

FEDERAL REGISTER: 45 FR 47424 (July 15, 1980)

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM)

30 CFR Part 761

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Correction

ACTION: Correction.

SUMMARY: This document corrects 30 CFR 761.12(f)(1) as amended on December 31, 1979, and as suspended in part on November 27, 1979.

EFFECTIVE DATE: July 15, 1980.

FOR FURTHER INFORMATION CONTACT: Boyd Lewis, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, (202) 343-5361.

SUPPLEMENTARY INFORMATION:

On March 13, 1979, the Office of Surface Mining (OSM) published its permanent program regulations (44 FR 15312 et seq.) implementing the permanent regulator program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

As a result of certain issues raised during litigation on the permanent program regulations (In re Permanent Surface Mining Regulation Litigation), Civil Action No. 79-1144, consolidated (District of Columbia District Court filed May, 1979), OSM suspended and proposed changes to certain sections on November 27, 1979 (44 FR 67942-67943). In particular, in Section 761.12(f)(1) the words "or a statutory or regulatory responsibility for" were suspended insofar as they apply to privately owned places listed on the National Register of Historic Places in addition to publicly owned places.

Section 761.12(f)(1) was subsequently amended on December 31, 1979 (44 FR 77447), although the previously suspended language remained suspended to the extent set forth in the November 27, 1979 Federal Register notice. However, the word "or" appearing after the word "over" was inadvertently deleted from the amendment.

The words "or a statutory or regulatory responsibility for" remain suspended until further notice by OSM insofar as they relate to privately owned places. The December 31, 1979, amendment did not supersede the suspension as to this phrase.

The following corrects the December 31, 1979 amendment;

On page 77447, Sec. 761.12(f)(1), column 2, line 8, "jurisdiction over a statutory or" is corrected to read "jurisdiction over or a statutory or."

Dated: July 8, 1980.

Richard M. Hall, Acting Director, Office of Surface Mining, Reclamation and Enforcement.

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