

**FEDERAL REGISTER: 48 FR 41019 (September 13, 1983)**

DEPARTMENT OF THE INTERIOR

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

30 CFR Part 872

Withdrawal of Unexpended Abandoned Mine Land Reclamation Funds From the State of Georgia

ACTION: Rule related notice.

**SUMMARY:** The Office of Surface Mining is withdrawing abandoned mine land reclamation (AMLR) funds allocated to the State of Georgia under the authority of Section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 (SMCRA) and 30 CFR 872.11 of the Secretary's regulations. The State of Georgia has failed to adopt a regulatory program for active mining pursuant to Section 503 of SMCRA or a reclamation plan for the restoration of lands previously degraded by past coal mining practices pursuant to Section 405 of SMCRA. Without these programs the State is ineligible to receive the State share allocation of AMLR funds collected within the State of Georgia. Failure to expend these funds within the time limits allocated by SMCRA and the Secretary's regulations can result in the transfer of these funds to the Secretary's discretionary share for expenditure in any eligible area of the country.

Notice of OSM's intent to withdraw unexpended abandoned mine land reclamation funds was published on August 4, 1983 (*48 FR 35399*). An opportunity for public participation in OSM's decision was provided. No comments or requests for meetings were received.

EFFECTIVE DATE: This action will be effective October 13, 1983.

FOR FURTHER INFORMATION CONTACT: Jim Fary, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343-7921.

**SUPPLEMENTARY INFORMATION:**

The Abandoned Mine Land Fund was established by the Surface Mining Control and Reclamation Act of 1977 in response to concern over extensive environmental damage caused by past coal mining activities. The Abandoned Mine Land Fund derives its financing from Title IV of the Act which establishes a fee on coal production for the purpose of financing specified Federal, State, and Indian reclamation programs. Programs funded by Congressional appropriations include grants to States and Indian Tribes to plan and carry out reclamation programs and projects, Federal Reclamation projects carried out by the Secretary of Interior through OSM, and the Rural Abandoned Mine Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service. Lands and water eligible for reclamation are those that 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 and Federal law.

Title IV of SMCRA provides that fifty percent of the AMLR funds collected within a State or on Indian lands are to be allocated to that State or Indian Tribe to accomplish the purpose of this title. "Allocate" means the administrative identification in the records of OSM of monies in the Fund for a specific purpose, e.g., identification of monies for exclusive use by a State.

States and Tribes are eligible to receive such allocated funds only after they have received approved regulatory programs pursuant to Section 503 of the Act and approved reclamation plans under Section 405. If allocated funds have not been expended within three years of their allocation by the States or Indian Tribes, Section 402 of the Act provides the Secretary authority to withdraw such funds from the State accounts and utilize them in any eligible area of the country.

On June 30, 1982, OSM published revised final regulations concerning the implementation and administration of the Abandoned Mine Land Program. *47 FR 28574*. Under 30 CFR 872.11(b)(2), OSM set out two procedures concerning the withdrawal of allocated but unexpended State or Indian Tribal funds. First, if a State advises OSM in writing that it

does not intend to submit a State reclamation plan, no monies will be allocated to that State. Secondly, amounts allocated to a State that have not been granted to the State within three years from the date of allocation shall be available to the Director for other purposes as set out in 30 CFR 872.11(b)(5) and Section 401(c) of the Act.

The State of Georgia has formally notified OSM in writing on September 8, 1981, that it does not wish to assume regulatory responsibility over surface mining. Accordingly the Director is transferring all funds allocated to the State of Georgia to the Secretary's discretionary share pursuant to the authority in Sections 402 and 412(a) of the Act and 30 CFR 872.11(b)(2) of the Secretary's regulations.

Dated: September 8, 1983.

James R. Harris, Director, Office of Surface Mining.

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