

FEDERAL REGISTER: 60 FR 33723 (June 29, 1995)

DEPARTMENT OF THE INTERIOR

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

30 CFR Parts 756, 902, 916, and 944

Navajo Nation, Hopi Tribe, Alaska, Kansas, and Utah Abandoned Mine Land Reclamation (AMLR) Plans and Alaska and Kansas Regulatory Programs

ACTION: Final rule; technical amendment.

SUMMARY: OSM is making technical amendments to 30 CFR Chapter VII, Subchapters E and T. OSM is updating or adding addresses for the locations of the publicly available copies of the Navajo Nation, Hopi Tribe, Alaska, Kansas, and Utah AMLR plans and the Alaska and Kansas regulatory programs, correcting the codification of the section approving the Utah AMLR plan, and making other minor codification changes for consistency.

EFFECTIVE DATE: June 29, 1995.

FOR FURTHER INFORMATION CONTACT:

Leslie Stream, Branch of Environmental and Economic Analysis, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, Telephone: (202) 208-2840.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

Since July 1, 1994, the date of the most recent revision to Title 30 of the Code of Federal Regulations (30 CFR Part 700 to End), OSM has become aware of changes that need to be made to the addresses of State, Tribe, and OSM offices involved in certain State and Tribe AMLR plans and to the addresses of State and OSM offices involved in certain State regulatory programs. OSM is updating or adding State, Tribe, and OSM addresses at 30 CFR Parts 756, 902, 916, and 944 to accurately indicate where copies of the Navajo Nation, Hopi Tribe, Alaska, Kansas, and Utah AMLR plans are available for public inspection and copying. Similarly, and in accordance with 30 CFR 732.11(a), OSM is updating State and OSM office addresses at 30 CFR Parts 902 and 916 to accurately indicate where copies of the Alaska and Kansas regulatory programs are available for public inspection and copying.

OSM is also taking this opportunity to correct the codification of the paragraphs within section 30 CFR 944.20 approving the Utah AMLR plan. OSM is correcting the codification set forth in the Federal Register on September 27, 1994 (*59 FR 49185, 49189*).

Lastly, to ensure consistency in the codification of certain AMLR plan and regulatory program sections, OSM is lettering certain paragraphs that were previously unlettered.

II. PROCEDURAL MATTERS

1. Administrative Procedure Act

The minor revisions contained in this rulemaking are technical in nature. Accordingly, pursuant to 5 U.S.C. 553(b)(B), it has been determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the Federal Register.

2. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

3. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. This rule (1) does not preempt any State, Tribal, or local laws or regulations; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

4. National Environmental Policy Act

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual (516 DM 2 appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

5. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (*44 U.S.C. 3507 et seq.*).

6. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (*5 U.S.C. 601 et seq.*). This rule merely revises addresses contained in the regulations.

LIST OF SUBJECTS IN 30 CFR PARTS 756, 902, 916, AND 944

Abandoned mine land reclamation program, Indian lands, Intergovernmental relations, Surface mining, Underground mining.

Dated: June 22, 1995.

Peter A. Rutledge, Acting Regional Director, Western Regional Coordinating Center.

For the reasons set forth in the preamble, Title 30, Chapter VII, Subchapters E and T of the Code of Federal Regulations are amended as set forth below:

PART 756 -- INDIAN TRIBE ABANDONED MINE LAND RECLAMATION PROGRAMS

1. The authority citation for Part 756 continues to read as follows:

Authority: *30 U.S.C. 1201 et seq.* and Pub. L. 100-71.

2. Section 756.13 is revised to read as follows:

SECTION 756.13 -- APPROVAL OF THE NAVAJO NATION'S ABANDONED MINE LAND PLAN.

The Navajo Nation's Abandoned Mine Land Plan as submitted in June 1982, resubmitted in September 1983, and amended in February 1988, is approved effective May 16, 1988. Copies of the approved program are available at:

(a) The Navajo Nation, Navajo Abandoned Mine Land Reclamation Department, Division of Natural Resources, Navajo Nation Inn-Office Complex, P.O. Box 1875, Window Rock, AZ 86515, Telephone: (520) 871-7593.

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Ave., NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505) 766-1486.

3. Section 756.15 is revised to read as follows:

SECTION 756.15 -- APPROVAL OF THE HOPI TRIBE'S ABANDONED MINE LAND RECLAMATION PLAN.

The Hopi Tribe's Abandoned Mine Land Reclamation Plan as submitted in July 1983, and amended in March and May 1988, is approved effective June 28, 1988. Copies of the approved plan are available at the following locations:

(a) The Hopi Tribe, Hopi Abandoned Mine Land Program, Department of Natural Resources, Honahni Building, P.O. Box 123, Kykotsmovi, AZ 86039, Telephone: (520) 734-2441.

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Ave., NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505) 766-1486.

PART 902 -- ALASKA

1. The authority citation for Part 902 continues to read as follows:

Authority: *30 U.S.C. 1201* et seq.

2. Section 902.10 is revised to read as follows:

SECTION 902.10 -- STATE REGULATORY PROGRAM APPROVAL.

The Alaska State program as submitted on July 23, 1982, and as amended and clarified on December 13, 1982, and January 11, 1983, is approved effective May 2, 1983. Beginning on that date, the Alaska Department of Natural Resources shall be deemed the regulatory authority in Alaska for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the Alaska permanent regulatory program. Copies of the approved program are available at the following addresses:

(a) Department of Natural Resources, Division of Mining and Water Management, 3601 C Street, Suite 800, Anchorage, AK 99503-5925, Telephone: (907) 762-2149.

(b) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, Room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776.

3. Section 902.20 is revised to read as follows:

SECTION 902.20 -- APPROVAL OF ALASKA ABANDONED MINE LAND RECLAMATION PLAN.

The Alaska Reclamation Plan, as submitted on August 17, 1983, is approved effective December 23, 1983. Copies of the approved plan are available at:

(a) Department of Natural Resources, Division of Mining and Water Management, 3601 C Street, Suite 800, Anchorage, AK 99503-5925, Telephone: (907)762-2149.

(b) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, Room 2128, Casper, WY 82601-1918, Telephone: (307)261-5776.

PART 916 -- KANSAS

1. The authority citation for Part 916 continues to read as follows:

Authority: *30 U.S.C. 1201* et seq.

2. Section 916.10 is revised to read as follows:

SECTION 916.10 -- STATE REGULATORY PROGRAM APPROVAL.

The Kansas program as submitted on February 26, 1980, and amended on October 31, 1980, was conditionally approved effective January 21, 1981. Beginning on that date, and continuing until July 1, 1988, the Kansas Mined Land Conservation and Reclamation Board was deemed the regulatory authority in Kansas for all surface coal mining and reclamation operations on non-Federal and non-Indian lands. Beginning on July 1, 1988, the Department of Health and Environment shall be deemed the regulatory authority, pursuant to the program transfer provisions of House Bill 3009 as signed by the Governor of Kansas on April 8, 1988. Copies of the approved program, as amended, are available at:

(a) Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section, 1501 South Joplin, P.O. Box 1418, Pittsburg, KS 66762, Telephone: (316)231-8615.

(b) Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 934 Wyandotte Street, Room 500, Kansas City, MO 64105, Telephone: (816)374-6405.

3. Section 916.20 is revised to read as follows:

SECTION 916.20 -- APPROVAL OF KANSAS ABANDONED MINE LAND RECLAMATION PLAN.

The Kansas AMLR Plan as submitted on October 1, 1981, and as amended by Kansas Statute 49-428 on April 14, 1982, is hereby fully approved and all conditions prohibiting the funding of State AML construction grants are deleted. Copies of the approved Kansas AMLR plan are available at:

(a) Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section, 1501 South Joplin, P.O. Box 1418, Pittsburg, KS 66762, Telephone: (316)231-8615.

(b) Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 934 Wyandotte Street, Room 500, Kansas City, MO 64105, Telephone: (816)374-6405.

PART 944 -- UTAH

1. The authority citation for Part 944 continues to read as follows:

Authority: *30 U.S.C. 1201* et seq.

2. Section 944.20 is revised to read as follows:

SECTION 944.20 -- APPROVAL OF UTAH ABANDONED MINE PLAN.

The Utah Abandoned Mine Plan as submitted on February 9, 1983, and as subsequently revised, is approved effective June 3, 1983. Copies of the approved plan are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203, Telephone: (801)538-5340.

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Avenue NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505)766-1486.

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