

FEDERAL REGISTER: 43 FR 56425 (December 1, 1978)

DEPARTMENT OF THE INTERIOR

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

30 CFR Part 715

Supplemental Mine Map Required for Small Operators; Proposed Rulemaking

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement is seeking comments on the following proposed rule amending 30 CFR 715.11(c) to require additional information in mine maps submitted by small operators. The proposed amendment requires small operators to submit mine maps showing the furthest extent of areas mined as of the termination date of small operator exemptions, which will occur on or before January 1, 1979. This regulation is necessary both to protect the small operators and to enforce the Act. The added mine map feature is necessary to avoid penalizing small operators for noncompliance with the full interim regulatory program on those areas mined during the period of the exemption. Secondly, effective enforcement of the Act requires the regulatory authority to know exactly which mining operations are not covered by the small operator's exemption. The present mine map required in Sec. 715.11(c) does not provide the needed delineation of areas mined during the period of a small operator's exemption.

DATES: Written comments must be received on or before January 2, 1979, 5:00 p.m. A public hearing will be held at 9:00 a.m. on December 20, 1978, if requested in writing.

ADDRESSES: Written comments or requests for a hearing must be mailed or hand delivered to: Mine Map Comments, Administrative Record Room 120, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, where they will be available for public inspection. The public hearing, if properly requested, will be held in Room 7229, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Byron Swift, Division of Surface Mining, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240; 202-343-4671.

GAO REVIEW

As this regulation imposes reporting requirements, it must be submitted to GAO for their clearance before it becomes final.

4 CFR Part 10 . Specific comments concerning the reporting obligations imposed are welcomed, and would greatly assist the Office in determining whether the requirement should be modified. Particularly useful information would be estimates of costs and of time spent in compliance, as well as whether other Federal agency reporting requirements are being duplicated. It is therefore proposed to amend 30 CFR 715.11(c) in the manner set forth below.

Dated: November 28, 1978.

JOAN M. DAVENPORT.

Assistant Secretary, Energy and Minerals .

In Sec. 715.11(c), the existing paragraph is redesignated (1), and a new paragraph (2) is added. As revised, Section 715.11(c) reads as follows:

SECTION 715.11 - GENERAL OBLIGATIONS.

* * *

(c) *Mine maps .* * * *

(2) In addition to the requirements of paragraph (c)(1) of this section, any person conducting surface coal mining and reclamation operations pursuant to a small operator's exemption shall submit before March 1, 1979 or within two months after the expiration of the exemption, whichever is earlier, two copies of an accurate map of each mine showing the permit area at a scale of 1:6000 or larger. The map shall show, as of January 1, 1979 or the expiration date of the exemption, whichever is earlier, the lands from which coal has not yet been removed, the lands and structures which have been used or disturbed to facilitate mining, and the lands which have not been disturbed: these areas may be shown in a revision of the

mine map submitted under paragraph (c)(1) of this section. One copy shall be submitted to the State Regulatory Authority and one copy to the appropriate Regional Director, OSM.

(The rule is promulgated under the authority of the Surface Mining Control and Reclamation Act of 1977, (the "Act"), Sections 201, 501 30 U.S.C.Sections 1211, 1251.)

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