

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 950.12, 950.15, 950.16, and 950.20.

## II. Submission of the Proposed Amendment

By letter dated November 28, 2002, Wyoming sent us an amendment to its program (Wyoming Rule Package 1J, Administrative Record No. WY-36-1) under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming sent the amendment in response to 30 CFR part 732 letters of February 21, 1990, and October 3, 1990 (Administrative Record Nos. WY-36-6 and WY-36-7), that we sent to Wyoming, and to include changes it made at its own initiative.

We announced receipt of the proposed amendment in the March 4, 2003, **Federal Register** (volume 68 FR No. 42, page 10193). 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-36-8). We did not receive any comments.

## III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations.

### A. Minor Revisions to Wyoming's Rules

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

#### *Wyoming Coal Rules Chapter 1, Section 2(a), 2(b), Definitions.*

These State-initiated revisions are necessary to maintain consistent use of the term "mine facilities."

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. Chapter 1, Section 2(ah), Definition of Existing Structure.*

#### *2. Chapter 1, Section 2(bu), Definition of Public Road.*

#### *3. Chapter 1, Section 2(bz), Definition of Road.*

#### *4. Chapter 2, Section 2(a)(v), 2(a)(v)(I)(1), 2(b)(iii) and 2(b)(xxi), Mine Safety and Health Administration Identification Number.*

#### *5. Chapter 2, Section 2(b)(xix), Road Systems.*

#### *6. Chapter 4, Section 2(c)(i)(A), Topsoil Removal Exemption.*

#### *7. Chapter 4, Section 2(j), Roads.*

#### *8. Chapter 4, Section 2(j)(ii), Roads: General Performance Standards.*

#### *9. Chapter 4, Section 2(j)(iii), Roads: Design and Construction.*

#### *10. Chapter 4, Section 2(j)(iii)(B), Primary Road-Fords.*

#### *11. Chapter 4, Section 2(j)(iii)(C)(I), Primary Road-Drainage Control.*

#### *12. Chapter 4, Section 2(j)(iii)(C)(I), Primary Road-Haul and Access Roads.*

#### *13. Chapter 4, Section 2(j)(iii)(C)(II), Primary Road-Drainage Pipes and Culverts.*

#### *14. Chapter 4, Section 2(j)(iii)(C)(III), Primary Road-Culverts.*

#### *15. Chapter 4, Section 2(j)(iii)(C)(V), Ditches.*

#### *16. Chapter 4, Section 2(j)(vii), Primary Road-Surface Water Runoff.*

#### *17. Chapter 4, Section 2(j)(viii); Exemptions Concerning Roads.*

#### *18. Chapter 4, Section 2(m); Removal and Reclamation of Mine Facilities.*

#### *19. Chapter 4, Section 2(n)(ii)(B)(2); minimizes additional contributions of suspended solids to streamflow outside of the permit area.*

#### *20. Chapter 4, Section 2(x); Utility Installation.*

#### *21. Chapter 12, Section 1(a)(v), Permitting Procedures.*

#### *22. Chapter 18, Section 3(c)(xvii), Section 3(d)(vi)(A), 3(d)(x), Permit Applications.*

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 Rules That Are Not the Same as the Corresponding Provisions of the Federal Regulation*

#### *1. Chapter 2, Section 2(a) and (b), Contents of an application for a surface*

*coal mining permit (Chapter 2, Section 2(b)(iv)(G)).* In its October 3, 1990, letter (follow up to its 30 CFR part 732 letter), OSM told Wyoming in E-2 that to be no less effective than the Federal rules, Wyoming's coal rules must require maps and cross sections for all roads, not just those deemed appropriate. Consequently, Wyoming proposes in this amendment to repeal Chapter 2, Section 2(b)(iv)(G)(item 5.a) and adopt Chapter 2, Section (b)(xix) to effectuate this change.

In addition, the Wyoming rule currently found at Chapter 2, Section 2(b)(iv)(G)(I) is proposed for recodification as Chapter 2, Section 2(a)(i)(E) because it is more appropriate for this requirement regarding legal ownership to be under subsection (a) rather than (b).

Finally, with the repeal of subsection 2(b)(iv)(G), the rule that follows it as (H) must be renumbered as (G) to coincide with the numbering within this subsection. Moreover, the term "buildings and structures" is proposed to be repealed and replaced with "mine facilities" to maintain consistent use of the term "mine facilities." These changes are no less effective than the Federal regulations.

*2. Chapter 2, Section 2(b)(i)(D)(V), Operation Plan: Maps and Plans.* The original Wyoming rule was not as detailed as its Federal counterpart regulations and was therefore disapproved by the OSM in a February 21, 1990, 30 CFR part 732 letter (Item E-4) to Wyoming. The proposed revised State rule is very similar to its Federal counterpart regulation at 30 CFR 780.14 and therefore is as effective as it.

*3. Chapter 4, Section 2(j)(iv), Roads: Location.* This rule change is simply to include the citations to the specific State hydrologic requirements as required by OSM's October 3, 1990, 30 CFR part 732 letter to Wyoming. Inclusion of the citations making the State rule no less effective than the Federal regulations.

*4. Chapter 4, Section 2(j)(iii)(D), Primary Road.* This rule change makes the State rule almost identical to its Federal counterpart which makes it no less effective than the Federal regulations.

*5. Chapter 4, Section 2(j)(v), Road Maintenance and Repair.* In order to be consistent with the Federal rules regarding road maintenance, Wyoming is proposing to revise its current Chapter 4 rules to read, "A road shall be maintained to meet the performance standards of this Chapter." This does not include the Federal counterpart phrase at 30 CFR 816.150(e)(1), "and any additional criteria specified by the