

noticed, by certified letter, that the PADEP received a proposal for a GFCC to perform reclamation activities within the municipality.

(e) Upon final execution of the contract, PADEP will notify the host municipality and county by certified mail of the action (see draft notice); notify any agencies who submitted comments; notify appropriate state Legislators, in writing, of the action; and issue a press release of the action (Regional Community Relations Coordinator to assist in preparation of this release). If a Small Projects Permit is issued with the executed contract, notice must be made in the PA Bulletin.

#### *Monitoring Program for GFCC's*

The PADEP will conduct monthly inspections of all GFCC's until the site is determined to be stabilized by vegetation. At that time, the PADEP will continue to conduct regular inspections on a quarterly basis until the contract receives final approval and final bond release.

The inspections forms and related instructions to be utilized to monitor the GFCC program are part of the amendment.

### **III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 884.15, OSM is now seeking comment on whether the amendment proposed by Pennsylvania satisfies the applicable requirements for the approval of State AMLR program amendments. 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 Administration Record.

#### *Public Hearing*

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on January 13, 1998. If no one requests an opportunity to comment at a 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 comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons who desire to comment have been heard.

#### *Public Meeting*

If only one person requests an opportunity to comment 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 amendments may request a meeting at the Harrisburg Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of the meetings will be posted in advance at the locations listed above under **ADDRESSES**. A summary of meeting will be included in the Administrative Record.

### **IV. Procedural Determinations**

#### *Executive Order 12866*

This proposal rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### *Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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 and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-1243) and 30 CFR Parts 884 and 888.

#### *National Environmental Policy Act*

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation 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)).

#### *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 in the analyses for the corresponding Federal regulations.

#### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

### **List of Subjects in 30 CFR Part 938**

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 18, 1997.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 97-33663 Filed 12-24-97; 8:45 am]

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## **DEPARTMENT OF THE INTERIOR**

### **Office of Surface Mining Reclamation and Enforcement**

#### **30 CFR Part 943**

[SPATS No. TX-039-FOR]

### **Texas Abandoned Mine Land Reclamation Plan**

**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 abandoned mine land (AML) reclamation plan (hereinafter referred to as the "Texas plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to responsibilities, definitions, abandoned mine reclamation fund, eligible coal lands and water, reclamation objectives and priorities, utilities and other facilities, limited liability, contractor responsibility, eligible non-coal lands and water, reclamation priorities for non-coal program, exclusion of certain non-coal reclamation sites, land acquisition authority-non-coal, lien requirements, written consent for entry, entry and consent to reclaim, entry for emergency reclamation, land eligible for acquisition, procedures for acquisition, acceptance of gifts of land, management of acquire land, disposition of reclaimed lands, and liens. The amendment is intended to revise Texas' AML regulations to conform selected parts to amended Federal regulations. Texas also proposed to reorganize its AML regulations to align more clearly with Federal counterpart regulations.

**DATES:** Written comments must be received by 4:00 p.m., c.s.t., January 28, 1998. If requested, a public hearing on the proposed amendment will be held on January 23, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t., on January 13, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office at the address listed below.

Copies of the Texas plan, 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.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Texas 74135-6547, Telephone: (918) 581-6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue,

P.O. Box 12967, Austin, Texas 78711-2967, Telephone: (512) 463-6900.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581-6430.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Texas Plan**

On June 23, 1980, the Secretary of the Interior approved the Texas Abandoned Mine Land Plan. General background information on the Texas plan, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 23, 1980, **Federal Register** (45 FR 41937). Subsequent actions concerning the Texas program can be found at 30 CFR 943.25.

**II. Description of the Proposed Amendment**

By letter dated December 1, 1997 (Administrative Record No. TAML-61), Texas submitted a proposed amendment to its plan pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. The provisions of the Texas plan proposed for review are:

**1. AML Regulations Proposed for Repeal**  
**a. Section 12.805 Reclamation Project Evaluation**

Texas proposed to repeal this section and to add new § 12.805, Utilities and Other Facilities.

**b. Section 12.806 Consent to Entry; § 12.807 Entry for Studies or Exploration; and § 12.808 Entry and Consent to Reclaim**

Texas proposed to repeal §§ 12.806, 12.807, and 12.808 and to consolidate these sections and re-adopt them with revisions and additions as new § 12.813, Written Consent for Entry and § 12.814, Entry and Consent to Reclaim.

**c. Section 12.809 Land Eligible for Acquisition**

Texas proposed to repeal § 12.809 and to adopt with revised language as new § 12.816, Land Eligible for Acquisition, in conformance with Texas Natural Resources Code, § 134.145.

**d. Section 12.810 Procedures for Acquisition**

Texas proposed to repeal § 12.810 and to add new § 12.817, Procedures for Acquisition, with changes in conformance with amended Federal regulations at 30 CFR 879.12.

**e. Section 12.811 Acceptance of Gifts of Land**

Texas proposed to repeal § 12.811 and to add new § 12.818, Acceptance of Gifts

of Land, in conformance with amended Federal regulations at 30 CFR 879.13.

**f. Section 12.812 Management of Acquired Lands**

Texas proposed to repeal § 12.812 and to add new § 12.819, Management of Acquired Lands, in conformance with amended Federal regulations at 30 CFR 879.14.

**g. Section 12.813 Disposition of Reclaimed Land**

Texas proposed to repeal § 12.813 and to add new § 12.820, Disposition of Reclaimed Land, in conformance with the Texas Surface Coal Mining and Reclamation Act of 1977.

**h. Section 12.814 Operations on Private Land**

Texas proposed to repeal § 12.814 and to add new § 12.814, Entry and Consent to Reclaim.

**i. Section 12.815 Appraisals**

Texas proposed to repeal § 12.815 and to add new § 12.815, Entry for Emergency Reclamation.

**j. Section 12.816 Liens**

Texas proposed to repeal § 12.816 and to add new § 12.820, Liens.

**k. Section 12.817 Satisfaction of Liens**

Texas proposed to repeal § 12.817 and to add new § 12.817, Procedures for Acquisition.

**2. Section 12.800 Responsibilities**

Texas proposed to add this new section regarding the responsibilities of the Commission.

**3. Section 12.801 Definitions**

Texas proposed to revise this section by adding definitions for "abandoned mine reclamation fund or fund," "eligible lands and water," "emergency," "extreme danger," "left or abandoned in either an unreclaimed or inadequately reclaimed condition," "mineral owner," "OSM," "permanent facility," "project," "reclamation activity," "state reclamation program," and "Texas abandoned mine reclamation fund or state fund."

**4. Section 12.802 Texas Abandoned Mine Reclamation Fund**

Texas proposed to add a section pertaining to the type of revenue that shall be included in the State's abandoned mine land reclamation fund.

**5. Section 12.803 Eligible Coal Lands and Water**

Texas proposed to revise this section to conform to amended Federal regulations by making minor wording

changes, deleting paragraph (b) in its entirety, and by adding new paragraphs (4) through (8). paragraph (4) pertains to how coal lands and waters damaged by coal mining processes and abandoned after August 3, 1977, can become eligible for funding. Paragraph (5) pertains to when the Commission may expend funds for reclamation and abatement of any eligible site under paragraph (4). Paragraph (6) pertains to how monies obtained from sources outside the abandoned mine reclamation fund can be used. Paragraph (7) describes when permittees shall reimburse the abandoned mine land fund for reclamation costs. it also states that when performing reclamation under paragraph (4), Texas shall not be held liable for any violations of any performance standards or reclamation requirements. Paragraph (8) pertains to lands eligible for re-mining and the eligibility for funds for reclamation activities on these lands.

#### *6. Section 12.804 Reclamation Objectives and Priorities*

Texas proposed to repeal the existing language in this section and to replace it with new language to conform with amended Federal regulations at 30 CFR 874.13.

#### *7. Section 12.805 Utilities and Other Facilities*

Texas proposed to add new § 12.805, Utilities and Other Facilities, to conform with amended Federal regulations at 30 CFR 874.14. This new section pertains to the adverse effect of mining processes on water supplies occurring both before and after August 3, 1977, and the enhancement of facilities or utilities under this section.

#### *8. Section 12.806 Limited Liability*

Texas proposed to add new § 12.806, Limited Liability, to conform with amended Federal regulations at 30 CFR 874.15. This new section pertains to the limited liability the State has when performing reclamation activities according to approved abandoned mine reclamation plans.

#### *9. Section 12.807 Contractor Responsibility*

Texas proposed to add new § 12.807, Contractor Responsibility, to conform with amended Federal regulations at 30 CFR 874.16. This new section pertains to requirements necessary for a contractor to be a successful bidder for an AML contract.

#### *10. Section 12.808 Eligible Non-coal Lands and Water*

Texas proposed to add new § 12.808, Eligible Non-coal Lands and Water, to clearly define non-coal eligibility in conformance with amended Federal regulations at 30 CFR 875.14. This new section pertains to the criteria that non-coal lands, waters, and facilities should meet in order to be eligible for AML reclamation funds.

#### *11. Section 12.809 Reclamation Priorities for Non-coal Program*

Texas proposed to add new § 12.809, Reclamation Priorities for Non-coal Program, to clearly define non-coal reclamation priorities in conformance with amended Federal regulations at 30 CFR 875.15. This new section pertains to reclamation projects involving the restoration of lands and water adversely affected by past mineral mining; projects involving the protection, repair, replacement, construction, or enhancement of utilities; and the construction of public facilities in communities impacted by coal or other mineral mining and processing practices.

#### *12. Section 12.810 Exclusion of Certain Non-coal Reclamation Sites*

Texas proposed to add new § 12.810, Exclusion of Certain Non-coal Reclamation Sites, to clearly define the ineligibility of certain non-coal sites that are eligible for remediation under other Federal programs in conformance with amended Federal regulations at 30 CFR 875.16. This new section pertains to the sites and areas that monies from the Texas abandoned mine reclamation fund cannot be used for.

#### *13. Section 12.811 Land Acquisition Authority—Non-coal*

Texas proposed to add new § 12.811, Land Acquisition Authority—Non-coal, to conform with amended Federal regulations at 30 CFR 875.17. This new section states that the requirements specified in §§ 12.814 through 12.820 shall apply to the Commission's non-coal program except that, for purposes of this section, the references to coal shall not apply. In lieu of the term coal, the word non-coal should be used.

#### *14. Section 12.812 Lien Requirements*

Texas proposed to add new § 12.812, Lien Requirements, to comply with amended Federal regulations at 30 CFR 875.18. This new section states that the requirements found in § 12.821 shall apply to the Commission's non-coal reclamation program under § 12.808 except that for purposes of this section, the references to coal shall not apply. In

lieu of the term coal, the word non-coal should be used.

#### *15. Section 12.813 Written Consent for Entry*

Texas proposes to add new § 12.813, Written Consent for Entry, to conform with amended Federal Regulations at 30 CFR 877.11. This new section reads as follows:

Written consent from the owner of record and lessee, or their authorized agents, is the preferred means for obtaining agreements to enter lands in order to carry out reclamation activities. Nonconsensual entry by exercise of the police power will be undertaken only after reasonable efforts have been made to obtain written consent.

#### *16. Section 12.814 Entry and Consent To Reclaim*

Texas proposed to add new § 12.814(a) to conform with amended Federal regulations at 30 CFR 877.13 and new § 12.814(b) to conform with Texas Natural Resources Code § 134.143. This new section pertains to who may enter upon land, with the owner's consent, to perform reclamation activities or to conduct studies or exploratory work in order to determine the existence of the adverse effects of past coal mining.

#### *17. Section 12.815 Entry for Emergency Reclamation*

Texas proposed to add new § 12.815, Entry for Emergency Reclamation, to conform with Texas Natural Resources Code § 134.152 (b) and (c). This new section gives the commission authority to enter land where an emergency exists and other land necessary to have access to that land.

#### *18. Section 12.816 Land Eligible for Acquisition*

Texas proposed to add new § 12.816, Land Eligible for Acquisition, to conform with Texas Natural Resources Code § 134.145. This new section allows the state to acquire land that is adversely affected by past coal mining practices by purchase, donation or condemnation if certain conditions exist.

#### *19. Section 12.817 Procedures for Acquisition*

Texas proposed to add new § 12.817, Procedures for Acquisition, to conform with amended Federal regulations at 30 CFR 879.12. This new section sets forth the procedures that the State must follow when acquiring land.

#### *20. Section 12.818 Acceptance of Gifts of Land*

Texas proposed to add this new section regarding the Commission's

acceptance of gifts of land. The proposed change would require that the deed of conveyance state that it is made as a gift under the Texas Surface Coal Mining and Reclamation Act.

#### *21. Section 12.819 Management of Acquired Land*

Texas proposed to add this new section to conform with amended Federal regulations at 30 CFR 879.14. The new section reads as follows:

Land acquired under this title may be used for any lawful purpose that is consistent with the necessary reclamation activities. Procedures for collection of user charges or the waiver of such charges by the Commission shall provide that all user fees collected shall be deposited in the Texas Abandoned Mine Reclamation Fund.

#### *22. Section 21.820 Disposition of Reclaimed Lands*

Texas proposed to add this new section to conform with Texas Natural Resources Code, §§ 134.148 and 134.149 (Sale of Acquired Land and Hearing on Sale, respectively). This section pertains to the conditions under which the State may sell land that it has acquired under § 12.816 and the disposition of the monies received from these sells.

#### *23. Section 12.821 Liens*

Texas proposed to add new § 12.821 (a) through (c) to conform with Texas Natural Resources Code, § 134.150 (Liens). This addition pertains to when liens may or may not be placed on lands the State reclaims and the procedures to follow when placing liens.

### **III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Texas plan.

#### *Written Comments*

Written comments should be specific, pertain only to the issue 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.s.t. on January

13, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. 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. 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 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 proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### *Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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 and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted

and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

#### *National Environmental Policy Act*

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribal abandoned mine land reclamation 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)).

#### *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 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. 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.

#### *Unfunded Mandates*

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

#### **List of Subjects in 30 CFR Part 943**

Abandoned mine land reclamation, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 18, 1997.

**Charles E. Sandberg,**

*Acting Regional Director, Mid-Continent  
Regional Coordinating Center.*

[FR Doc. 97-33662 Filed 12-24-97; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 943

[SPATS No. TX-036-FOR]

#### Texas Regulatory Program and Abandoned Mine Land Reclamation Plan

**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 and abandoned mine land reclamation plan (hereinafter the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Texas' statutes pertaining to small operator assistance, definitions, exemptions, applicability to governmental units, coal exploration operations, prohibition on surface and coal mining, notices of violation, improvidently issued permits, performance standards, eligibility of land and water, and cessation orders. The amendment is intended to revise the Texas program to be consistent with SMCRA.

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

**DATES:** Written comments must be received by 4:00 p.m., c.s.t., January 28, 1998. If requested, a public hearing on the proposed amendment will be held on January 28, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on January 13, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

Copies of 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 address 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. Michael C. Wolfrom, 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.

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

**FOR FURTHER INFORMATION CONTACT:**  
Michael C. Wolfrom, 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 regulatory 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 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.

On June 23, 1980, the Secretary of the Interior approved the Texas abandoned mine land reclamation plan. Background information on the Texas plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the June 23, 1980, **Federal Register** (45 FR 41937). Subsequent actions concerning the Texas plan and amendments to the plan can be found at 30 CFR 943.25.

##### II. Description of the Proposed Amendment

By letter dated December 1, 1997 (Administrative Record No. TX-643), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposes to amend the Texas Surface Coal Mining and Reclamation Act (TSCMRA) to reflect changes resulting from the passage of Senate Bills (SB) 636 and 898 by the 75th Texas Legislature. The full text of the proposed program amendment

submitted by Texas is available for public inspection at the locations listed above under **ADDRESSES**. A discussion of the proposed amendment is presented below.

##### 1. TSCMR § 134.004 Definitions (SB 898)

Texas added the following definition for the term "applicant" at section 134.004(3) and renumbered the existing definitions to reflect this addition:

Applicant means a person or other legal entity seeking a permit from the commission to conduct surface coal mining activities or underground mining activities under this chapter.

##### 2. TSCMRA § 134.005 Exemptions (SB 898)

Section 134.005(a) was amended by removing the exemption for extraction of coal for commercial purposes if the surface mining operation affects two acres or less at paragraph (2). Paragraph (3) was renumbered (2) to reflect this deletion.

##### 3. TSCMRA § 134.008 Applicability to Governmental Units (SB 898)

The following provision was added at section 134.008 to authorize regulation of governmental units who engage in surface coal mining operations:

An agency, unit, or instrumentality of federal, state, or local government, including a publicly owned utility or publicly owned corporation of federal, state, or local government, that proposes to engage in surface coal mining operations that are subject to this chapter shall comply with this chapter.

##### 4. TSCMRA § 134.014 Coal Exploration Operations (SB 898)

Section 134.014 was amended by adding the following new provision at subsection (b) and changing existing subsection (b) to (c).

A person who conducts coal exploration operations that substantially disturb the natural land surface in violation of this section or rule adopted under this section is subject to Sections 134.174 through 134.181.

##### 5. TSCMRA § 134.022 Prohibitions on Surface Coal Mining in Certain Areas (SB 898)

Section 134.022(c) was amended by changing the date relating to valid existing rights from May 9, 1979, to August 3, 1977.

##### 6. TSCMRA § 134.056 Small Mine Exemption (SB 636)

At section 134.056(2), Texas increased the amount of probable total annual production allowed for surface coal mining operators under its small