

part 886 and for subsidence insurance program grants under this Part.

Section 887.13 is amended by replacing reference to OMB Circular A-102 with reference to the Grants Management Common Rule. As discussed above, this change is made throughout these amendments.

No comments were received in regard to any of the above sections contained in part 887, hence these sections are adopted as proposed.

Part 888—Indian Reclamation Programs

OSM deletes part 888 and incorporates its provisions into new section 886.25. See the discussion of proposed revisions of section 886.25 above. No comments were received concerning this deletion.

III. Procedural Matters

Paperwork Reduction Act

The collections of information contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance numbers 1029-0059, 1029-0090, and 1029-0107.

Author

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Executive Order 12866

This rule has been reviewed under Executive Order 12866.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. et seq., the Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities.

National Environmental Policy Act

OSM has prepared a final environmental assessment (EA) of this rule, and has made a finding that this rule will not significantly affect the quality of the human environment under Section 102(2)(C) of NEPA, 42 U.S.C. 4332(2)(C). A finding of no significant impact (FONSI), has been approved for this final rule in accordance with OSM procedures under NEPA. The EA and FONSI are on file in the OSM Administrative Record, room 660, 800 N. Capitol Street NW., Washington, DC.

Executive Order 12778 on Civil Justice Reform

This rule has been reviewed under the applicable standards of Section 2(b)(2) of Executive Order 12778, Civil Justice Reform (56 FR 55195). In general, the requirements of Section 2(b)(2) of Executive Order 12778 are covered by the preamble discussion of this rule. Additional remarks follow concerning individual elements of the Executive Order:

A. What is the preemptive effect, if any, to be given to the regulation?

The rule specifies procedures for the Federal grants program under Title IV of SMCRA. This rule is not intended to preempt State law except that to the extent States wish to participate in the program, they must comply with the Federal rules.

B. What is the effect on existing Federal law or regulations, if any, including all provisions repealed or modified?

This rule modifies the AML grant process regulations pursuant to SMCRA as described herein, and is not intended to modify the rules or provisions of any other Federal statute. The preceding discussion of this rule specifies the Federal regulatory provisions that are affected by this rule.

C. Does the rule provide a clear and certain legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction?

The standards established by this rule are as clear and certain as practicable, given the complexity of the topics covered and the mandates of SMCRA.

D. What is the retroactive effect, if any, to be given to the regulation?

This rule is not intended to have retroactive effect.

E. Are administrative proceedings required before parties may file suit in court? Which proceedings apply? Is the exhaustion of administrative remedies required?

No administrative proceedings are required before parties may file suit in court challenging the provisions of this rule under Section 526(a) of SMCRA, 30 U.S.C. 1276(a). Prior to any judicial challenge to the application of this rule, however, administrative procedures must be exhausted.

F. Does the rule define key terms, either explicitly or by reference to other regulations or statutes that explicitly define those items?

Terms that are important to the understanding of this rule are set forth in 30 CFR 870.5 and 887.5.

G. Does the rule address other important issues affecting clarity and

general draftsmanship of regulations set forth by the Attorney General, with the concurrence of the Director of the Office of Management and Budget, that are determined to be in accordance with the purposes of the Executive Order?

The Attorney General and the Director of the Office of Management and Budget have not issued any guidance on this requirement.

List of Subjects

30 CFR Part 870

Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 886

Grant programs—natural resources, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 887

Grant programs—natural resources, Insurance, Surface mining, Underground mining.

30 CFR Part 888

Indian land, Surface mining, Underground mining.

Dated: January 18, 1995.

Bob Armstrong,

Assistant Secretary—Land and Minerals Management.

Accordingly, 30 CFR parts 870, 886, 887, and 888 are amended as set forth below:

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR SUBCHAPTER R—ABANDONED MINE LAND RECLAMATION

PART 870—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORT

1. The authority citation for part 870 is revised to read as follows:

Authority: 30 U.S.C. 1201 et seq., as amended.

2. Section 870.5 is amended by revising the definition of “Agency” to read as follows:

§ 870.5 Definitions

* * * * *

Agency means the State agency designated by the Governor, or in the case of Indian tribes, the Tribal agency designated by the equivalent head of an Indian tribe, to administer the State/Indian tribe reclamation program and to receive and administer grants under this part.

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