

FEDERAL REGISTER: 43 FR 41973 (September 19, 1978)

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Hearings and Appeals (OHA)

30 CFR Parts 301 and 302

Procedures under Surface Mining Control and Reclamation Act of 1977;

Procedures under Federal Metal and Nonmetallic Mine Safety Act of 1966;

Revision and Revocation of Procedural Rules

ACTION: Final rule.

SUMMARY: This action amends the heading to chapter III of Title 30, Code of Federal Regulations, and revises part 301 to provide a cross reference to subpart L of 43 CFR Part 4, which contains procedural regulations applicable to adjudicatory proceedings before administrative law judges and the Interior Board of Surface Mining and Reclamation Appeals. It also revokes part 302 of chapter III of title 30, which is now obsolete. The amendments are technical in nature and will reflect organizational changes made as a result of recent mining legislation.

EFFECTIVE DATE: September 19, 1978.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

The Department has established the Interior Board of Surface Mining and Reclamation Appeals, with authority to exercise appellate and other review functions of the Secretary under the Surface Mining Control and Reclamation Act of 1977, 91 Stat. 445, 30 U.S.C. 1201 et seq., and has promulgated regulations applicable to adjudicatory proceedings before administrative law judges and the Interior Board of Surface Mining and Reclamation Appeals, in surface mining control and reclamation matters, within 43 CFR Part 4, Subpart L -- Special Rules Applicable to Surface Coal Mining Hearings and Appeals. Also, the Department has abolished the Interior Board of Mine Operations Appeals, effective March 9, 1978, upon the creation of the Federal Mine Safety and Health Review Commission, pursuant to the Federal Mine Safety and Health Act of 1977, 83 Stat. 742, 30 U.S.C. 801 et seq. Accordingly, as shown below, this action effects the necessary revision of part 301, and amendment to the heading of Chapter III, Title 30 of the Code of Federal Regulations, to cross reference to regulations applicable to surface coal mining hearings and appeals within the jurisdiction of administrative law judges and the Interior Board of Surface Mining and Reclamation Appeals. Additionally, the cross reference in part 302, pertaining to regulations formerly applicable to hearings, appeals and other review proceedings before the Interior Board of Mine Operations Appeals, now obsolete, is revoked.

The author of this document is Ms. Frances A. Patton, Office of Hearings and Appeals.

Because these amendments involve technical changes only, no purpose would be served in obtaining public comment pursuant to 5 U.S.C. 553. The amendments are, therefore, made effective as of the date of their publication in the FEDERAL REGISTER.

1. The heading to Chapter III, Title 30 of the Code of Federal Regulations, is amended, and Part 301 of that chapter is revised, to read:

Sec. 301.1 Cross reference.

For special rules applicable to hearings, appeals, and other review procedures relating to surface mining control and reclamation within the jurisdiction of administrative law judges and the Interior Board of Surface Mining and Reclamation Appeals, Office of Hearings and Appeals, see subpart L of part 4 of subtitle A -- Office of the Secretary of the Interior, of title 43 of the Code of Federal Regulations. Subpart A of part 4 and all of the general rules in subpart B of part 4 not inconsistent with the special rules in subpart L of part 4 are also applicable to such hearings, appeals and other review proceedings.  
(Sec. 201, Pub. L. 95-87, 91 Stat. 445, 30 U.S.C. 1201 et seq.)

Part 302 [Removed]

2. Part 302 of chapter III, Title 30 of the Code of Federal Regulations, is revoked.

Dated: September 8, 1978.  
JAMES A. JOSEPH, Acting Secretary of the Interior.

[FR Doc. 78-26354 Filed 9-18-78; 8:45 am]

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