

sonnel, including the head of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the program. The Commission and OSM shall advise each other in writing of changes in the location of offices, addresses, telephone numbers, and changes in the names, location and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV: Reservation of Rights

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under other laws or regulations, including but not limited to those listed in Appendix A.

Article XVI: Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Part 700, 701 and 740 shall be given the meanings set forth in those definitions.

Approved:

James G. Watt,
Secretary of the Interior.

Dated: August 11, 1983.

Allen I. Olson,
Governor of North Dakota.

Dated: August 30, 1983.

Bruce Hagen,
President, North Dakota Public Service Commission.

Dated: August 30, 1983.

Leo M. Reinbold,
Commissioner, North Dakota Public Service Commission.

Dated: August 30, 1983.

Dale Sandstrom,
Commissioner, North Dakota Public Service Commission.

Dated: August 30, 1983.

APPENDIX A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701, *et seq.*, and implementing regulations.
2. The Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.*, and implementing regulations including 30 CFR Part 211 *et seq.*
3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, and implementing regulations including 40 CFR 1500 *et seq.*

4. The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR Part 402.

5. The National Historic Preservation Act of 1966, 16 U.S.C. 470, *et seq.*, and implementing regulations, including 36 CFR Part 800.

6. The Clean Air Act, 42 U.S.C. 7401, *et seq.*, and implementing regulations.

7. The Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, and implementing regulations.

8. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.

9. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. 469, *et seq.*

10. Executive Order 11593, Cultural Resource Inventories on Federal Lands.

11. Executive Order 11988 (May 24, 1977), for flood plain protection. Executive Order 11990 (May 24, 1977), for wetlands protections.

12. The Mineral Leasing Act for Acquired Lands, 30 U.S.C 351, *et seq.*, and implementing regulations.

13. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291, *et seq.*

14. The Constitution of the United States.

15. The Constitution of the State of North Dakota, State law, and rules.

[48 FR 41395, Sept. 15, 1983]

PART 935—OHIO

Sec.

935.1 Scope.

935.10 State regulatory program approval.

935.11 Conditions of State regulatory program approval.

935.15 Approval of regulatory program amendments.

935.20 Approval of Ohio Abandoned Mine Land Reclamation Plan Amendment.

935.25 Approval of AML plan amendments.

935.30 State-Federal Cooperative Agreement.

AUTHORITY: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977, (30 U.S.C. 1201 *et seq.*)

§ 935.1 Scope.

This part contains all rules applicable only within Ohio that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[47 FR 34717, Aug. 10, 1982]

§ 935.10 State regulatory program approval.

The Ohio State regulatory program as submitted on February 29, 1980, and resubmitted on January 22, 1982, is conditionally approved, effective August 16, 1982. Beginning on that date, the Department of Natural Resources shall be deemed the regulatory authority in Ohio for all surface coal mining and reclamation operations on non-Indian and non-Federal lands. Only surface coal mining and reclamation operations on non-Indian and non-Federal lands shall be subject to the provisions of the Ohio permanent regulatory program. Copies of the approved program, as amended, are available at:

(a) Division of Reclamation, Ohio Department of Natural Resources, Fountain Square, Building B, Columbus, Ohio 43224; Telephone: (614) 265-6633.

(b) Office of Surface Mining, Room 5315, 1000 L Street, N.W., Washington, D.C. 20240; Telephone: (202) 343-4728.

[48 FR 23193, May 24, 1983]

§ 935.11 Conditions of State regulatory program approval.

The approval of the Ohio State program is subject to the State revising its program to correct the deficiencies listed in this section. The program revisions may be made, as appropriate, to the statute, the regulations, the program narrative, or the Attorney General's opinion. This section indicates, for the general guidance of the State, the component of the program to which the Secretary requires the change be made.

(a)-(e) [Reserved]

(f) Steps will be taken to terminate the approval found in § 935.10.

(1)-(7) [Reserved]

(g) [Reserved]

(h) Steps will be taken to terminate the approval found in § 935.10:

(1) Unless Ohio submits to the Secretary by September 30, 1985, a revised program amendment that demonstrates how the alternative bonding system will assure timely reclamation at the site of all operations for which bond has been forfeited.

(i)-(j) [Reserved]

(k) Steps will be initiated to terminate the approval found in § 935.10.

(1)-(5) [Reserved]

(1)-(m) [Reserved]

[47 FR 34717, Aug. 10, 1982, as amended at 48 FR 1958, Jan. 17, 1983; 48 FR 23193, May 24, 1983; 48 FR 46027, Oct. 11, 1983; 48 FR 46531, Oct. 13, 1983; 49 FR 18482, May 1, 1984; 49 FR 37590, Sept. 25, 1984; 49 FR 43953, Nov. 1, 1984; 50 FR 25710, June 21, 1985]

§ 935.15 Approval of regulatory program amendments.

(a) The following amendment was approved effective January 17, 1983: Ohio revised rule OAC 1501:13-1-01, adopted September 16, 1982.

(b) The following amendments were approved effective January 31, 1983: Ohio revised rules OAC 1501:13-1-07, 1501:13-4-03, 1501:13-4-04, and 1501:13-4-05, adopted November 4, 1982.

(c) The following amendments were approved effective May 24, 1983:

(1) Ohio revised code (ORC), as amended by SB 240 and 323, adopted March 18, 1983, with the following exceptions: ORC Sections 1513.01(G)(2), 1513.07(B)(2)(n), 1513.13(A)(1), 1513.13(C), 1513.16(A)(10)(b)(ii) and 1513.16(F).

(2) Ohio revised rules, submitted January 6, 1983.

(3) Ohio policy statements dated December 28, 1982.

(d) The emergency rulemaking effective May 2, 1983, by which the original approved language of Ohio revised rule OAC 1501:13-1-02(E) was re-adopted by the Ohio Division of Reclamation is approved effective May 2, 1983.

(e) The following amendments were approved effective October 13, 1983: Ohio Revised Code Sections 1513.01(G)(2), 1513.01(U), 1513.13(A)(1), 1513.13(C)(1) and 1513.13(C)(3), as amended by Am. Sub. H.B. No. 291, enacted July 1, 1983.

(f) The following amendments submitted to OSM on June 10, August 11 and August 22, 1983, are approved effective upon promulgation of the revised rules by the State, provided the rules are adopted in identical form as submitted to OSM: Ohio Administrative Code Sections 1501:13-1-02, 13-4-04, 13-4-05, 13-4-13, 13-4-14, 13-9-04, 13-12-03, and 13-12-04.

(g) The following amendment submitted to OSM on January 30, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule adopted is identical to the rule as submitted to and reviewed by OSM: Ohio Administrative Code Section 1501:13-4-13(K)(1).

(h) The following amendments submitted to OSM on February 8, 1984, are approved effective upon promulgation of the rules by the State, provided the rules adopted are identical to the rules as submitted to and reviewed by OSM: Ohio Administrative Code Sections 1501:13-9-15(E)(5), 1513-101 (J), (K), and (L).

(i) The following amendment submitted to OSM on March 5, 1984, is approved effective upon promulgation of the revised rules by the State, provided the rules adopted are identical to the rules as submitted to and reviewed by OSM: Ohio's blaster certification program, as contained in Ohio Administrative Code Section 1501:13-14-05.

(j) The following amendment submitted to OSM on December 28, 1983, as modified on April 25, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule adopted is identical to the rule as submitted to and reviewed by OSM: Ohio Administrative Code Section 1501:13-14-01.

(k) The following amendments submitted to OSM on June 15, 1984, are approved effective upon promulgation of the rules by the State, provided the rules adopted are identical to the rules submitted to and reviewed by OSM: Ohio Administrative Code sections 1501:13-4-04 (I) and (L); 1501:13-4-13 (I), (J), and (L); 1501:13-9-04 (B)(5) and (G)(15); and Division Advisory Memo No. 31.

(l) The following amendment submitted to OSM on July 23, 1984, is approved effective November, 1, 1984: Ohio Revised Code, contained in Substitute House Bill No. 164.

(m) The following amendment submitted to OSM on March 9, 1984, as modified on August 8, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule adopted is identical to the

rule submitted to and reviewed by OSM: Ohio rule 1501:13-4-13(E)(2).

(n) The following amendment submitted to OSM on September 17, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule is adopted in identical form as submitted to OSM: Ohio Administrative Code Section 1501:13-2-15.

(o) The following amendment submitted to OSM on July 10 and 23, 1984, and modified on November 26, 1984, is approved effective upon promulgation of the revised rule by the State, provided the rule is adopted in identical form as submitted to and reviewed by OSM: Ohio Administrative Code Section: 1501:13-9-06, (Standards for Use of Explosives).

(p) The following amendments submitted to OSM on July 11, 1984, and modified on August 24, 1984 and February 27, 1985, are approved effective upon promulgation of the revised rules by the State, provided the rules are adopted in identical form as submitted to OSM: Ohio Administrative Code Sections 1513-3-01 through 1513-3-22.

(q) The following amendments submitted to OSM on July 23, 1984, and modified on April 3, 1985, are approved effective upon promulgation of the revised rules by the State, provided the rules are adopted in identical form as submitted to OSM: Ohio Administrative Code Section 1501:13-14-01.

[48 FR 23193, May 24, 1983, as amended at 48 FR 33482, July 22, 1983; 48 FR 46305, Oct. 12, 1983; 48 FR 46531, Oct. 13, 1983; 49 FR 16991, Apr. 23, 1984; 49 FR 18482, May 1, 1984; 49 FR 23180, June 5, 1984; 49 FR 31678, Aug. 8, 1984; 49 FR 37590, Sept. 25, 1984; 49 FR 43953, Nov. 1, 1984; 49 FR 44463, Nov. 7, 1984; 50 FR 5236, Feb. 7, 1985; 50 FR 10758, Mar. 18, 1985; 50 FR 21257, 21259, May 23, 1985]

§ 935.20 Approval of Ohio Abandoned Mine Land Reclamation Plan Amendment.

The Ohio Abandoned Mine Land Reclamation Plan, as submitted on August 16, 1982, is approved. Amendments to this Plan, as submitted on September 5, 1984 are also approved.

Copies of the approved program, as amended, are available at:

Ohio Department of Natural Resources,
Fountain Square, Columbus, Ohio 43224

Office of Surface Mining Reclamation and
Enforcement, Columbus Field Office, 2242
South Hamilton Road, Columbus, Ohio
43232

Office of Surface Mining and Reclamation
and Enforcement, Administrative
Record—Room 5315, 1100 L Street NW.,
Washington, D.C. 20240.

[49 FR 41025, Oct. 19, 1984; 49 FR 44996,
Nov. 14, 1984]

**§ 935.25 Approval of AML plan amend-
ments.**

(a) The following amendments were
approved effective May 24, 1983:

(1) Ohio revised code (ORC) section
1513.37(D)(2), (D)(4), (D)(5) and (J),
adopted March 18, 1983.

[48 FR 23193, May 24, 1983]

**§ 935.30 State-Federal Cooperative agree-
ment.**

COOPERATIVE AGREEMENT

The Governor of the State of Ohio,
acting through the Department of
Natural Resources, Division of Recla-
mation (Division), and the Secretary
of the Department of the Interior,
acting through the Office of Surface
Mining (OSM), enter into a Coopera-
tive Agreement (Agreement) to read as
follows:

*Article I: Introduction, Purpose, and
Responsible Administrative Agency*

A. Authority: This agreement is author-
ized by section 523(c) of the Surface Mining
Control and Reclamation Act (Act), 30
U.S.C. 1273(c), which allows a State with a
permanent regulatory program approved by
the Secretary under 30 U.S.C. 1253, to elect
to enter into an Agreement with the Secre-
tary of the Department of the Interior for
State regulation of surface coal mining and
reclamation operations on Federal lands.
This Agreement provides for State regula-
tion of surface coal mining and reclamation
operations on Federal lands in Ohio which
are under the jurisdiction of the United
States Department of Agriculture, Forest
Service, except those lands containing
leased Federal coal, consistent with State
and Federal laws governing such activities
in Ohio, the Federal lands program (30 CFR
Parts 740-745) and the Ohio State program
(approved State program).

B. Purpose: The purpose of this Agree-
ment is to (a) foster Federal-State coopera-
tion in the regulation of surface coal mining
and reclamation operations; (b) eliminate
intergovernmental overlap and duplication;
and (c) provide uniform and effective appli-
cation of the approved State program on all
lands in Ohio, except those containing
leased Federal coal, in accordance with the
Act, the approved State program, and this
Agreement.

C. Responsible Administrative Agencies:
The Division shall be responsible for admin-
istering this Agreement on behalf of the
Governor. The Assistant Secretary, Land
and Minerals Management, acting through
OSM, shall administer this Agreement on
behalf of the Secretary in accordance with
the regulations in 30 CFR Chapter VII. The
Federal lands in Ohio covered by this Agree-
ment are only those under the jurisdiction
of the United States Department of Agricul-
ture, Forest Service (Forest Service) and in-
clude all or parts of the Wayne National
Forest. It is understood by both parties that
the Forest Service will continue to be in-
volved in mining operations on its respective
lands pursuant to its laws, regulations,
agreements and restrictions. These require-
ments are in addition to the requirements
discussed in this Agreement.

Article II: Effective Date

After it has been signed by the Secretary
and the Governor, this Agreement shall be
effective upon publication in the FEDERAL
REGISTER as a final rule. This Agreement
shall remain in effect until terminated as
provided in Article V.B. or X.

Article III: Definitions

Any terms and phrases used in this Agree-
ment which are defined in the Act, 30 CFR
Parts 700, 701, and 740, or the approved
State program shall be given the meanings
set forth in said definitions. Where there is
a conflict between the above referenced
State and Federal definitions, the defini-
tions used in the approved State program
will apply, except in the case of a term or
phrase which defines the Secretary's non-
delegable responsibilities under the Act and
other laws.

Article IV: Applicability

In accordance with the Federal lands pro-
gram in 30 CFR Parts 740-745, the laws, reg-
ulations, terms and conditions of the ap-
proved State program (conditionally ap-
proved on August 10, 1982, 30 CFR Part 935,
or as hereinafter amended in accordance
with 30 CFR 732.17) are applicable to sur-
face coal mining and reclamation operations
on Federal lands in Ohio except as other-
wise stated in this Agreement, the Act, 30

CFR 745.13, or other applicable laws or regulations.

This Agreement does not apply to surface coal mining and reclamation operations on lands containing leased Federal coal. This Agreement applies only to lands under the jurisdiction of the Forest Service.

Article V: General Requirements

The Governor and the Secretary affirm that they will comply with all the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. Authority of State Agency: The Division has and shall continue to have the authority under State law to carry out this Agreement.

B. Funds: Upon application by the Division and subject to the availability of appropriations, the Department shall provide the State with the funds to defray the costs associated with carrying out responsibilities under this Agreement as provided in section 705(c) of the Act and 30 CFR Part 735. If the State requests funds and sufficient funds have not been appropriated to OSM, OSM and the Division shall meet promptly to decide on appropriate measures that will ensure that surface coal mining and reclamation operations are regulated in accordance with the approved State program. If agreement cannot be reached, then either party may terminate the Agreement. Funds provided to the State under this Agreement shall be reduced; in proportion to the amount of fees collected by the State that are attributable to the Federal lands covered by this Agreement.

C. Reports and Records: The Division shall make annual reports to OSM on the results of the Division's implementation and administration of this Agreement, pursuant to 30 CFR 745.12(d). Upon request, the Division and OSM shall exchange information developed under this Agreement, except where prohibited by Federal law. OSM shall provide the Division with a copy of any final evaluation report prepared concerning the Division's administration and enforcement of this Agreement.

D. Personnel: The Division shall have the necessary personnel to implement this Agreement fully in accordance with the provisions of the Act and the approved State program.

E. Equipment and Laboratories: The Division will assure itself access to facilities which are necessary to carry out the requirements of the Agreement.

Article VI: Review of a Permit Application Package

The Division shall assume the primary responsibility for the review of permit application packages for surface coal mining and

reclamation operations on Forest Service lands covered by this Agreement. The Division shall coordinate the review of permit application packages with the Forest Service and other Federal agencies which may be affected by the proposed surface coal mining and reclamation operation to ensure compliance with Federal laws other than the Act and regulations other than the approved State program. When requested by the State, OSM shall assist the State in identifying Federal agencies other than the Forest Service which may be affected by the mining proposal.

A. Submission of Permit Application Package: The Division shall require an operator proposing to mine on Forest Service lands to submit a permit application package in an appropriate number of copies to the Division. The permit application package shall be in the format required by the Division and include any supplemental information (as specified by OSM or the Forest Service) needed to satisfy the requirements of non-delegable requirements of the Act, Federal laws other than the Act, and regulations other than the approved State program.

B. Coordination With Affected Agencies: Upon receipt, the Division shall transmit a copy of the complete permit application package to the Forest Service and to other Federal agencies affected by the proposed surface coal mining and reclamation operation with a request for review pursuant to 30 CFR 740.13(c)(4). OSM shall determine whether or not a proposed surface coal mining and reclamation operation is prohibited or limited by the requirements of section 522(e) of the Act (30 U.S.C. 1272(e)) and 30 CFR Parts 760-762 with respect to Federal areas designated by Congress as unsuitable for mining and shall make any necessary determinations under section 522(b) of the Act. The Division shall obtain, in a timely manner, the comments of the Forest Service and other Federal agencies affected by the mining proposal.

C. Contact With the Applicant: As a matter of practice, OSM will not independently initiate contacts with the applicant regarding permit application packages. However, OSM reserves the right to act independently of the Division to carry out any non-delegable responsibilities under the Act, or under other Federal laws and regulations, provided, however, that OSM shall inform the Division of the necessity of such action taken and send copies of all relevant correspondence to the Division.

D. File and Records: The Division shall maintain a title of all original correspondence with the applicant and any information received which may have a bearing on decisions regarding surface coal mining and reclamation operations on Forest Service

lands. Upon request, the Division shall provide, for OSM or Forest Service review, copies of any titles and records for surface coal mining and reclamation operations on Forest Service lands.

E. Permit Application Decision and Permit Issuance: After consultation with the Forest Service and after making a finding of compliance with the approved State program and other applicable requirements, the Division may approve a permit application or application for permit revision or renewal and issue a permit. The permit issued by the Division shall condition the initiation of surface coal mining and reclamation operations on compliance with the requirements of the approved State program and, as applicable, requirements of OSM or the Forest Service pursuant to Federal laws other than the Act and regulations other than the approved State program. After the Division issues its decision on the permit application, it shall promptly send a notice of the action to OSM and to the Forest Service.

Article VII: Inspections

The Division shall conduct inspections on Forest Service lands covered by this Agreement and prepare and file inspection reports in accordance with the approved State program.

A. Inspection Reports: The Division shall, within 15 days of conducting any inspection on Federal lands, file with OSM an inspection report describing (1) the general conditions of the lands under the permit; (2) whether the operator is complying with the applicable performance and reclamation requirements; and (3) the manner in which specific operations are being conducted.

B. Division Authority: The Division shall be the point of contact and primary inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described in this Agreement and the Secretary's regulations. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement.

C. OSM Authority: For the purpose of evaluating the manner in which this Agreement is being carried out and to insure that performance and reclamation standards are being met, OSM may conduct inspections of surface coal mining and reclamation operations on Federal lands, without prior notice to the Division. In order to facilitate a joint Federal-State inspection, when OSM is responding to a citizen complaint of an imminent danger to the health or safety of the public or of a significant, imminent environmental harm pursuant to 30 CFR 842.11(b)(1)(i), it will contact the Division, if circumstances and time permit, prior to the

Federal inspection. OSM may conduct any inspections necessary to comply with 30 CFR Part 842. If an inspection is made without Division inspectors, OSM shall provide the Division with a copy of the inspection report within 10 days after inspection.

D. Witness Availability: Personnel of the State and OSM shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VIII: Enforcement

A. Division Enforcement: The Division shall have primary enforcement authority on Federal lands covered by this Agreement in accordance with the approved State program and this Agreement. During any joint inspection by OSM and the Division, the Division shall take appropriate enforcement action, including issuance of orders of cessation and notices of violation.

B. Notification: The Division shall promptly notify the Forest Service of all violations of applicable laws, regulations, orders, and approved permits for surface coal mining and reclamation operations on lands administered by the Forest Service.

C. Secretary's Authority: (1) This Agreement does not affect or limit the Secretary's authority to enforce violations of laws other than the Act. (2) During an inspection made solely by OSM or any joint inspection where the Division and OSM fail to agree regarding the propriety of any particular enforcement action, OSM may take any enforcement action necessary to comply with 30 CFR Parts 843 and 845. Such enforcement action shall be based on the Act or the applicable substantive provisions included in the regulations of the approved State program and shall be taken using the procedures and penalty system contained in 30 CFR Parts 843 and 845.

Article IX: Bonds

A. Performance Bond: The Division shall require all operators on Federal lands covered by this Agreement to submit a performance bond to cover the operator's responsibilities under the Federal Act and the approved State program, payable to both the United States and Ohio. The performance bond shall be of sufficient amount to comply with the requirements of the approved State program and any other conditions of the permit. Release of the performance bond shall be conditioned upon compliance with all applicable requirements. The Division shall obtain the concurrence of the Forest Service prior to releasing the operator from any obligation under the performance bond. If this Agreement is terminated, (1) the bond will revert to being payable only to the United States to the extent that Federal lands are involved, and (2) the bond

will be delivered by the Division to OSM if only Federal lands are covered by the bond.

B. Forfeiture: In the event of forfeiture by an operator of the performance bond for surface coal mining and reclamation operations on Federal lands covered by this Agreement, the State shall use funds received from bond forfeiture and, where necessary, funds from the Ohio Reclamation Forfeiture Special Account (pursuant to Section 1513.18 of the Ohio Revised Code) to ensure that reclamation is accomplished in accordance with the approved State program and the approved permit.

Article X: Termination of Cooperative Agreement

This Agreement may be terminated by the Governor or the Secretary under the provisions of 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

If this Agreement has been terminated in whole or in part it may be reinstated under the provisions of 30 CFR 745.16.

Article XII: Amendment of Cooperative Agreement

This Agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

A. Effect of Changes: The Secretary or the State may promulgate new Federal or State regulations, including new or revised performance or reclamation requirements or enforcement or administration procedures. OSM and the Division shall immediately inform each other of any final changes and of any effect such changes may have on the cooperative agreement. If it is determined to be necessary to keep this Agreement in force, the Division shall request necessary State legislative action and each party shall revise its regulations or promulgate new regulations, as applicable. Such changes shall be made under the procedures of 30 CFR Part 732 for changes to the approved State program and sections 501 and 523 of the Federal Act for changes to the Federal lands program.

B. Copies of Changes: The State and OSM shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV: Changes in Personnel and Organization

The Division and the Secretary shall, consistent with 30 CFR Part 745, advise each other of substantial changes in statutes, reg-

ulations, funding, staff, or other changes which could affect the administration and enforcement of this Agreement.

Article XV: Reservation of Rights

This Agreement does not delegate nor shall it be construed to delegate any of the authority that the Secretary has retained under 30 CFR 745.13 or under other laws or regulations.

Approved:

Richard F. Celeste,
Governor of Ohio.

Dated: April 3, 1984.

William Clark,
Secretary of the Interior.

Dated February 22, 1984.

[49 FR 14739, Apr. 13, 1984]

PART 936—OKLAHOMA

Sec.

936.1 Scope.

936.10 State program approval.

936.11 Conditions of State regulatory program approval.

936.15 Approval of regulatory program amendments.

936.16 Required program amendments.

936.17 Direct Federal enforcement of State program.

936.18 Remedial actions.

936.19 Termination of Federal enforcement of State program.

936.20 Approval of Oklahoma Abandoned Mine Land Reclamation Plan.

AUTHORITY: Sec. 503, Pub. L. 95-87, 91 Stat. 407 (30 U.S.C. 1253), unless otherwise noted.

§ 936.1 Scope.

This part contains all rules applicable only within Oklahoma that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[46 FR 4910, Jan. 19, 1981]

§ 936.10 State program approval.

(a) The Oklahoma State Program, as submitted on February 28, 1980, and amended on June 11, 1980, and resubmitted on December 8, 1980, is approved subject to the conditions set forth in § 936.11. Copies of the approved program together with copies of the letter from the Oklahoma Department of Mines agreeing to the conditions in § 936.11, are available at: