

bonding requirements, approving permit revisions, incremental bonds, incidental operation changes, and termination of jurisdiction to be consistent with the corresponding Federal regulations, provide additional safeguards and clarify ambiguities.

**EFFECTIVE DATE:** May 8, 2003.

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**SUPPLEMENTARY INFORMATION:**

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**I. Background of the Wyoming Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act \* \* \*, and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning Wyoming's program and program amendments at 30 CFR 950.10, 950.12, 950.15, and 950.16.

**II. Submission of the Proposed Amendment**

By letter dated April 30, 2002, Wyoming sent us an amendment to its program (Administrative Record No. WY-35-01) under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming sent the amendment in response to a November 7, 1988, letter (Administrative Record No. WY-35-05), and a February 21, 1990, letter (Administrative Record No. WY-35-07) that we sent to Wyoming in accordance with 30 CFR 732.17(c), and in response to the required program amendments at 30 CFR 950.16(j, k, n, y, and z) and to include the changes made at its own initiative.

The provisions of Wyoming's Coal Rules that Wyoming proposed to revise are: (1) Chapter 1, Section 2 (by) and

Chapter 13, Section 1(a), (b), and (c), definitions, cross-reference, and guidelines on permit revisions; (2) Chapter 4, Section 2(b)(iv), backfilling, grading, contouring, spoil, topsoil, vegetative and organic material to satisfy the required program amendment at 30 CFR 950.16(n); (3) Chapter 11, Sections 1(a), 2(a), 3(b), 3(c) and 4(a), bond and insurance requirements for surface coal mining operations under regulatory programs, intended to satisfy some of the deficiencies identified by OSM in its November 7, 1988, 30 CFR 732 letter to Wyoming; (4) Chapter 12, Section 1(b), review, public participation, and approval or disapproval of permit applications, permit term and conditions, and Chapter 13, Section 1(d)(iv)(D), probable hydrologic consequences assessment revision or update (changes to both Chapters 12 and 13 are intended to satisfy the program deficiency identified at 30 CFR 950.16(y)); (5) Chapter 12, Section 2(d)(iii), bonding and insurance procedures intended to satisfy the program deficiencies (numbered G-1) contained in the February 21, 1990, 30 CFR part 732 letter we sent to Wyoming; (6) Chapter 15, Section 7, termination of jurisdiction, intended to satisfy the program deficiency (D-1) we sent Wyoming in a February 21, 1990, 30 CFR part 732 letter; (7) Chapter 13, Section 1(d), intended to correct a cross-reference listed as a program deficiency in 30 CFR 950.16(j) [part 2]; and (8) Chapter 13, Section 1(a), concerning alternative methods of permit revision, intended to satisfy the program deficiency listed at 30 CFR 950.16(j) [part 3].

We announced receipt of the proposed amendment in the June 19, 2002, **Federal Register** (67 FR 41656). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (Administrative Record No. WY-35-10). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on July 19, 2002. We received "no comment" letters from two Federal agencies, the U.S. Fish and Wildlife Service and the U.S. Mine Safety and Health Administration.

**III. OSM's Findings**

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment.

*A. Minor Revisions to Wyoming's Rules*

Wyoming proposed minor wording, editorial, punctuation, grammatical, and recodification changes to the following previously-approved rules.

1. Wyoming Coal Rules: Chapter 4, Section 2(b)(iv)(C); Federal rules: 30 CFR 816.102(d), Placement of spoil outside the mined-out area.

In this section, Wyoming has simply removed superfluous wording to more closely follow the Federal requirement at 30 CFR 816.102(d).

Because these changes are minor, we find that they will not make Wyoming's rules less effective than the corresponding Federal regulations.

*B. Revisions to Wyoming's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations*

Wyoming proposed revisions to the following rules containing language that is the same as or similar to the corresponding sections of the Federal regulations.

1. Wyoming's Coal Rules: Chapter 4, Section 2(b)(iv); Federal rules: 30 CFR 816.1.2(d), backfilling, grading, contouring, spoil, topsoil, vegetative and organic material.

2. Wyoming's Coal Rules: Chapter 12, Section 1(b) and Chapter 13, Section 1(d)(iv)(D); Federal regulations: 30 CFR 774.15(c)(1), review, public participation, and approval or disapproval of permit applications, permit term and conditions, and probable hydrologic consequences assessment revision or update.

3. Wyoming's Coal Rules: Chapter 15, Section 7; Federal regulations: 30 CFR 700.11, termination of jurisdiction and release of bonds or deposits.

Because these proposed rules contain language that is the same as or similar to the corresponding Federal regulations, we find that they are no less effective than the corresponding Federal regulations.

*C. Revisions to Wyoming's Rules That Are Not the Same as the Corresponding Provisions of the Federal Regulations*

1. Wyoming's Coal Rules: Chapter 1, Section 2(b)(y) and Chapter 13, Section 1(a), (b) and (c); there is no Federal counterpart; definitions, cross-reference, and guidelines on permit revisions.

There is no Federal definition of "revised mining or reclamation operations," therefore a comparison cannot be made; however, Wyoming is deleting the phrase "except for incidental operation changes," as required in our July 25, 1990, **Federal Register** notice. It is consistent with and