

the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated March 15, 1993 (Administrative Record No. OH-1845), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 63 (PA 63). In that submission, Ohio proposed to reduce the staff of the Ohio programs by abolishing 28 existing positions. Ohio also proposed to reorganize the remaining staff positions to assume the existing job duties. The amendment contained no proposed revisions to Ohio's coal mining law in the Ohio Revised Code or coal mining rules in the Ohio Administrative Code.

OSM announced receipt of the proposed amendment in the April 8, 1993, **Federal Register** (58 FR 18185), 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 May 10, 1993.

OSM and Ohio staff met on May 20, 1993, to discuss OSM's preliminary concerns and questions about PA 63. By letter dated June 16, 1993 (Administrative Record No. OH-1890), Ohio submitted additional information in response to those OSM concerns and questions. Through an oversight, OSM did not reopen the public comment period at that time.

Subsequently, by letter dated November 2, 1993 (Administrative Record No. OH-1948), OSM formally provided Ohio with its questions and comments on the March 15 and June 16, 1993, submissions of PA 63. By letter dated December 6, 1993 (Administrative Record No. OH-1971), Ohio provided its responses to OSM's November 2, 1993, questions and comments.

OSM announced receipt of Ohio's December 6, 1993, response in the January 21, 1994, **Federal Register** (59 FR 3325), 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 February 7, 1994.

During its review of Ohio's December 6, 1993, response, OSM identified two concerns regarding engineering practices and engineering workload which OSM staff communicated to the State during a meeting held on April 20, 1994 (Administrative Record No. OH-2012). Ohio responded in a letter dated April 21, 1994 (Administrative Record

No. OH-2014), with additional information on both issues. OSM announced receipt of this additional information, along with the explanatory information submitted by Ohio on June 16, 1993, and reopened the comment period for PA 63 in the June 9, 1994, **Federal Register** (59 FR 29748). The public comment period closed on June 24, 1994.

In the September 1, 1994, **Federal Register** (59 FR 45206), the Director of OSM partially approved PA 63 but deferred his decision on the engineering portions of the amendment. The Director based this decision on Ohio's April 21, 1994, letter in which Ohio indicated that the reorganization of its engineering staff was still underway. Ohio stated that the changes to its engineering staff proposed by Ohio in the 1993 submissions of PA 63 no longer accurately reflected Ohio's proposed engineering structure. Ohio was still analyzing the workload and functions of its engineering staff. Ohio stated that when it has finalized its proposed engineering staff configuration, Ohio would resubmit that staff configuration to OSM for review and approval.

On November 29, 1994, OSM and Ohio staff met to discuss Ohio's progress with reorganizing its engineering staff (Administrative Record No. OH-2071). OSM and Ohio staff met again on December 15, 1994 (Administrative Record No. OH-2074), at which time Ohio provided several documents describing Ohio's projection of the engineering resources needed to support its regulatory program. On December 30, 1994, Ohio provided a similar analysis of the needs of its AML program (Administrative Record No. OH-2089). On January 23, 1995 (Administrative Record No. OH-2084), OSM provided comments to Ohio on these engineering work projections.

By letter dated February 2, 1995 (Administrative Record No. OH-2088), Ohio submitted its revised engineering staff configuration as Program Amendment Number 63 Revised (PA 63R). In this submission, Ohio is proposing to reduce the engineering staff of the Ohio regulatory and AML programs down to 10.4 full-time positions by abolishing 3.6 of the 14 engineering positions which supported those programs prior to PA 63. As with the previous submissions of PA 63, PA 63R contains no proposed revisions to Ohio's coal mining law in the Ohio Revised Code or coal mining rules in the Ohio Administrative Code.

The five major parts of Ohio's February 2, 1995, submission of PA 63R are described briefly below:

(1) Description and Justification of Engineering Staff Actions

Ohio is proposing to have a total of 3.2 full-time engineering staff positions dedicated to its regulatory program. These 3.2 positions will be made up of varying percentages of the work hours of 8 employees: 25 percent of 1 Central Office Engineer, 50 percent of 2 Field Engineers, 25 percent of 1 Field Engineer, 20 percent of 1 Surveyor, and 50 percent of 3 Engineering Specialists. This staffing level represents a reduction of 0.8 full-time staff positions from the 4.0 regulatory engineering positions that existed prior to PA 63.

Ohio is proposing to have a total of 7.2 full-time engineering staff positions dedicated to its AML program. These 7.2 positions will be made up of varying percentages of the work hours of 11 employees: 100, 70, and 50 percents of 3 Central Office Engineers, respectively; 65 percent of 1 Field Engineer; 45 percent of 2 Field Engineers; 80 percent of 1 Surveyors; 50 percent of 3 Engineering Specialists; and 100 percent of 1 Drafting Technician. This staffing level represents a reduction of 2.8 full-time staff positions from the 10.0 AML engineering positions that existed prior to PA 63.

As justification for these engineering staff changes, Ohio has submitted a narrative explaining its staffing proposal and summarizing the results of an engineering workload analysis conducted by Ohio with OSM assistance. Ohio has also stated its plans to conduct on-going assessment of any additional engineering support needed by its regulatory and ALM programs.

(2) Proposed Table of Organization for Engineering Staff

Ohio has submitted a proposed table of organization dated January 1995 which shows the proposed 10.4 engineering staff positions.

(3) Proposed Position Description for Engineering Specialists

Ohio has submitted a proposed Position Description for the three Engineering Specialist positions which it plans to create to provide technical assistance to its Central Office and Field Engineers. Ohio has provided an explanation of the need for and responsibilities of these positions in the narrative portion of PA 63R.

(4) Personnel Table

Ohio has submitted a table showing how the work percentages of its 10.4 engineering staff positions will be distributed between Ohio's regulatory and AML programs.