 and .646 to require that sampling and water quality analysis be conducted in accordance with “Circular WOB-7, Montana Numeric Water Quality Standards.”
- Revise ARM 26.4.702 to require the determination of the physicochemical nature of surficial spoil material in soil prior to redistribution and to scarify soil to a minimum 12-inch depth when replaced.
- Revise ARM 26.4.711 to require consultation and approval by certain State agencies concerning cover, planting, and stocking of vegetation on certain land uses.
- Revise ARM 26.4.721 to require treatment of rills and gullies under certain conditions.
- Revise ARM 26.4.724 to delete special success of revegetation considerations on operations of less than 100 acres.
- Revise ARM 26.4.726 to require “live” vegetative cover.
- Revise ARM 26.4.821 to allow technical standards derived from historical data for comparison when releasing bond for alternate revegetation areas.
- Revise ARM 26.4.825 to specify what performance standard criteria is to be used on special use pasture.
- Revise ARM 26.4.924 to clarify the applicability for use of waste disposal structures plus design criteria that must be met.
- Revise ARM 26.4.927 to require that durable rock fills meet a minimum safety factor of 1.5, rather than this minimum factor at the end of construction.
- Revise ARM 26.4.930 to provide design information and impoundment operation, demonstration of compliance with performance standards, results and analysis of geotechnical investigations, stability analysis, and description assumptions/calculations of design options and considerations in selection of specific design parameters for coal processing waste impoundments.
- Revise ARM 26.4.932 to clarify the inspection requirements for coal processing waste disposal areas.
- Revise ARM 26.4.1001 to clarify that a prospecting permit will be required when areas designated as unsuitable for mining are involved; that ethnological values, pits and disposal areas for extracted materials, and roads/access routes must be identified; that the yearly prospecting permit is subject to renewal,

suspension, and revocation; and that a copy of the permit must be available for review by the department upon request.

- Provide new rule requirements at ARM 26.4.1001 for filing of a notice of intent to prospect.
- Revise ARM 26.4.1002 to clarify informational requirements and report requirements concerning prospecting activities.
- Revise ARM 26.4.1005 to specify requirements for treatment of drill holes upon completion of exploration when circulation is not lost and detail description requirements for wells and drill holes that are to be retained after exploration.
- Revise ARM 26.4.1006 to include consideration and performance requirements for other transportation facilities involved in prospecting.
- Revise ARM 26.4.1007 to require that excavations or embankments created during prospecting must be reclaimed to the approximate original contour.
- Revise ARM 26.4.1009 to require that diversions needed in prospecting, meet applicable performance standards at ARM 26.4.635 and .636.
- Revise ARM 26.4.10011 to require that the prevailing hydrologic balance in prospecting be minimized in accordance with ARM 26.4.631 through .634 and .638 through .651.
- Revise ARM 26.4.1014 to demonstrate that a test pit is necessary and include such information as the name of the firm doing the testing, types of tests, amount of mineral needed, that sufficient reserves are available for future markets, and why other means of prospecting are not adequate to determine feasibility.
- Revise ARM 26.4.1116 to incorporate revegetation performance standards that need to be met for bond release.
- Provide new rule at ARM 26.4.1116A to allow the department reassertion of jurisdiction.
- Revise ARM 26.4.1141 to correct the definition of “national” to “natural” hazard lands.
- Revise ARM 26.4.1206 to require the department to notify owners and controllers that a cessation order or noncompliance notice has been issued the mining operation.
- Revise ARM 26.4.1212 to clarify when a violation must be counted in the “history of recent violations” review during the assessment of penalties.

## II. 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 Montana 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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

### 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.s.t. March 30, 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 comment 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.

### 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

### 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, this rule meets the applicable standards of subsection (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 the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(1)), 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 the Office of Management and Budget 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 that 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 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 8, 1995.

**Charles E. Sandberg,**

*Acting Assistant Director, Western Support Center.*

[FR Doc. 95-6302 Filed 3-14-95; 8:45 am]

BILLING CODE 4310-05-M

### 30 CFR Part 944

#### Utah Regulatory Program

**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 regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to rules pertaining to permit application requirements and normal husbandry practices and Utah's "Vegetation Information Guidelines." The amendment is intended to improve operational efficiency.

**DATES:** Written comments must be received by 4:00 p.m., m.d.t. April 14, 1995. If requested, a public hearing on the proposed amendment will be held on April 10, 1995. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t. on March 30, 1995.

**ADDRESSES:** Written comments should be mailed or hand delivered to Thomas E. Ehmett at the address listed below.

Copies of the Utah program, 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 Albuquerque Field Office.

Thomas E. Ehmett, Acting Director,  
Albuquerque Field Office, Office of

Surface Mining Reclamation and Enforcement, 505 Marquette Avenue, NW., Suite 1200, Albuquerque, New Mexico 87102

Utah Coal Regulatory Program, Division of Oil, Gas, and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, Telephone: (801) 538-5340.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Ehmett, Telephone: (505) 766-1486.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

##### II. Proposed Amendment

By letter dated February 6, 1995, Utah submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. UT-1025). Utah submitted the proposed amendment at its own initiative. Utah proposes to revise its Coal Mining Rules at Utah Administrative (Utah Admin. R.) 645-301-321.100 and .200, 645-301-322.332, and 645-301-342.352, concerning permit application requirements, and Utah Admin. R. 645-301-357.300 through 365, concerning normal husbandry practices. Utah also proposes to revise its "Vegetation Information Guidelines," concerning a Bibliography of referenced publications for the proposed normal husbandry practices.

Specifically, Utah proposes to revise Utah Admin. R. 645-301-321.100 and .200, 645-301-322.332, and 645-301-342.352 by adding the terms "surface coal mining and reclamation activities" and/or "underground coal mining and reclamation activities;" Utah Admin. R. 645-301-357.300 by deleting existing general information concerning Utah's authority to approve selective husbandry practices; and Utah Admin. R. 645-301-357.301 through .365 by adding, as proposed normal husbandry practices, (1) Limited reseeding or replanting of trees or shrubs, (2) chemical, mechanical, and biological weed control and associated revegetation, (3) control of pests including big game, small mammals,

and insects, (4) reseeding and/or replanting as a result of third-party interference or natural disasters, excluding climatic variation and including vandalism which is not caused by any lack of planning, design, or implementation of the mining and reclamation plan, wildfires, earth quakes, and mass movement originating outside the disturbed area, (5) limited irrigation, and (6) limited repair of highly erodible areas and rills and gullies. Utah also proposes to revise its "Vegetation Information Guidelines" by adding Appendix C, a bibliography of referenced publications supporting the proposed normal husbandry practices.

##### 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 Utah program.

###### 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.s.t. on March 30, 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