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	U.S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: AML-20-1 Transmittal Number: 760 Date: 1-13-93

Subject: Evaluation and Processing of State/Tribe Abandoned Mine Land Reclamation Plans and Amendments

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

OSM Directive AML-20, dated January 4, 1991, is changed as follows:

The above Directive is revised as set forth below to incorporate revised procedural guidance for the processing of State/Tribe AMLR plan amendments as mandated by the Director. Specifically, that guidance provides that (1) Field Office Directors (FOD) shall transmit to the Field Solicitor a copy of all State/Tribe submittals at the same time a copy is provided to the Assistant Director, Reclamation and Regulatory Policy (AD/RRP), and provide any comments to the Assistant Directors, Eastern/Western Support Centers (AD E/WSC) by the close of the public comment period on a formal submittal or within 30 days of receipt of an informal submittal, and (2) after preparation of a draft Federal Register decision notice is completed, the Field Solicitor shall be afforded 10 days for review. Since Federal Register decision notices for State/Tribe AMLR plan amendments are not signed by the Director, this procedural revision is consistent with the Departmental Manual at 318 DM 3.2 which requires Solicitor surname only when documents are prepared for signature of a Bureau Head or Secretarial Officer. Therefore, Field Solicitor concurrence is not required for State/Tribe AMLR plan amendments.

Pursuant to the above, please make the following changes:

1. Page 2, Section 4.b.(1)(a)1. Insert "the Field Solicitor," between "Assistant Director, Reclamation and Regulatory Policy (AD/RRP)," and "the State Historic Preservation Officer (SHPO)."

2. Page 6, Section 4.c.(1)(a). Revise existing section to read as follows:

(a) Within five days after receipt of a proposed State/Tribe plan, the FOD shall forward a copy of the submission to the AD E/WSC, requesting a technical evaluation, and to the AD/RRP. At the same time, the FOD also shall forward a copy to the Field Solicitor with a request that comments be provided directly to the AD E/WSC by the close of the public comment period. In the case of an informal submittal, Field Solicitor comments are due to the AD E/WSC within 30 days of receipt of the informal submittal.

CHANGE NOTICE

The FOD simultaneously shall establish, and subsequently maintain, the administrative record file in accordance with OSM Directive INF-2, and request that the Public Affairs Officer prepare a news release announcing the submission.

3. Page 6, Section 4.c.(1)(b). Delete this section and redesignate subsequent section references as required.

4. Page 7, Section 4.c.(1)(g). Revise existing Section (g), now redesignated as Section (f), to read as follows:

(f) Within 10 days following the close of the public comment period, the AD E/WSC shall analyze all comments received and if no deficiencies are apparent, the AD E/WSC shall prepare a final rule and forward it to the Field Solicitor for review within 10 days. At the end of the review period, the AD E/WSC shall prepare a final rule incorporating any appropriate Field Solicitor comments and memorandum to the Director recommending signature and forward them to the FOD for surname and subsequent transmittal to the AD/RRP. If the analysis discloses any apparent deficiencies, the AD E/WSC, through the FOD, shall orally contact the State/Tribe to determine whether the State/Tribe prefers to address these deficiencies before or after publication of the final rule. The FOD shall document this response in a conversation record and enter it into the administrative record. Based on this response, the AD E/WSC shall then prepare and process as described above a final rule and memorandum to the Director recommending signature, or a letter to the State/Tribe outlining the areas in which the plan or amendment appears to be inconsistent with Federal requirements and the nature of these deficiencies. If the State/Tribe does not indicate a preference or fails to respond immediately, the AD E/WSC shall proceed with preparation of a final rule unless and until such time as the State/Tribe indicates otherwise. If a letter is prepared, it shall provide the State/Tribe an opportunity to meet with OSM to discuss the issues and it shall also request that the State/Tribe submit any revisions or other materials or rebuttals within 30 days of receipt. The letter shall also suspend the required 90 day period for the Director to act as provided by 30 CFR Part 884 for a specified period not to exceed 30 days in order to allow resolution of the apparent deficiencies. The AD E/WSC shall forward the letter to the FOD for signature and delivery to the State/Tribe. The FOD shall furnish a copy of the signed letter to the AD E/WSC. These actions shall be completed by the AD E/WSC and the FOD within 25 days of the close of the last public comment period.

5. Page 8, Section 4.c.(2)(a)4. Revise existing section to read as follows:

4. Forward one copy of the proposed amendment each to the AD E/WSC, AD/RRP, and the Field Solicitor.

6. Page 9, Section 4.c.(2)(j). Insert new Section (j) to read as follows:

(j) The Field Solicitor shall review the amendment and provide comments or other appropriate response to the AD E/WSC by the close of the public comment period on a formal submittal or within 30 days of receipt of an informal submittal. The AD E/WSC shall not delay appropriate action pending timely receipt of comments from the Field Solicitor. Since Field Solicitor input is a valued aspect of the review process, a reasonable extension of the time allotted for review and comments should be granted if the submittal is lengthy or complex.

7. Page 9, Section 4.c.(2)(j). Redesignate prior Section (j) as new Section (k), and redesignate subsequent Section references as required. Also, revise last phrase of the first sentence to read "...including those from the FOD, the AD/RRP, and the Field Solicitor."

8. Page 10, Section 4.c.(2)(k). Revise existing section (k), now redesignated as Section (l), to read as follows:

(l) If a final rule is prepared in Step (k), the FOD shall surname and the AD E/WSC shall coordinate legal review of the rule with the Field Solicitor. The Field Solicitor shall complete this review within 10 days, however a reasonable extension of time may be allowed if the final rule is lengthy or complex. While Field Solicitor comments shall be given serious consideration, and should be resolved to the extent practicable within regulatory timeframes, the final determination as to whether a proposed State/Tribe plan amendment is no less stringent than the Surface Mining Control and Reclamation Act and no less effective than the Federal regulations is a policy matter rather than a legal issue. Within 25 days after close of the comment period, the AD E/WSC shall sign the rule.

If the letter is prepared in Step (k), the AD E/WSC shall forward it to the FOD for signature and delivery to the State/Tribe. The FOD shall furnish a copy of the signed letter to the AD E/WSC. The AD E/WSC and the FOD shall complete these actions within 30 days of the close of the last public comment period.