

Subsection (m) establishes the criteria for relieving an operator for all preexisting discharges under the special authorization.

3. Section 6.3 Experimental Practices

This new section sets forth criteria established to encourage practices that will advance coal refuse disposal practices and advance technology or practices that will enhance environmental protection with respect to coal refuse disposal activities.

4. Section 15.1 Suspension of Implementation of Certain Provisions

This new provision provides for the suspension of any provision of Act 1994-114 found to be inconsistent with SMCRA.

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 Pennsylvania 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 Harrisburg 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 p.m., e.d.t. on October 31, 1995. 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 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 corresponding 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 corresponding Federal regulations.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 27, 1995.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 95-25559 Filed 10-13-95; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 943

[TX-024-FOR]

Texas Regulatory Program

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of a revision pertaining to a previously proposed amendment to the Texas regulatory program (hereinafter, the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed revision to the proposed amendment pertains to self-bonding. The proposed amendment is intended to revise the State program to be consistent with the corresponding Federal regulations.

This notice sets forth the times and locations that the Texas program and

revisions to the proposed amendment to that program are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received by 4 p.m., c.s.t., October 31, 1995.

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

Copies of the Texas 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 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.

Railroad Commission of Texas, Surface Mining and Reclamation Division, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas, 78711-2967, Telephone: (512) 463-6900.

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

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval, can be found in the February 27, 1980, Federal Register (45 FR 12998). Subsequent actions concerning the Texas program amendments can be found at 30 CFR 943.10, 943.15, and 943.16.

II. Proposed Amendment

By letter dated August 11, 1995 (Administrative Record No. TX-593), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposed to amend the Texas Administrative Code (TAC) at 16 TAC 11.221, Texas Coal Mining Regulations (TCMR) § 806.309(j)(2)(C), concerning the criteria for acceptance of self-bonds to ensure reclamation performance.

OSM announced receipt of the proposed amendment in the September 12, 1995, Federal Register (60 FR 47316), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on the adequacy of the amendment. The public comment period would have ended October 12, 1995.

On September 23, 1995 (Administrative Record No. TX-593.03), OSM contacted Texas for clarification on the amendment. Specifically, OSM needed to know what effect Texas' existing 25 percent of net worth limitation provision at TCMR § 806.309(j)(5)(A) would have on the proposed 16 $\frac{2}{3}$ percent net worth limitation provision at TCMR § 806.309(j)(2)(C)(iv)(II)(C). TCMR § 806.309(j)(5)(A) limits the total amount of the applicant's outstanding and proposed self-bonds for surface coal mining and reclamation operations to 25 percent of the applicant's tangible net worth in the United States. While TCMR § 806.309(j)(2)(C)(iv)(II)(C) limits the total amount of the applicant's outstanding and proposed self-bonds for surface coal mining and reclamation operations to 16 $\frac{2}{3}$ percent of the applicant's net worth in the United States.

On September 25, 1995, Texas clarified its proposed provision at TCMR 806.309(j)(2)(C)(iv)(II)(C) by submitting a revised amendment package (Administrative Record No. TX-593.02). Specifically, Texas proposes to add the following new provision at TCMR 806.309(j)(2)(C)(iv).

The limitation contained in subparagraph (II)(C) of this section applies to applicants or guarantors qualifying pursuant to subparagraph (II) only and does not affect the limitation set out in Section 806.309(j)(5)(A) for applicants or guarantors seeking acceptance of a self-bond pursuant to paragraphs i-iii or subparagraph (I) of this section.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Texas program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. 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 Texas 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.

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 the Federal regulations at 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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 3, 1995.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 95-25560 Filed 10-13-95; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 943

[SPATS No. TX-025-FOR]

Texas 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 Texas regulatory program (hereinafter the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the recodification of the Texas Surface Coal Mining and Reclamation Act. The proposed amendment is intended to reclassify and rearrange the statutes into a format that will accommodate future expansion of the law and to eliminate repealed, invalid, and duplicative provisions in order to make the statutes more understandable and usable without altering the meaning or effect of the law.

DATES: Written comments must be received by 4 p.m., c.s.t., November 15, 1995. If requested, a public hearing on

the proposed amendment will be held on November 13, 1995. Requests to speak at the hearing must be received by 4 p.m., c.s.t., on October 31, 1995.

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 Texas 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.

Railroad Commission of Texas, Surface Mining and Reclamation Division, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas, 78711-2967, Telephone: (512) 463-6900.

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

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 27, 1980, Federal Register (45 FR 12998). Subsequent actions concerning the Texas program can be found at 30 CFR 943.10, 943.15, and 943.16.

II. Description of the Proposed Amendment

By letter dated August 24, 1995 (Administrative Record No. TX-594), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. The proposed amendment concerns recodification of the Texas Surface Coal Mining and Reclamation Act (TSCMRA) as enacted by Senate Bill (SB) 959, 74th Texas Legislature (1995). SB 959 codified, with revisions, the TSCMRA at Chapter 134 of Title 4, Natural Resources Code, and it repealed Article

5920-11, Vernon's Texas Civil Statutes, with the exception of sections 11 (b), (c), and (d). Substantive revisions which pertain to the approved Texas program are discussed below.

1. Recodification

The substantive provisions in Article 5920-11, TSCMRA, sections 1 through 38, with the exception of sections 3(2), 3(7), 11(b)-(d), 18(d), 27(c), 34(b), and 35(4) are proposed to be recodified at Chapter 134 of Title 4, Natural Resources Code, TSCMRA, sections 134.001 through 134.188. Listed below are the existing Article 5920-11 section numbers with the new corresponding Chapter 134 section numbers.

Article 5920-11 Section	Chapter 134 Section
1	134.001.
2(1)-(5)	134.002.
2(5)(A)-(F)	134.003.
3(1)	134.004(2).
3(3)-(6)	134.004(3)-(6)
3(8)-(15)	134.004(8)-(15)
3(16)-(18)	134.004(18)-(20)
3(19)	134.004(16)
4(a)	134.012(a)(1).
4(b)	134.012(a)(2), (b)-(c).
4(c)	134.188
5	134.011.
6	134.013.
7	134.141.
8(a)	134.144.
8(b)	134.143.
8(c)	134.145.
8(d)	134.146, 147.
8(e)	134.148, 149.
9(a)	134.150.
9(b)	134.151.
10	134.152.
11(a)	134.051.
12(a)	134.071, 073
12(b)	134.072.
13(a)	134.074, 075.
13(b)	134.075(c).
13(c)	134.076.
13(d)	134.077, 078.
14(a)(1)-(a)(15)	134.052, 012(d).
14(a) (16)	134.031(a).
14(b)	134.031(b).
15(1)-(13)	134.041.
15(14)	134.031(c)
16	134.042.
17	134.057.
18(a)-(b)	134.054(a)-(c).
18(c)	134.055
19	134.056.
20(a)	134.058, 059, 060.
20(b)	134.061.
20(c)	134.062(a).
20(d)	134.062(b).
20(e)	134.063.
20(f)	134.064.
21(a)	134.065.
21(b)	134.066, 067, 012(d).
21(c)	134.068, 069.
21(d)	134.070.
22(a)	134.079, 080, 081, 076(a).
22(b)	134.083.