

January 4, 1996; if requested, a public hearing on the proposed amendment is scheduled for 1:00 p.m. on January 3, 1996; and requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on January 2, 1996.

ADDRESSES: Written comments and requests to testify at the hearing should be directed to Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below. If a hearing is requested, it will be held at the same address.

Copies of the Indiana program, the amendment, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the following locations, during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204. Telephone: (317) 226-6166.
Indiana Department of Natural Resources, 402 West Washington Street, Room 295, Indianapolis, IN 46204. Telephone: (317) 232-1547.

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Indianapolis Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Telephone (317) 226-6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Indiana program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of the Proposed Amendments

Since July 29, 1982, (the date of conditional approval of the Indiana program), a number of changes have been made to the Federal regulations concerning surface coal mining and reclamation operations. Pursuant to the Federal regulations at 30 CFR 732.17, OSM informed Indiana on May 22, 1985

(Regulatory Reform I), on August 24, 1988 (Regulatory Reform II), and on September 20, 1989 (Regulatory Reform III), that a number of Indiana regulations are less effective than or inconsistent with the revised Federal requirements.

By letter dated December 30, 1993 (Administrative Record No. IND-1322), the Indiana Department of Natural Resources (IDNR) submitted to OSM a State program amendment package (number 93-7) consisting of revisions to 38 sections of the Indiana rules. These revisions address changes to the Indiana program that were identified in the three letters referred to above, and certain required program amendments. The State has also proposed additional changes which Indiana believes will further improve the approved State program. The primary focus of the submittal is on soil capability and restoration standards, individual civil penalties, significant/non-significant revisions, coal exploration, and performance bonds.

OSM announced receipt of the proposed amendment in the January 24, 1994, Federal Register (59 FR 3528), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on February 24, 1994.

By letter dated December 6, 1995 (Administrative Record Number IND-1415), Indiana submitted additional minor changes to amendment 93-7.

By letter dated January 12, 1995 (Administrative Record Number IND-1423), OSM provided Indiana with comments concerning the proposed amendment. Indiana responded by letter dated January 25, 1995 (Administrative Record Number IND-1419). In that letter, Indiana said that it wishes to separate amendment 93-7 into three subparts. OSM approved the amendments contained in subpart I on November 9, 1995 (60 FR 56516).

By letter dated May 5, 1995 (Administrative Record Number IND-1462), Indiana submitted additional minor changes to subpart II of amendment 93-7, and added a new subparagraph at 301 IAC 12-3-121(d) concerning minor field revisions.

Indiana proposes to add the following language.

310 IAC 12-3-121(d).

If the director determines on a case-by-case basis or by policy guidelines that the conditions of paragraph (c) of this section are met and that the proposed change does not require technical review or design analysis, the proposed change may be approved as a minor field revision by the field

inspector in the inspection report or on a form signed in the field. Minor field revisions must be properly documented and separately filed and may include, but are not necessarily limited to, the following:

- (1) Soil stockpile locations and configurations.
- (2) As-built pond certifications.
- (3) Minor transportation facilities changes.
- (4) Pond depth/shape/orientation.
- (5) Temporary drainage control/water storage areas.
- (6) Equipment changes.
- (7) Explosive storage areas.
- (8) Minor mine management/support facility locations (not refuse).
- (9) Adding United States Soil Conservation Service conservation practices.
- (10) Methods of erosion protection on diversions.
- (11) Temporary cessation orders.
- (12) Minor diversion location changes.

III. Public Comment Procedures

In accordance with provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Indiana satisfies the requirements of 30 CFR 732.15 for the approval of State program amendments. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to 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 Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by the close of business on January 2, 1996. 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.