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	U· S· DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: REG-23-1 (RESCINDED) Transmittal Number: 436 Date: 4/15/88

Subject: Development and Implementation of Action Plans.

Approval: [signature] **Title:** Acting Director

1. Existing paragraph 3.e is redesignated as paragraph 3.f.

2. A new paragraph 3.e is added to read as follows:

   e. <u>State responses to notifications of program amendment needs</u>.

   Under 30 CFR 732.17(c) and (d) and 884.15(d), the Director has the authority to require that States amend their approved programs as necessary to ensure that they remain consistent with the Surface Mining Control and Reclamation Act of 1977 and the implementing Federal regulations. These notifications are commonly known as and hereinafter referred to as "Part 732 notifications." In accordance with 30 CFR 732.17(f)(1), and, by implication, 30 CFR 884.15(e), the State is required, upon receipt of such notification, to submit either a proposed amendment or a description of an amendment to be proposed to address these concerns. This response also must include a timetable for complete resolution of these programmatic deficiencies.

   Therefore, any State response which addresses all deficiencies identified in the Director's notification and which contains a timetable for resolution consistent with established State administrative or legislative procedures shall constitute an action plan for the purpose of this directive. No further formal concurrence by OSMRE or the State is necessary. As with other action plans, the timetable in the response may be modified by mutual agreement.

3. Existing subparagraph 3.e(3) is revised to read as follows:

   (3) These reports shall, at a minimum, include the following elements:

CHANGE NOTICE

(a) A brief discussion of action plans completed or resolved during the reporting period, including those cases where the State has formally submitted all amendments required by Part 732 notifications;

(b) The current status of all ongoing action plans identified as uncompleted in the preceding report including those cases where the State had responded to a Part 732 notification but had not yet formally submitted all required amendments, with a short discussion of the progress achieved, any implementation problems, and the reasons for any modifications of plan elements or dates;

(c) A concise description of any new action plans including complete State responses to Part 732 notifications received;

(d) The current status of all Part 732 notifications for which no complete State response has been received; and

(e) A brief synopsis of issues for which the development of action plans or Part 732 notifications are being considered and a summary of the disposition of any such issues identified in the preceding report.

4. Existing paragraph 3.f is redesignated as paragraph 3.g.

5. Existing paragraph 3.g is redesignated as paragraph 3.h.