

**FEDERAL REGISTER: 44 FR 67057 (November 21, 1979)**

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement

30 CFR Part 872

Abandoned Mine Reclamation Funds

ACTION: Final Rule.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) amends its Final Abandoned Mine Lands Reclamation Rules (43 FR 49932-49952, October 25, 1978), relating to abandoned mine reclamation funds, to allow the States and Indian tribes to enter into a cooperative agreement to prepare and submit first annual work plans for implementation of specific reclamation projects.

**EFFECTIVE DATE:** The amendment shall be effective December 21, 1979.

**ADDRESS:** Office of Surface Mining, Administrative Record -- Room 135, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

**FOR FURTHER INFORMATION CONTACT:** Charles L. Crawford, P.E., Chief, Division of State & Indian Reclamation Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245. Telephone (202) 343-4061.

**SUPPLEMENTARY INFORMATION:**

On October 25, 1978, the Secretary of the Interior promulgated Final Rules for the Abandoned Mine Land Reclamation Program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq. (the Act).

Under Section 405(a) of the Act, the Secretary was required to promulgate and publish in the Federal Register, procedures and requirements for preparation, submission and approval of State abandoned mine reclamation plans and an annual request for funding specific reclamation projects. The rules as promulgated provided that a State is eligible to submit a State reclamation plan if it has eligible lands and water as defined in 30 CFR 874.12; and the State is eligible for a State reclamation plan to be approved if it has an approved State regulatory program under Section 503 of the Act.

Under the present rule, OSM has provided for advance funds to be available for preparation of State and Indian tribe reclamation plans (30 CFR 872.11(b)(5)(vi)). Funds will now be available for developing a State or Indian tribe first annual work plan for implementation of specific reclamation projects. As a result, development of the first annual work plan can begin prior to a State or Indian tribe reclamation plan being approved. This provision will hasten implementing a State or Indian tribe reclamation program by providing for the collection of data and budgetary information necessary for prompt implementation of the program. In the event a State or Indian tribe fails to obtain approval of their permanent regulatory program, and a Federal Reclamation Program must be instituted this amendment provides a means to implement Federal Reclamation Programs immediately.

Two comments were received; one from the State of Alabama and one from the State of Missouri. Both comments were favorable to amending the Final Rules.

**Drafting Information:** The principal author of this amendment was Charles L. Crawford, Chief, Division of State and Indian Reclamation Programs, Abandoned Mine Lands, Office of Surface Mining Reclamation and Enforcement, with legal advice from Chris Warner, Office of the Solicitor.

AMENDMENT

**PART 872 -- ABANDONED MINE RECLAMATION FUNDS**

30 CFR 872.11(b)(5)(vi) is amended to read as follows:

**SECTION 872.11 - ABANDONED MINE RECLAMATION FUND.**

\* \* \*

(b) \* \* \*

(5) \* \* \*

(vi) Cooperative projects to compile information required for preparation of State and Indian reclamation plans, as specified in Section 884.13(f) of this chapter and the first annual work plan for implementation of specific reclamation projects as specified in Section 886.14 of this chapter. This work shall be done only with those moneys allocated or available for allocation to a State or Indian Tribe and at the request of the Governor of a State or the Indian tribe.

Dated: November 9, 1979.

Joan M. Davenport,

Assistant Secretary -- Energy and Minerals .