

programs and the confidence that OSM has in their management.

In order to maintain consistency in the regulatory language, OSM is making a technical change and thereby deleting reference to "cooperative agreements" in § 886.23. The term "grant" as used in this regulation includes financial assistance in the form of grants and/or cooperative agreements.

Several commenters stated their support of the OSM proposal in § 886.23(a) to change the reporting requirements to an annual cycle rather than semi annual.

OSM agrees with the commenters that this change will assist in reducing administrative burdens on grantees and recognizes the superior performance of the States/Indian tribes in administering their AML programs over the years.

In addition, existing paragraph (a) and (b) are revised by deleting references to specific form requirements. This is accomplished by deleting a portion of paragraph (a), all of paragraphs (a)(1)–(2), and all of paragraph (b). In place of these references to specific forms, this amendment directs agencies to submit reporting forms specified by OSM. This change eliminates the need for rulemaking procedures to amend these regulations in every instance when form requirements change. In addition, many of the forms required by this section anticipate the need for project-specific information. In light of the changes that are made by these amendments, specific information no longer needs to be submitted to OSM in advance. Some project-specific information would be provided to OSM at the time a grantee requests approval for expenditures of funds for individual projects.

Additional detailed information would also be available in the grantee's files.

A revised paragraph (b) is added to § 886.23 which requires, at the completion of a grant, agency submission of closeout reports as specified by OSM. Specifically, subsection (b) requires submission of Form OSM-76 upon project completion. This submission is necessary to comply with the requirement in section 403(c) of SMCRA that on a regular basis OSM note on its inventory those projects completed under Title IV.

Section 886.23(c) is deleted, since the requirement to submit Form OSM-76 upon project completion is now contained in revised subsection (b), as noted above.

Several commenters observed that § 886.23(b) states that a completed Form OSM-76 shall be submitted upon project completion, not grant expiration. Because of the 3-year limitation for construction grants and the fact that

many projects may not begin until the end of the first construction season due to fiscal year constraints, some projects may require funding from more than one grant. Consequently, some projects may not be completed when grant closeout reports are due, and a Form OSM-76 sent at that time would be incomplete. Because of this situation, the commenters suggest that OSM needs to define "project completion" within the framework of this section.

OSM agrees in part. However, the term "project completion" refers to when the actual construction/reclamation work is completed. This could involve more than one grant; likewise, it means that if the reclamation is completed at a site after one year of the grant, the Form OSM-76 is due at that time. This is necessary to fulfill the mandate of Section 403(c) requiring that the inventory be updated annually with all completed projects.

Section 886.24 is amended by revising subsection (a) which requires agencies to keep records in accordance with OMB Circular A-102. OSM is revising this subsection to properly reference the Grants Management Common Rule, which supersedes Circular A-102 for purposes of this Part.

Section 886.24(b), which mandates certain recordkeeping requirements for subgrantees and contractors, is deleted. Designation of subsection (a) is removed and paragraph (1) and (2) are redesignated as subsections (a) and (b) respectively. In OSM's judgment, the information called for by this subsection would be redundant in light of the requirements of the Grants Management Common Rule.

No comments were received on this section. This section is being adopted as proposed.

OSM adds a new § 886.25 to simplify the existing regulation by including special Indian land procedures (formerly part 888) in part 886.

New § 886.25(a) discusses the Director's authority to mitigate emergencies or extreme dangers resulting from past coal mining practices and to perform other reclamation on Indian lands not subject to an approved reclamation program.

New § 886.25(b) is a conforming change that would incorporate the language of deleted subsection 888.11(a).

New § 886.25(c) is a conforming change that would incorporate the language of deleted subsection 888.11(b).

New § 886.25(d) is a conforming change that would incorporate the language of deleted subsection 888.11(c).

New § 886.25(e) is a conforming change that would incorporate the language of deleted subsection 888.11(d).

No comments were received on this section, which is therefore adopted as proposed.

Part 887—Subsidence Insurance Program Grants

Section 887.3 discusses the Director's authority to approve or disapprove grants for subsidence insurance up to a total of \$3 million in States with approved reclamation plans. The reference to section 402(g)(2) of SMCRA is revised to properly reference section 402(g)(1) in light of the 1990 amendments to SMCRA. The reference to § 872.11(b)(2) is changed to a more general reference to § 872.11(b) in order to reference some explanatory language found in that paragraph.

Section 887.10 deals with information collection requirements and their submission to OMB for approval. The collection of this information will not be required until it has been approved by OMB. OSM has revised and amended this section by updating the data contained in the section and including the estimated reporting burden per response for complying with the information collection requirements. The revision also provides the OSM and OMB addresses where comments regarding the information collection requirements may be sent.

Section 887.11 discusses eligibility for subsidence insurance program grants under this Part. This section is revised by making minor editorial changes. The reference to § 872.11(b)(2) is changed to a more general reference to § 872.11(b) in order to reference some explanatory language found in that paragraph. In addition, the reference to SMCRA section 402(g)(2) is revised to properly reference section 402(g)(1) in light of the 1990 amendments to SMCRA.

Section 887.12 is amended by replacing all references to OMB Circular A-102 with references to the Grants Management Common Rule. As discussed above, this change reflects the fact that the Grants Management Common Rule supersedes OMB Circular A-102 for the purposes of this Part.

In addition, § 887.12(b), which specifies the contents of a grant application under this Part, is revised by adding a reference to the procedures of 30 CFR part 886. This amendment advances the goal of simplifying the AML grants process by providing a uniform set of procedures for the grant application process. The effect of this amendment is to combine the process of applying for reclamation grants under