

**FEDERAL REGISTER: 52 FR 29180 (August 6, 1987)**

DEPARTMENT OF THE INTERIOR

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

30 CFR Part 816

Permanent Program Performance Standards-Surface Mining Activities; Use of Explosives

ACTION: Final rule; technical amendment.

**SUMMARY:** This rule makes a technical correction to the Office of Surface Mining Reclamation and Enforcement's (OSMRE) final rule governing the use of explosives which was published March 8, 1983 (*48 FR 9788*), under provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

EFFECTIVE DATE: August 6, 1987.

FOR FURTHER INFORMATION CONTACT: Gertrude Dark, Regulatory Development and Issues Management, Office of the Director, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; (202) 343-5261.

**SUPPLEMENTARY INFORMATION:**

I. Background and Discussion of the Amendment

II. Procedural Matters

**I. BACKGROUND AND DISCUSSION OF THE AMENDMENT**

OSMRE published a final rule on March 8, 1983 (*48 FR 9788*) revising the requirements in 30 CFR Part 816 relating to the use of explosives. Section 816.68 requires operators to maintain blasting records for at least 3 years and to make them available for inspection by the regulatory authority and the public upon request. This is required in section 515(b)(15)(B) of SMCRA.

One of the items to be reported in the record of blasting operations is the condition of the weather as explained in the preamble to the March 8, 1983 rule at *48 FR 9803*. However, in 30 CFR 816.68(e), the word "weather" meaning climatic condition appeared in error as the word "whether". This rule corrects that spelling error. The correction is considered a technical amendment and no change in the meaning or application of the rule as explained in the preamble at *48 FR 9803* is intended.

**II. PROCEDURAL MATTERS**

Executive Order 12291 and the Regulatory Flexibility Act

OSMRE 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 an administrative correction and has no economic effect on the public. 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 regulatory flexibility analysis under the Regulatory Flexibility Act.

National Environmental Policy Act

This rulemaking is not a major Federal action, but an administrative rule covered under previous rulemakings. Therefore, an environmental assessment is not required for this rulemaking which is covered under the environmental assessment 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 the Office of Management and Budget.

**LIST OF SUBJECTS IN 30 CFR PART 816**

Environmental protection, Reporting and recording keeping requirements, Surface mining.

Accordingly, the Office of Surface Mining Reclamation and Enforcement is amending 30 CFR Part 816 as set forth herein.

Date July 29, 1987.

J. Steven Griles, Assistant Secretary for Land and Minerals Management.

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

1. The authority citation for Part 816 is revised to read as follows:

Authority: Pub. L. 95-87, 91 Stat. 445 (*30 U.S.C. 1201 et seq.*), as amended; and Pub. L. 100-34.

**SECTION 816.68 [Amended]**

2. Paragraph (e) of Sec. 816.68 is amended by removing the word "Whether" and adding in its place the word "Weather".

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