

FEDERAL REGISTER: 61 FR 6507 (February 21, 1996)

DEPARTMENT OF THE INTERIOR

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

30 CFR Part 756

Navajo Nation, Hopi Tribe, and Crow Tribe Abandoned Mine Land Reclamation (AMLR) Plans

ACTION: Final rule; technical amendment.

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is making technical amendments to promote consistency with the codification that OSM has used for primacy States, OSM is changing the codification of the sections approving the AMLR plans and subsequent amendments for the Hopi Tribe and Crow Tribe and is creating sections for required amendments to the Navajo Nation, Hopi Tribe, and Crow Tribe AMLR plans. OSM is also making minor editorial changes.

EFFECTIVE DATE: February 21, 1996.

FOR FURTHER INFORMATION CONTACT: John Trelease, Office of Technology, Development, and Transfer, OSM, 1951 Constitution Ave., NW., Washington, DC 20240, Telephone: (202) 208-2617.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

In accordance with 30 CFR Part 884, OSM processes AMLR plans and amendments to these plans, which are submitted by the States and Indian tribes for OSM review and approval.

To promote consistency in codification of OSM's approvals of State and Indian Tribe AMLR plans and plan amendments and OSM-required plan amendments, OSM is amending the Indian lands program provisions at Chapter VII, Subchapter E. OSM is also making minor editorial changes.

Specifically, OSM is adding sections to the provisions of the Indian lands program concerning the approval of amendments to the Crow Tribe AMLR plan and submittal of OSM-required amendments to the Navajo Nation, Hopi Tribe, and Crow Tribe AMLR plans, and is recodifying the existing sections accordingly. By recodifying existing information for the Hopi Tribe and Crow Tribe AMLR plan and plan amendments from 30 CFR 756.15,.16, and.17 to 30 CFR 756.16,.17, and.19; adding a section to contain information on required amendments to the Navajo National AMLR plan at 30 CFR 756.15; and creating new sections at 30 CFR 756.18 for required amendments to the Hopi Tribe AMLR plan and 756.20 for approval of amendments and 756.21 for required amendments to the Crow Tribe AMLR plan, OSM is being consistent with the codification it has used for primacy State plans, plan amendments, and required amendments to the plans.

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 this 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 of 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.).

LIST OF SUBJECTS IN 30 CFR PART 756

Abandoned mine reclamation programs, Indian lands, Surface mining, Underground mining.

Dated: February 8, 1996.

Richard J. Seibel, Regional Director, Western Regional Coordinating Center.

For the reasons set forth in the preamble, title 30, chapter VII, subchapter E, part 756 of the Code of Federal Regulations is 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 amended by revising paragraph (b) to read as follows:

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

* * * * *

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Ave., NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505) 248-5070.

3. Section 756.15 is revised to read as follows:

SECTION 756.15 -- REQUIRED AMENDMENTS TO THE NAVAJO NATION'S ABANDONED MINE LAND PLAN.

Pursuant to 30 CFR 884.15, the Navajo Nation is required to submit to OSM by the date specified either a proposed amendment or a reasonable timetable, which is consistent with the Navajo Nation's established administrative and legislative procedures, for submitting an amendment to the Navajo Nation plan.

4. Section 756.16 is revised to read as follows:

SECTION 756.16 -- 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. 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) 248-5070.

5. Section 756.17 is revised to read as follows:

SECTION 756.17 -- APPROVAL OF AMENDMENTS TO THE HOPI TRIBE'S ABANDONED MINE LAND RECLAMATION PLAN.

The Hopi Tribe certification of completion of coal reclamation, as submitted on February 2, 1994, is approved effective June 9, 1994.

6. Section 756.18 is added to read as follows:

SECTION 756.18 -- REQUIRED AMENDMENTS TO THE HOPI TRIBE'S ABANDONED MINE LAND RECLAMATION PLAN.

Pursuant to 30 CFR 884.15, the Hopi Tribe is required to submit to OSM by the date specified either a proposed amendment or a reasonable timetable, which is consistent with the Hopi Tribe's established administrative and legislative procedures, for submitting an amendment to the Hopi Tribe plan.

7. Section 756.19 is added to read as follows:

SECTION 756.19 -- APPROVAL OF THE CROW TRIBE'S ABANDONED MINE LAND RECLAMATION PLAN.

The Crow Tribe's Abandoned Mine Land Reclamation Plan as submitted in 1982, and resubmitted in September, 1988 is approved. Copies of the approved Plan are available at the following locations:

(a) Crow Tribal Council, Crow Office of Reclamation, P.O. Box 159, Crow Agency, MT 59022.

(b) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Room 2128, 100 East B Street, Casper, WY 82601-1918, Telephone: (307) 261-6555.

8. Section 756.20 is added to read as follows:

SECTION 756.20 -- APPROVAL OF AMENDMENTS TO THE CROW TRIBE'S ABANDONED MINE LAND RECLAMATION PLAN.

Revisions to the following provisions of the Crow Tribe's Abandoned Mine Land Reclamation Plan, as submitted to OSM on the date specified, are approved.

9. Section 756.21 is added to read as follows:

SECTION 765.21 -- REQUIRED AMENDMENTS TO THE CROW TRIBE'S ABANDONED MINE LAND RECLAMATION PLAN.

Pursuant to 30 CFR 884.15, the Crow Tribe is required to submit to OSM by the date specified either a proposed amendment or a reasonable timetable, which is consistent with the Crow Tribe's established administrative and legislative procedures, for submitting an amendment to the Crow Tribe plan.

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