Issued in Washington, DC, on this 8th day of August 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Alabama Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Alabama abandoned mine land reclamation plan (hereinafter referred to as the "Alabama plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alabama proposed revisions and additions to its plan pertaining to contractor bidder eligibility screening, exclusion of certain noncoal sites from reclamation, requirement of form submission upon project completion, and removal of fourth priority for noncoal reclamation sites. The amendment is intended to revise the Alabama plan to be consistent with the corresponding Federal regulations and SMCRA.

FFECTIVE DATE: August 15, 1995. **FOR FURTHER INFORMATION CONTACT:** Jesse Jackson, Jr., Director, Birmingham Field Office, OSM, 135 Gemini Circle, Suite 215, Birmingham, Alabama 35209, Telephone: (205) 290–7287.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Plan. II. Submission of the Proposed Amendment. III. Director's Findings.

IV. Summary and Disposition of Comments. V. Director's Decision.

VI. Procedural Determinations.

I. Background on the Alabama Plan

On May 20, 1982, the Secretary of the Interior approved the Alabama plan. Background information on the Alabama plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and amendments to the plan can be found at 30 CFR 901.25.

II. Submission of the Proposed Amendment

By letter dated December 5, 1994 (Administrative Record No. AL-512), Alabama submitted a proposed amendment to its plan pursuant to SMCRA in response to a September 2, 1994, letter that OSM sent to Alabama in accordance with 30 CFR 884.15(d). Alabama proposed to amend two sections of its plan. At "Administrative and Management Structure of the Alabama Abandoned Mine Land Reclamation Program Pursuant to 30 CFR Part 884.13(d)," Alabama proposed to incorporate a contractor responsibility requirement under OSM's Applicant Violator System (AVS) for the reclamation of coal and noncoal sites. At "Ranking and Selection Procedures Pursuant to 30 CFR Part 884.13(c)(2),' Alabama proposed to exclude certain noncoal sites from reclamation and require submission of form OSM-76 upon project completion.

OSM announced receipt of the proposed amendment in the December 19, 1994, **Federal Register** (59 FR 65287), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on January 18, 1995.

During its review of the amendment, OSM identified concerns relating to Alabama's organizational chart, personnel positions, identification of agencies, purchasing and procurement functions, resolution of audits, research and development, ranking and selection parameters, site evaluation, and final project selection.

OSM notified Alabama of these concerns by letter dated March 1, 1995 (Administrative Record No. AL–0534). By letters dated March 27, 1995 (Administrative Record No. AL–0535) and April 18, 1995 (Administrative Record No. AL–0539), Alabama responded to OSM's concerns by submitting additional explanatory information and revisions to its proposed plan amendment.

Alabama proposed additional revisions to its administrative and management structure and ranking and selection procedures which are intended to clarify its personnel positions and organizational structure and its procedure for the prioritization and selection of projects.

Because the additional explanatory information and revisions submitted by Alabama merely clarified the provisions of the proposed plan amendment, OSM did not reopen the public comment period.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

1. Procedures for Ranking and Selecting Abandoned Mine Land Reclamation Projects

A. Preliminary Site Evaluation.
Alabama is proposing to revise its ranking and selection procedures for abandoned mine land (AML) reclamation projects. Specifically, at section II(B)2d, Alabama is proposing to delete the requirement that a project be evaluated according to whether or not it will be designated a "Research and Demonstration Project" to develop new technology. At section II(B)3d, Alabama is proposing to delete priority 4— Research and Development, and at section II(B)3j, it is proposing to delete priority 10—Public Facilities (Non-Coal).

Section 403(a) of SMCRA defines the priorities for the expenditures of moneys on eligible lands and waters which were mined for coal or affected by such mining. As amended by the Energy Policy Act of 1992, this section no longer authorizes funding of a research and development priority. Sections 411(c) and (e) of SMCRA define the priorities for non-coal sites. The Director finds that the proposed deletions at sections II(B)2d, II(B)3d, and II(B)3j do not render the Alabama program less effective than sections 403(a) and 411(c) and (e) of SMCRA.

B. Intensive Site Evaluation. At section II(D), Alabama is proposing to modify its site parameters to correspond with the current list of resource values reviewed under the National Environmental Policy Act, adding the noise and topography parameters.

The Federal regulations at 30 CFR 884.13(c) require that the State provide a description of the policies and procedures it will follow in conducting the reclamation program. The Director finds the proposed revisions at section II(D) to be consistent with the Federal regulations at 30 CFR 884.13(c) and not inconsistent with section 403(a) of SMCRA.

C. Exclusion of Certain Noncoal Reclamation Sites. At section II(F), Alabama is proposing to add a new section—Exclusion of Certain Noncoal