

FEDERAL REGISTER: 48 FR 13984 (April 1, 1983)

DEPARTMENT OF THE INTERIOR

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

30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745 and 746
Federal Lands Program; Correction

ACTION: Final Rule; Correction.

SUMMARY: On February 16, 1983, (*48 FR 6912*) the Office of Surface Mining Reclamation and Enforcement (OSM) published final rules amending the existing regulations on the Federal lands program which set forth the requirements for surface coal mining and reclamation operations on Federal lands, involving 30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745, and 746. Several errors were made in the publication which are corrected in this notice.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: H. Leonard Richeson, Federal Lands Specialist, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave. NW., Washington, D.C. 20240, Telephone (202) 343-5866.

SUPPLEMENTARY INFORMATION:

In the February 16, 1983, Federal Register (*48 FR 6912*), the Office of Surface Mining published final rules for 30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745, and 746, concerning the Federal Lands Program. Since that publication, OSM has identified two inadvertent omissions and several typographical errors in the preamble and in the regulatory language. This notice corrects the final rules by providing the omitted language and corrections. The corrections to the final rules are as follows:

1. On page 6913, the last line of the second paragraph in column two is corrected to read "revised 30 CFR 740.11(a)."
2. On page 6917, the second line of the last paragraph in column two is corrected to read "determinations of valid existing rights."
3. On page 6920, the last line of the second full paragraph in column one is corrected to read "approval (revised Section 740.4(e)(4))."
4. On page 6920, the citations in the last two paragraphs of column one to "Section 740.4(e)" are corrected to read "Section 740.4(d)" and the citations to "Section 740.4(f)" are corrected to read "Section 740.4(e)."
5. The omitted text should have appeared on page 6922. On page 6922, line 13 of the first paragraph under the heading "Section 740.13 Permits" is corrected to read as follows:

"operations on Federal lands should consult first the applicable regulatory program and then the additional requirements of the revised Section 740.13.

Previous Section 741.1, "Scope," 741.2, "Objectives," and 741.4, "Responsibilities," have been removed, as proposed.

Section 740.13(a) General Requirements

Previous Section 741.11, "General obligations," corresponds to revised Section 740.13(a), "General requirements."

Previous Section 741.11(a), which required that permit applications be submitted within two months of the effective date of the applicable regulatory program, has been deleted, as proposed. Because revised Section 740.11(a) makes the requirements of the regulatory program applicable to Federal lands, and because each regulatory program will implement

the requirement of section 502(d) of the Act that permanent program permit applications be filed within two months of the program approval, this provision is unnecessary.

Previous Section 741.11(b), which required that surface coal mining and reclamation operations on intermingled Federal and non-Federal lands be conducted in a manner which did not preclude operator compliance with the performance standards of 30 CFR Chapter VII, Subchapter K, has been deleted, as proposed.

One commenter stated that OSM should not delete previous Section 741.11(b) because "there may be instances which require implementation of additional requirements on Federal lands not part of the State."

6. On page 6926, line 30 of column one is corrected to read "provision has not been adopted. Previous."

7. On page 6929 the heading in column one, "Section 740.15 Inspection, Enforcement, and Penalties," is corrected to read "Section 740.17 Inspection, Enforcement, and Civil Penalties."

8. On page 6936, line 15 of column three is corrected to read "(1) Coal exploration operations on Federal."

9. On page 6936, line 23 of column three is corrected to read "surface is owned by the United States."

10. On page 6936, "section 740.11 Applicability," is corrected by adding paragraph (f) as follows:

"(f) Where coal exploration or surface coal mining and reclamation operations within a State are on Federal lands and where no State or Federal program has been approved for the State, this Subchapter shall apply in that State upon the effective date of these regulations."

11. On page 6938, lines two and three, the paragraph entitled "Release of Bonds" in the third column is corrected to read "lease bond may be released upon satisfactory compliance with all."

Dated: March 24, 1983.

William P. Pendey, Acting Assistant Secretary, Energy and Minerals.

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