

proposed amendments to the Kentucky regulatory program (hereinafter referred to as the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). By letter of January 11, 1995 (Administrative Record No. KY-1332), Kentucky resubmitted a proposed program amendment that completed the Kentucky regulation promulgation process under Kentucky Revised Statutes 9KRS Chapter 13A. The amendment consists of proposed modifications to Kentucky Administrative Regulations (KAR) 10:010, 16:010, 16:020 and 18:010 relating to bonding, outcrop barrier and contemporaneous reclamation. Also, included in this reopening is the Statement of Consideration for these regulations dated October 14, 1994 (Administrative Record No. KY-1321). The Statement of Consideration is Kentucky's response to comments on its proposed regulations. This proposed program amendment replaces an earlier proposed program amendment submitted on August 2, 1994 (Administrative Record No. KY-1305), and portions of Kentucky's submittal of July 19, 1994 (Administrative Record No. KY-1304), containing 405 KAR 10:010 General Requirements for Performance Bond and Liability Insurance and 405 KAR 16:020 Contemporaneous Reclamation. The changes to 405 KAR 7:015, 7:095, 16:200, 18:200, the Penalty Assessment Manual and Technical Reclamation Memorandum #21 identified in the submittal of July 19, 1994 (Administrative Record No. KY-1304), are not included in this proposed amendment. These changes have not completed the Kentucky regulation promulgation process under KRS Chapter 13A. They will be resubmitted to OSM when that process is completed.

DATES: Written comments must be received by 4:00 p.m., E.S.T., on March 20, 1995. If requested, a public hearing on the proposed amendment will be held at 10:00 a.m. on March 14, 1995. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on March 6, 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**.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to: William J. Kovacic at the address listed below.

Copies of the Kentucky program, the proposed amendment, and all written comments received in response to this

document will be available for review at the addresses listed below, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (606) 233-2894

Department for Surface Mining Reclamation and Enforcement, #2/ Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

If a public hearing is held, its location will be: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office Telephone (606) 233-2894.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. General background information on the Kentucky program including the Secretary's findings, the disposition of comments, and conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning Kentucky's program can be found at 30 CFR 917.11, 917.15, 917.16 and 917.17.

II. Proposed Amendment

By letter dated July 19, 1994 (Administrative Record No. KY-1304), Kentucky submitted a proposed amendment to its program pursuant to SMCRA. Kentucky submitted the proposed amendment at its own initiative. The provisions of KAR that Kentucky proposed to amend are 405 KAR 7:015—Documents Incorporated by Reference, 405 KAR 7:095—Assessment of Civil Penalties, 405 KAR 10:010—General Requirements for Performance Bond and Liability Insurance, 405 KAR 16:020—Contemporaneous Reclamation, 405 KAR 16:200—Revegetation for Surface Coal Mining, and 405 KAR 18:200 Revegetation for Underground Mining Operations. OSM announced receipt of the proposed amendment in the August 9, 1994, **Federal Register** (59 FR 40503), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy. Because no one requested a public hearing or meeting, none was held. The

public comment period ended on September 6, 1994.

By letter dated August 2, 1994 (Administrative Record No. KY-1305), Kentucky submitted a proposed amendment to its program pursuant to SMCRA. Kentucky submitted the proposed amendment at its own initiative. The provisions of the regulations that Kentucky proposed to amend are 405 KAR 16:010 and 405 KAR 18:010. OSM announced receipt of the proposed amendment in the September 6, 1994, **Federal Register** (59 FR 46013), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy. Because no one requested a public hearing or meeting, none was held. The public comment period ended on October 6, 1994.

By letter dated January 11, 1995 (Administrative Record No. KY-1332), Kentucky resubmitted a proposed program amendment that completed the Kentucky regulation promulgation process under KRS Chapter 13A. This resubmission contains proposed modifications to 405 KAR 10:010 General Requirements for Performance Bond and Liability Insurance, 405 KAR 16:010 General Provisions, 405 KAR 16:020 Contemporaneous Reclamation, and 405 KAR 18:010 General Provisions. Also, included in this reopening is the Statement of Consideration for these regulations dated October 14, 1994 (Administrative Record No. KY-1321). The Statement of Consideration is Kentucky's response to comments on its proposed regulations. This proposed program amendment replaces an earlier proposed program amendment submitted on August 2, 1994 (Administrative Record No. KY-1305), and portions of Kentucky's submittal of July 19, 1994 (Administrative Record No. KY-1304), containing 405 KAR 10:010 General Requirements for Performance Bond and Liability Insurance and 405 KAR 16:020 Contemporaneous Reclamation. Specifically, Kentucky proposes the following changes:

405 KAR 10:010—General Requirements for Performance Bond and Liability Insurance

New Section 2(4) resulted from recommendations in the July 1993, report of the joint steering committee on reclamation bonding, a work group consisting of representatives of the Department of Surface Mining Reclamation and Enforcement, OSM, the Kentucky coal industry, public and environmental interests, and the surety industry. Coupled with the amendments