

FEDERAL REGISTER: 45 FR 30382 (May 7, 1980)

DEPARTMENT OF THE INTERIOR

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

30 CFR Part 886

Abandoned Mine Land Reclamation Program

ACTION: Proposed rule.

SUMMARY: OSM proposes amending the Abandoned Mine Land Reclamation Program Regulations, relating to amounts and coverage of State grants for construction of public facilities. The proposed action encourages States receiving financial assistance for public facilities constructed with funds from the Abandoned Mine Reclamation Fund to use energy sources other than petroleum or natural gas. The intent is to conserve petroleum and natural gas, not prohibit their use. Project proposals for public facilities will be evaluated by using the reclamation project evaluation factors of Section 874.14. These factors should be sufficient to insure that energy efficiency and cost effectiveness are included in the project design.

This action implements the President's Executive Order, E.O. 12185, on conservation of petroleum and natural gas that was published in the Federal Register on December 19, 1979 (44 FR 75093).

DATES: Comments must be received at the address below on or before June 6, 1980, by no later than 5 p.m.

ADDRESS: Written comments must be mailed or hand delivered to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. All comments will be available at this location for review.

FOR FURTHER INFORMATION CONTACT: Charles A. Beasley, Assistant Director, Abandoned Mined Lands, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202-343-4012.

SUPPLEMENTAL INFORMATION:

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, (30 U.S.C. 1201 et seq.), establishes an Abandoned Mine Reclamation Fund and provides the authority to use monies from this fund to reclaim and restore land and water resources adversely affected by past mining. Lands and water eligible for reclamation under this authority are those which were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or other Federal laws. OSM publishes final rules on October 25, 1978 (43 FR 49932) which established the abandoned mine land reclamation program and procedures for administering Title IV of SMCRA.

The regulations establish procedures and requirements for the preparation of State and Indian reclamation programs, consisting of a reclamation plan, annual submissions of projects and applications for annual grants. This subchapter also includes implementation of the federal, state and Indian abandoned mine reclamation funds, general reclamation objectives and requirements, conditions and procedures for entry on land for study, exploration, reclamation, and emergency reclamation work, requirements for acquisition, management and disposition of eligible land and water, authorization for reclamation on private land, and establishment of interim procedures for Indian reclamation projects.

Part 886 sets forth procedures for grants to States having an approved State reclamation plan for the reclamation of eligible land and water and for other activities, which include the construction of public facilities, necessary to carry out the plan as approved. This Part also contains provisions for the reduction or termination of grants under certain circumstances and requirements for the administration of the grants.

Executive Order 12185 requires Federal agencies to review their financial assistance programs and make appropriate regulatory changes to those provisions that could conserve petroleum or natural gas. OSM has concluded its review of the abandoned mine land reclamation regulations and has determined that petroleum and natural gas could be conserved by encouraging States to use on-site energy sources other than petroleum or natural gas for public facilities.

The proposed amendment will require States requesting financial assistance for public facilities projects under their reclamation programs to seriously consider the use of on-site energy sources other than petroleum or natural gas.

Only those facilities that are designed to use petroleum or natural gas on-site for major heating systems, cooling systems, or power generation during the operational phase of the facility will be affected by the proposed rule. When the cost for petroleum

and natural gas are considered along with the shortages of these energy sources, prudent design of such facilities, regardless of this proposed rule, should eliminate future on-site use of these rules.

Note. -- The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14, 43 FR 58292, et seq. (December 13, 1978).

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Statement of Authorship

The primary author of this document was George L. Williams, Abandoned Mined Lands, Office of Surface Mining.

Dated: April 30, 1980.

Joan M. Davenport,
Assistant Secretary, Energy and Minerals .

It is proposed that Section 886.12(b) be revised to read as follows:

SECTION 886.12 - COVERAGE AND AMOUNT OF GRANTS.

* * *

(b) Grants shall be approved for 100 percent of the total agreed upon costs for reclamation of eligible land and water, construction of public facilities, program administration as specified in Section 886.21 and the incremental cost of filling voids and sealing tunnels with waste from mine waste piles reworked for conservation purposes. To the extent technologically and economically feasible, public facilities that are planned, constructed, or modified in whole or in part with abandoned mine land grant funds should utilize fuel other than petroleum or natural gas.

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