

FEDERAL REGISTER: 48 FR 44777 (September 30, 1983)

DEPARTMENT OF THE INTERIOR

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

30 CFR Parts 700, 701, 732, 736, 740, 780, 784, 785, 795, 800, 816, 817, 824, 828, 840, 842, 850

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program;

Technical Amendments

ACTION: Final rule; Technical Amendments.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending its rules regarding surface coal mining and reclamation operations to correct typographical errors, misspellings, and obsolete part and section references. Due to the major reorganization and redesignation of CFR units that took place in 1982-1983, a number of part and section references in unrevised sections were superseded. They are corrected in this rulemaking to cite the proper section number.

EFFECTIVE DATE: October 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jan Benson, Division of Environmental Analysis, Office of Surface Mining, U.S. Department of Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202-343-5587.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Amendments
- III. Procedural Matters

I. BACKGROUND

OSM recently completed its regulatory review, which was conducted in response to Executive Order 12291. In the course of this study, approximately 300 sections of 30 CFR Chapter VII were revised. Due to this reorganization and revision many of the sections not revised contained incorrect part and section references. This rulemaking will correct those references and make any other spelling or typographical corrections. These corrections are considered technical amendments and no change in meaning or application is intended. The main purpose for these technical amendments is to assure that 30 CFR Chapter VII, due for update in October 1983 is as accurate as possible. Some of the unrevised sections mentioned here are presently being studied for possible revision.

II. DISCUSSION OF AMENDMENTS

For amendments 1-10, 12-29, 31-38, 40-45, 52, 53 and 64-70, the cited sections or parts within the provisions being amended are corrected to correspond with the redesignation and/or removal of certain section numbers. The remaining amendments are made for different reasons, such as spelling or typographical errors, and are discussed below by numbers.

Amendment No. 11 -- In Section 740.11(a)(3) the phrase "except as specified in this subchapter" is being removed because there is no such specification elsewhere in the subchapter referred to.

Amendment No. 30 -- Paragraph (d) of Section 784.20 originates from previous Section 784.20(b) as stated in the preamble of June 1, 1983 (*48 FR 24641*). It was intended that this final rule provision read the same as the previous rule. Therefore the addition of the two words "if any" is made to follow the intentions of the final rule as stated in the preamble.

Amendment No. 39 -- The title of Part 795 is revised so that it does not duplicate the title of Part 701 and so it more explicitly reflects the content of the part.

Amendment Nos. 46 and 56 -- The abbreviation "(DS)" is added in the tables of Sections 816.67(d) and 817.67(d) to identify "scaled-distance factor" for the reader and no change in meaning results.

Amendment No. 47 -- This amendment corrects a typographical error.

Amendment No. 48 -- This amendment inserts the word "the" in the phrase "incompatible with the stability" in Section 816.71(e)(4) to make the provision read the same as Section 817.71 as intended and explained in the preamble.

Amendment Nos. 49, 50 and 62 -- These amendments correct typographical errors.

Amendment Nos. 51 and 63 -- Sections 816.151(c)(6) and 817.151(c)(6) contain the same obvious typing error. The indicated corrections make the provisions understandable and bring them into agreement with the preamble explanation of the provisions.

Amendment No. 54 -- The word "as" is added to Section 817.57(b) so that the provision reads the same as Section 816.57(b) as was intended. The addition of the word does not change the meaning of the provision.

Amendment No. 55 -- The amendatory language for Section 817.64 mistakenly read as a revision in the Federal Register of March 8, 1983 (*48 FR 9809*). It should have been an addition to Part 817 because the provisions, though just revised and transferred from deleted Section 817.65, are moved to Section 817.64, which did not previously exist.

Amendment Nos. 57 and 59 -- These spelling and punctuation corrections made to Section 817.71 are to make the provisions read the same as Section 816.71 as intended and explained in the preamble.

Amendment Nos. 58 and 61 -- These amendments correct typographical errors.

Amendment No. 60 -- The phrasing is changed in Section 817.71(h)(2) to make the provisions read the same as Section 816.71 as intended and explained in the preamble. There is no change in meaning.

Amendment No. 71 -- The title of Part 850 is revised so that it does not duplicate the title of Part 701 and so it more explicitly reflects the content of the part.

Amendment No. 72 -- Section 850.12(a) contains an obvious typing error. The indicated correction makes the provision understandable and brings it into agreement with the preamble explanation of the provision.

Amendment No. 73 -- The phrase "publication date" in Section 850.12(b) is corrected to read "March 4, 1983", which is the publication date. It was originally intended that this date would be inserted by the printer (See proposed rule, March 24, 1982, *47 FR 12783*).

III. PROCEDURAL MATTERS

Executive Order 12291

OSM has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because the rule is procedural and has no economic effect on the public.

Regulatory Flexibility Act

The Department has also determined that this document will not have a significant economic effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act.

National Environmental Policy Act

This rulemaking is not a major Federal action, but a procedural rule covered under the previous rulemakings. Therefore, an environmental assessment is not required for this rulemaking, which is covered under the environmental assessments and environmental impact statements prepared for the previous rulemakings.

Federal Paperwork Reduction Act

It has been determined that the information collection requirements do not change due to the corrections of this

rulemaking, and therefore it is exempt from the requirements of the Paperwork Reduction Act (*44 U.S.C. 3501 et seq.*) and does not require clearance by Office of Management and Budget.

LIST OF SUBJECTS IN 30 CFR

Part 700

Administrative practice and procedure, Coal mining, Surface mining, Underground mining, and Reporting and recordkeeping requirements.

Parts 701 and 842

Coal mining, Law enforcement, Surface mining, and Underground mining.

Part 732

Coal mining, Intergovernmental relations, Reporting and recordkeeping requirements, Surface mining, and Underground mining.

Part 736

Coal mining, Intergovernmental relations, Surface mining, and Underground mining.

Part 740

Coal mining, Public lands, Minerals resources, Surface mining, and Underground mining.

Part 780

Coal mining, Reporting and recordkeeping requirements, and Surface mining.

Part 784

Coal mining, Reporting and recordkeeping requirements, and Surface mining.

Part 785

Coal mining, Reporting and recordkeeping requirements, Surface mining, and Underground mining.

Part 795

Coal mining, Grant programs, Natural resources, Small businesses, Surface mining, Technical assistance, and Underground mining.

Part 800

Coal mining, Insurance, Reporting and recordkeeping requirements, Surety bonds, Surface mining and Underground mining.

Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements and Underground mining.

Part 824

Coal mining, Environmental protection and Surface mining.

Part 828

Coal mining, Environmental protection, Surface mining, and Underground mining.

Part 840

Coal mining, Intergovernmental relations, Law enforcement, Reporting and recordkeeping requirements, Surface mining and Underground mining.

Part 850

Explosives, Miners, Safety, Surface mining and Training programs.

Accordingly, 30 CFR Parts 700, 701, 732, 736, 740, 780, 784, 785, 795, 800, 816, 817, 824, 828, 840, 842, and 850 are amended as set forth herein.

Dated: September 28, 1983.

Perry P. Pendley, Deputy Assistant Secretary, Energy and Minerals.

PART 700 -- GENERAL

SECTION 700.11 [Amended]

1. Paragraph (a)(6) of Section 700.11 is amended by removing the reference to "Part 211 of this title" and inserting in its place "43 CFR Parts 3480-3487".

PART 701 -- PERMANENT REGULATORY PROGRAM

SECTION 701.5 [Amended]

2. The definition of "Excess spoil" in Section 701.5 is amended by removing the reference to " Sections 816.102(c) and 817.102(c)" and inserting in its place " Sections 816.102(d) and 817.102(d)".

3. The definition of "Soil survey" in Section 701.5 is amended by removing the reference to "30 CFR 785.17(b)(1)" and inserting in its place "30 CFR 785.17(c)(1)".

SECTION 701.11 [Amended]

4. Section 701.11(a) is amended by removing the reference to " Section 771.13(b)" and inserting in its place "30 CFR 773.11(b)".

5. Paragraphs (d)(1)(i), (d)(1)(ii) and (d)(1)(iii) of Section 701.11 are each amended by removing the reference to "30 CFR 786.21" and inserting in its place "30 CFR 773.15".

6. Paragraph (e)(1) of Section 701.11 is amended by removing the reference to "30 CFR Part 776" and inserting in its place "30 CFR Part 772".

PART 732 -- PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

SECTION 732.15 [Amended]

7. Paragraph (b)(3) of Section 732.15 is amended by removing the two references to "30 CFR Parts 776 and 815" and inserting in their place "30 CFR Parts 772 and 815".

PART 736 -- FEDERAL PROGRAM FOR A STATE

SECTION 736.22 [Amended]

8. Paragraph (b)(1) of Section 736.22 is amended by removing reference to Parts "760" and "765".

9. Paragraph (b)(2) of Section 736.22 is amended by removing reference to Parts "770, 776, 787" and inserting in their place "772, 773, 775".

PART 740 -- GENERAL REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS ON FEDERAL LANDS

SECTION 740.13 [Amended]

10. Paragraph (c)(8) of Section 740.13 is amended by removing the reference to "Part 787" and inserting in its place "Part 775".

SECTION 740.11 [Amended]

11. Paragraph (a)(3) of Section 740.11 is amended by replacing the comma after "States" with a period and removing the phrase "except as specified in this subchapter".

SECTIONS 740.4, 740.5, 740.11, 740.13, 740.15, 740.17 and 740.19 [Amended]

12. In addition to the amendments set forth above, Part 740 is amended by removing the reference to "Part 211 of this title" and inserting in its place the reference "43 CFR Parts 3480-3487" in each of the following places:

- (a) Section 740.4 (c)(5), (c)(6), (d)(1), (d)(3), (d)(4) and (d)(5);
- (b) Section 740.5(b);
- (c) Section 740.11(a)(1);
- (d) Section 740.13 (a)(3) and (f)(2);
- (e) Section 740.15(d)(1);
- (f) Section 740.17(a)(3); and
- (g) Section 740.19(a)(2) and (b)(2)(ii).

PART 772 -- REQUIREMENTS FOR COAL EXPLORATION

SECTION 772.1 [Amended]

13. Section 772.1 is amended by removing the reference to "30 CFR Part 211," and inserting in its place "43 CFR Parts 3480-3487".

PART 780 -- SURFACE MINING PERMIT APPLICATIONS-MINIMUM REQUIREMENT FOR RECLAMATION AND OPERATION PLAN

SECTION 780.16 [Amended]

14. Paragraph (a)(2) of Section 780.16 is amended by removing the reference to "30 CFR 816.111-816.117" and inserting in its place "30 CFR 816.111-816.116".

SECTION 780.18 [Amended]

15. Paragraph (b)(3) of Section 780.18 is amended by removing the reference to "30 CFR 816.101-816.106" and inserting in its place "30 CFR 816.102-816.107".

16. Paragraph (b)(5) of Section 780.18 is amended by removing the reference to "30 CFR 816.111-816.117" and inserting in its place "30 CFR 816.111-816.116".

17. Paragraph (b)(7) of Section 780.18 is amended by removing the reference to "30 CFR 816.89 and 816.103" inserting in its place "30 CFR 816.89 and 816.102".

SECTION 780.25 [Amended]

18. Paragraph (a)(3)(i) of Section 780.25 is amended by removing the reference to " Sections 816.91-816.93" inserting in its place "30 CFR 816.81-816.84".

19. Paragraph (d) of Section 780.25 is amended by removing the reference to "30 CFR 816.81-816.85" and inserting in its place "30 CFR 816.81-816.84".

20. Paragraph (e) of Section 780.25 is amended by removing the reference to "30 CFR 816.91-816.93" and inserting in its place "30 CFR 816.81-816.84".

SECTION 780.35 [Amended]

21. Paragraph (c) of Section 780.35 is amended by removing the reference to "30 CFR 816.71(i)" and inserting in its place "30 CFR 816.71(d)".

SECTION 780.37 [Amended]

22. Paragraph (b) of Section 780.37 is amended by removing the reference to "30 CFR 816.150(d), 816.152(c), 816.160(d) or 816.162(c)" and inserting in its place "30 CFR 816.150 and 816.151".

23. Paragraph (c) of Section 780.37 is amended by removing the reference to "30 CFR 816.153(d), 816.163(d) or 816.173(c) and inserting in its place "30 CFR 816.150 and 816.151".

24. Paragraph (d) of Section 780.37 is amended by removing the reference to "30 CFR 816.153(c)(2)(vi) and 816.163(c)(2)(vi)" and inserting in its place "30 CFR 816.150 and 816.151".

PART 784 -- UNDERGROUND MINING PERMIT APPLICATIONS-MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

SECTION 784.13 [Amended]

25. Paragraph (b)(3) of Section 784.13 is amended by removing the reference to "30 CFR 817.101-817.106" and inserting in its place "30 CFR 817.102-817.107".

26. Paragraph (b)(7) of Section 784.13 is amended by removing the reference to "30 CFR 817.89 and 817.103" and inserting in its place "30 CFR 817.89 and 817.102".

SECTION 784.16 [Amended]

27. Paragraph (a)(3)(i) of Section 784.16 is amended by removing the reference to "30 CFR 817.91-817.93" and inserting in its place "30 CFR 817.81-817.84".

28. Paragraph (d) of Section 784.16 is amended by removing the reference to "30 CFR 817.81-817.85" and inserting in its place "30 CFR 817.81-817.84."

29. Paragraph (e) of Section 784.16 is amended by removing the reference to "30 CFR 817.91-817.93" and inserting in its place "30 CFR 817.81-817.84."

SECTION 784.20 [Amended]

30. Paragraph (d)(5) of Section 784.20 is corrected by adding the words ", if any," after the word "Monitoring".
SECTION 784.21 [Amended]

31. Paragraph (a)(2) of Section 784.21 is amended by removing the reference to " Sections 817.111-817.117" and inserting in its place "30 CFR 817.111-817.116".

SECTION 784.24 [Amended]

32. Paragraph (b) of Section 784.24 is amended by removing the reference to "30 CFR 817.150(d), 817.152(c), 817.160(d) or 817.162(c)" and inserting in its place "30 CFR 817.150 and 817.151".

33. Paragraph (c) of Section 784.24 is amended by removing the reference to "30 CFR 817.153(d), 817.163(d), or 817.173(c)" and inserting in its place "30 CFR 817.150 and 817.151".

34. Paragraph (d) of Section 784.24 is amended by removing the reference to "30 CFR 817.153(c)(2)(vi) and 817.163(c)(2)(vi)" and inserting in its place "30 CFR 817.150 and 817.151".

35. Paragraph (a) of Section 784.25 is amended by removing the reference to "30 CFR 817.88" and inserting in its place "30 CFR 817.81(f)."

SECTION 784.200 [Amended]

36. Section 784.200 is amended by correcting the reference " Section 788.12" to read " Section 774.13", the reference " Section 771.21(b)(3)" to read " Section 774.13", and the reference "30 CFR Parts 786 and 787" to read "30 CFR Parts 773 and 775".

PART 785 -- REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

SECTION 785.11 [Amended]

37. Paragraph (b)(2) of Section 785.11 is amended by removing the reference to "30 CFR Part 809" and inserting in its place "30 CFR 800.70".

SECTION 785.16 [Amended]

38. Paragraph (a)(5) of Section 785.16 is amended by removing the reference to "or 782.15".

PART 795 -- PERMANENT REGULATORY PROGRAM -- SMALL OPERATOR ASSISTANCE PROGRAM

39. The title of Part 795 is revised to read as set forth above.

SECTION 795.9 [Amended]

40. Paragraph (b)(1) of Section 795.9 is amended by removing the reference to " Sections 780.21(g) and 784.14(g)" and inserting in its place " Sections 780.21(f) and 784.14(e)."

41. Paragraph (d) of Section 795.9 is amended by removing the reference to " Section 786.15" and inserting in its place " Section 773.13(d)".

PART 800 -- BOND AND INSURANCE REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATORS UNDER REGULATORY PROGRAMS

SECTION 800.40 [Amended]

42. Paragraph (d) of Section 800.40 is amended by correcting the reference to " Section 800.21(a)(4)" to read " Section 800.21(f)".

SECTION 800.50 [Amended]

43. Paragraph (c) of Section 800.50 is amended by correcting the reference to " Section 800.11(d)(3)" to read " Section 800.11(b)".

PART 816 -- PERMANENT PROGRAM PERFORMANCE STANDARDS -- SURFACE MINING ACTIVITIES

SECTION 816.11 [Amended]

44. Paragraph (f) of Section 816.11 is amended by removing the reference to " Section 816.23" and inserting in its place " Section 816.22".

SECTION 816.45 [Amended]

45. Paragraph (b)(2) of Section 816.45 is amended by removing the reference to " Section 816.101" and inserting in its place " Section 816.102".

SECTION 816.67 [Amended]

46. The table located between Paragraphs (d)(2)(i) and (d)(2)(ii) of Section 816.67 is amended by adding the abbreviation "(Ds)" after the word "monitoring 2 " in the third column.

47. Paragraph (d)(3) of Section 816.67 is amended by correcting the phrase " $W = (D/D)^2$ " to read " $W = (D/Ds)^2$ ".

SECTION 816.71 [Amended]

48. Paragraph (e)(4) of Section 816.71 is amended by correcting the phrase "with stability" to read "with the stability".

SECTION 816.73 [Amended]

49. The word "fill" in the title of Section 816.73 is corrected to read "fills".

SECTION 816.150 [Amended]

50. Paragraph (b)(1) of Section 816.150 is amended by adding the letter "s" to the word "practice".

SECTION 816.151 [Amended]

51. Paragraph (c)(6) of Section 816.151 is amended by correcting the phrase "crossings shall be made using" to read "crossings, made using".

PART 817 -- PERMANENT PROGRAM PERFORMANCE STANDARDS -- UNDERGROUND MINING ACTIVITIES

SECTION 817.11 [Amended]

52. Paragraph (f) of Section 817.11 is amended by removing the reference to " Section 817.23" and inserting in its place " Section 817.22".

SECTION 817.45 [Amended]

53. Paragraph (b)(2) of Section 817.45 is amended by removing the reference to " Section 817.101" and inserting in its place " Section 817.102".

SECTION 817.57 [Amended]

54. Paragraph (b) of Section 817.57 is amended by correcting the phrase "designated a" to read "designated as a".

SECTION 817.64 [Amended]

55. The amendatory language for Section 817.64 is corrected to clarify the section is "added" and not "revised".

SECTION 817.67 [Amended]

56. The table located between Paragraphs (d)(2)(i) and (d)(2)(ii) of Section 817.67 is amended by adding the abbreviation "(Ds)" after the word "monitoring 2 " in the third column.

SECTION 817.71 [Amended]

57. Paragraph (b)(2) of Section 817.71 is amended by replacing the word "at" with the word "of".

58. Paragraph (e)(2) of Section 817.71 is amended by correcting the reference to " Section 816.22" to read " Section 817.22".

59. Paragraph (h)(1) of Section 817.71 is amended by adding the letter "s" to the end of the word "inspection" in the first line, and inserting a comma after the word "preparation" in Paragraph (h)(1)(i).

60. Paragraph (h)(2) of Section 817.71 is amended by correcting the phrase "provide, to the regulatory authority, a certified report" to read "provide a certified report to the regulatory authority".

SECTION 817.74 [Amended]

61. Paragraph (e)(4) of Section 817.74 is amended by correcting the reference " Section 816.22" to read " Section 817.22".

SECTION 817.150 [Amended]

62. Paragraph (b)(1) of Section 817.150 is amended by adding the letter "s" to the word "practice".

SECTION 817.151 [Amended]

63. Paragraph (c)(6) of Section 817.151 is amended by correcting the phrase "crossings shall be made using" to read "crossings, made using".

SECTION 817.200 [Amended]

64. Paragraph (d) of Section 817.200 is amended by correcting the reference "30 CFR 788.12" to read "30 CFR 774.13", the reference "30 CFR 771.21(b)(3)" to read "30 CFR 774.13", and the reference "30 CFR 786 and 787" to read "30 CFR Parts 773 and 775".

PART 824 -- SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS -- MOUNTAINTOP REMOVAL

SECTION 824.11 [Amended]

65. Paragraph (a)(11) of Section 824.11 is amended by removing the reference "30 CFR 816.52" and inserting in its place "30 CFR 816.41 and 816.43".

PART 828 -- SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS -- IN SITU PROCESSING

SECTION 828.12 [Amended]

66. Paragraph (a) of Section 828.12 is amended by removing the reference to "30 CFR 817.52" and inserting in its place "30 CFR 817.41".

PART 840 -- STATE REGULATORY AUTHORITY INSPECTION AND ENFORCEMENT

SECTION 840.11 [Amended]

67. Paragraph (f)(2) of Section 840.11 is amended by removing the reference to " Section 807.12(e)" and inserting in its place " Section 800.40".

SECTION 840.14 [Amended]

68. Paragraph (b)(2) of Section 840.14 is amended by removing the reference to " Sections 776.17 and 786.15" and inserting in its place " Sections 772.15 and 773.13(d)".

PART 842 -- FEDERAL INSPECTIONS AND MONITORING

SECTION 842.11 [Amended]

69. Paragraph (c)(2)(iii)(B) of Section 842.11 is amended by removing the reference to " Section 807.12(e)" and inserting in its place " Section 800.40".

SECTION 842.16 [Amended]

70. Paragraph (a)(2) of Section 842.16 is amended by removing the reference to " Sections 776.17, 786.15" and inserting in its place " Sections 772.15, 773.13(d)".

**PART 850 -- PERMANENT REGULATORY PROGRAM REQUIREMENTS -- STANDARDS FOR
CERTIFICATION OF BLASTERS**

71. The title of Part 850 is revised to read as set forth above.

SECTION 850.12 [Amended]

72. Paragraph (a) of Section 850.12 is amended by correcting the phrase "rules to the for" to read "rules to the Office of Surface Mining for".

73. Paragraph (b) of Section 850.12 is amended by correcting the phrase "publication date" to read "March 4, 1983".

Authority: Pub. L. 95-87, *30 U.S.C. 1201* et seq.

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