

§ 942.827

coal mining and reclamation operations constituting mountaintop removal.

§ 942.827 Special performance standards—Coal preparation plants not located within the permit area of a mine.

Part 827 of this chapter, *Permanent Program Performance Standards—Coal Preparation Plants Not Located Within the Permit Area of a Mine*, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of a coal preparation plant not located within the permit area of a mine.

§ 942.828 Special performance standards—In situ processing.

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing*, shall apply to any person who conducts surface coal mining and reclamation operations which include the in situ processing of coal.

§ 942.842 Federal inspections.

Part 842 of this chapter, *Federal Inspections*, shall apply to all exploration and surface coal mining and reclamation operations.

§ 942.843 Federal enforcement.

Part 843 of this chapter, *Federal Enforcement*, shall apply regarding enforcement action on coal exploration and surface coal mining and reclamation operations.

§ 942.845 Civil penalties.

Part 845 of this chapter, *Civil Penalties*, shall apply to the assessment of civil penalties for violations on coal exploration and surface coal mining and reclamation operations.

§ 942.846 Individual civil penalties.

Part 846 of this chapter, *Individual Civil Penalties*, shall apply to the assessment of individual civil penalties under section 518(f) of the Act.

[53 FR 3676, Feb. 8, 1988]

§ 942.955 Certification of blasters.

Part 955 of this chapter, *Certification of Blasters in Federal Program States and*

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on Indian Lands, shall apply to the training, examination and certification of blasters for surface coal mining and reclamation operations.

[51 FR 19462, May 29, 1986]

PART 943—TEXAS

Sec.

943.1 Scope.

943.10 State regulatory program approval.

943.15 Approval of Texas regulatory program amendments.

943.16 Required program amendments.

943.20 Approval of Texas abandoned mine land reclamation plan.

943.25 Approval of Texas abandoned mine land reclamation plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

§ 943.1 Scope.

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

[45 FR 13008, Feb. 27, 1980]

§ 943.10 State regulatory program approval.

The Secretary approved the Texas regulatory program, as submitted on July 20, 1979, and amended on November 13, 1979, and December 20, 1979, effective February 16, 1980. Copies of the approved program are available at:

(a) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

[64 FR 20168, Apr. 26, 1999]

§ 943.15 Approval of Texas regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Surface Mining Reclamation and Enforcement, Interior

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Original amendment submission date	Date of final publication	Citation/description
March 27, 1980	June 18, 1980, November 26, 1980.	TCMR 051.07.04.023, .070.
September 18, 1981	June 3, 1982	TCMR 05.07.01.313(a).
August 31, 1984	July 9, 1985	TCMR 051.07.04.008, .138, .184, .201, .340, .510, .620 through .625.
August 24, 1988	December 11, 1989	TCMR 806.309(j)(1)(A) through (H), (2)(A) through (D), (4)(A), (B), (C), (5)(A), (B), (6)(A) through (E), (7), (8).
June 24, 1991	February 19, 1992 ..	TCMR 806.309(j)(1)(H), (I), 806.309(j)(2), (3), (7), (8), (9).
December 23, 1991 ..	April 17, 1992	TCMR 816.394.
September 12, 1989 ..	May 21, 1992	TCMR 701.008(53), 778.116(a) through (l), (n); 786.215(e)(2), .221(d), .225(h).
September 22, 1989 ..	August 19, 1992	TCMR 700.002(b)(2), .003(22), .008(18), (56), (81), (85); 762.074(1), (2); 770.100(c), .101, .102(c); 771.107(d), .108; 776.111(a)(3)(A), (7), (b), (1); 779.125(b), .126(a), .133; 780.144(a), .145(b)(4), .151; 783.171(b), .172, .179; 784.187(b)(4), .191, .194(a), (e), (f), .195(a); 785.200(a), (b), (c), (f) through (i); 786.216(p); 788.230(a)(4), (5), (6); 788.232(c)(1), (d), (e); 795.237(b)(5), (c), (d), .238(d)(4), .243(a); 800.301(b); 808.317; 815.327(a), (f); 816.339(a), .344(a), .353(d), .359 through .362, .363(j), (i), (o), (p), .368(c), .369(a), .371(c)(3), .375(d), .377(b), .380(b), (c), .384(b)(2), .390(a); 817.509(a), .514(a), .531(j), (i), (o), (p), .547(b), (c), .551(b)(2), .562(c), .565(e); 819.600(c)(1); 840.672(b); 843.680(a), .682(f); 845.695(b)(2); 850.700, .701, .702(a) through (d), .703 through .710; recodification of the TCMR 700.001 through 845.698.
February 8, 1993	March 21, 1994	TCMR 778.116(l), (m); 786.215(e)(1), (2), (g); 788.225(e), (1)(A), (2), (3), (f), (1), (2), (g); 843.680(c).
May 24, 1994	March 27, 1995	TCMR 778.116(m); 786.215(e)(1), (f), .216(i) through (o), .225(f)(3), (4), (g), (1), (i) through (iv), (2), (h).
August 11, 1995	December 13, 1995	TCMR 806.309(j)(2)(C)(iv)(I)(A) through (C), (II)(A) through (C).
December 20, 1995 ..	April 8, 1996	TCMR 701.008(71); 780.154(a) through (c); 784.198(a) through (c); 816.400 through 403; 815.327(c); 817.569 through 572; 827.651(b).
August 30, 1995, September 18, 1995.	June 18, 1996	TSMCRA Article 5920–11, 6(b), 21(a), (c); TCMR 701.008(104); 778.116(m), .225(g)(1).
August 24, 1995	January 30, 1997 ..	Recodification of TSMCRA Article 5920–11, 1 through 38; 4 Ch. 134.001 through .188.
May 13, 1993	March 26, 1997	TCMR 700.002(b)(4), (5), (f); .003(1), (3); 701.008(4), (5), (9), (10), (18), (19), (21), (24), (25), (26), (34), (41), (55), (67), (68), (69), (70), (76), (82), (84), (95), (102), (107); 705.010(a)(3), (c); .011(2), (3), (5), (9); .013(a); .014; .015(a); .016(a); 707.022; 709.025; .026; .027; .028; .029; .030; .031; .032; .033; .034; 760.069; .070(5), (6), (7), (9), (11); 761.071 (a) through (e); .072 (a) through (h); .073; 762.074(3), (4), (5); .075(a), (b); .076(a); .077; 764.078; .079(a), (b), (c); .080(a)(1), (2), (4) through (7), (b), (c), (d); .081(a), (b); .082(a)(3), (b), (c), (d); .083(a), (b); .084(a), (b); .085(b); 770.101; 776.111(a)(e)(E); 779.126(d); .127(a), (b), (c); .128(a), (3), (4), (b); .129, (a), (b), (1), (3); 780.141(g), (h); .142(b)(11), (c), (d), .146 (a) through (e); .148(a)(3)(i), (c)(1), (2), (3); 783.172(d); .173 (a) through (e); .174(a), (3), (4), (b); .175, (a), (b), (1), (3); 784.188 (a) through (f); .190 (a)(3)(i), (c)(1), (2), (3); .197(c), (d); 785.201(b), (c), (d)(2); .202(b)(1)(i), (2), (3); 786.210 (a) through (e); .216(c), (e); .220(d); 800.301(b)(2); .311(d); 807.312(a), (b), (c); .313(a)(2); 815.327(a); .328(a), (b); 816.330(f); .340; .341; .342; .344; .347; .348; .349; .350; .355; .357(a), (c), (d); .358 (a) through (d); .360(a)(2), (A), (B), (f)(1)(A), (g)(2), (h)(1), (2), (3), (i); .362(d); .376 (a) through (d), .377, .378(a), (c); .380(e)(10); .385(b)(3); .390; .395; .396; 817.500(f); .509(a); .510; .511; .512; .514; .517; .519; .522(f); .524; .526(b), (c), (d); .527 (a) through (d); .528 (a) through (i); .529; .530, (c), (d), (e), (g), (j), (s), (t); .535(c); .538(c)(3); .543 (a) through (d); .544; .545(a), (c); .547(e)(10); .552(b)(3); .555; .560; .561; 823.620(a), (b), (c); .621(a)(1), (2), (3), (b); .622(a), (b), (c); .623; .624 (a) through (g); .625(a), (b); 843.681(c), (f) through (j); .682(a)(1); .695(b)(1); 846.001; .002; .003; .004; .005; 850.703(b)(1)(A); .704(b); .706(a).
October 21, 1996	April 29, 1997	TCMR 701.008(77); 779.130; 816.352.
December 1, 1997	March 3, 1998	TSMCRA 134.004(3); 134.005(a)(2); 134.008; 134.014(b); 134.022(c); 134.056(2); 134.068; 134.069(a)(2) and (b); 134.084(a) through (d); 134.092(a)(2); 134.163(1). Vernon's Texas Civil Statutes Article 5920–11, Sections 6(b), 21(c), 33(e) and 21a.
January 23, 1998	April 22, 1998	Recodification; 16 TAC 12.1 through 12.710.
December 1, 1997	June 8, 1998	16 TAC 12.3; 12.201(d)(5); 12.237(2), (2)(B) and (C); 12.243(a), (a)(4) and (5); 12.309(1); 12.312(a) and (b); 12.313(a), (b), (d), and (f); 12.387; 12.388.
January 28, 1999	May 3, 1999	Sections 12.143(a)(2), (b)(1) and (b)(2); .145(b)(3); .187(b)(3); .199(2); .379; .389; .546; .554; and .651(9) and (13).
May 13, 1999	August 12, 1999	Procedures and Standards for Determining Revegetation Success on Surface-Mined Lands in Texas; Normal Husbandry Practices for Surface-Mined Lands in Texas.
August 24, 2000	November 24, 2000	TAC § 12.80(a)(1), (3)–(7); (b)(2)–(3); § 12.385(a); (e)–(e)(2)(D); § 12.552(a); (e)–(e)(2)(D); and § 12.651(13).

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Original amendment submission date	Date of final publication	Citation/description
July 25, 2001	November 6, 2002 ..	Sections 12.3(169) definition of "surface coal mining operations which exist on the date of enactment [removed] and 12.3(187) definition of "valid existing rights;" 12.71–.74; 12.77; 12.111(1)(H); 12.112(b)(4); 12.113(a); 12.118(a) and (c); 12.151(a)(2); 12.158(a) and (c); 12.191(a)(2); 12.207(a)(5); and 12.216(4)(A).
February 12, 2003	July 7, 2003	16 TAC § 1.130.
July 10, 2003	November 5, 2003 ..	TAC 12.108(b).
June 4, 2004	September 14, 2004	16 TAC 12.108(b).
October 6, 2005	February 17, 2006 ..	TSCMRA Section 134.055; and 16 TAC 12.108(a) and (b).
July 26, 2005	June 14, 2006	Procedures and Standards for Determining Revegetation Success on Surface-Mined Lands in Texas—Table of Contents; Section V.D.1., D.2.; appendix B; Attachment 2; Normal Husbandry Practices for Surface-Mined Lands in Texas—Table of Contents; Section IV.E.
February 14, 2007	November 19, 2007	TSCMRA 134.174(b); TAC 12.147(a) through (a)(3); 12.309(g)(2); 12.337(a) and (b) through (b)(3); 12.395(a)(1), (b)(1), (b)(3), (b)(3)(A) and (B), and (c)(3) and (4); 12.681(a), (b) through (b)(3), (c), (e), (f), (g), and (h); 12.682(a) and (b); 12.688; 12.689(b) through (b)(3); and 12.693.
October 2, 2007	March 17, 2008	16 TAC 12.108(b)(1) through (b)(3).
January 5, 2010	December 27, 2010	16 TAC 12.108(b)(1) through (b)(3).

[62 FR 9954, Mar. 5, 1997, as amended at 62 FR 14325, Mar. 26, 1997; 62 FR 19395, Apr. 21, 1997; 62 FR 23138, Apr. 29, 1997; 62 FR 32687, June 17, 1997; 63 FR 10320, Mar. 3, 1998; 63 FR 19823, Apr. 22, 1998; 63 FR 31116, June 8, 1998; 64 FR 23541, May 3, 1999; 64 FR 43923, Aug. 12, 1999; 65 FR 70489, Nov. 24, 2000; 67 FR 67534, Nov. 6, 2002; 68 FR 40157, July 7, 2003; 68 FR 62519, Nov. 5, 2003; 69 FR 55358, Sept. 14, 2004; 71 FR 8460, Feb. 17, 2006; 71 FR 34255, June 14, 2006; 72 FR 64946, Nov. 19, 2007; 73 FR 14181, Mar. 17, 2008; 75 FR 81125, Dec. 27, 2010]

§ 943.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Texas is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with Texas' established administrative or legislative procedures.

(a)–(j) [Reserved]

[51 FR 28555, Aug. 8, 1986, as amended at 57 FR 21607, May 21, 1992; 57 FR 37458, Aug. 19, 1992; 59 FR 13209, Mar. 21, 1994; 60 FR 15680, Mar. 27, 1995; 61 FR 30808, June 18, 1996; 62 FR 14326, Mar. 26, 1997]

§ 943.20 Approval of Texas abandoned mine land reclamation plan.

The Secretary approved the Texas abandoned mine land reclamation plan, as submitted on April 24, 1980, and amended on May 30, 1980, June 2, 1980, and June 4, 1980, effective June 23, 1980.

Copies of the approved plan are available at:

(a) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

[64 FR 20168, Apr. 26, 1999]

§ 943.25 Approval of Texas abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
May 11 and 26, 1989	August 19, 1992	Certification of the completion of reclamation on all lands adversely impacted by past coal mining.
August 24, 1997	January 30, 1997 ...	Recodification of TSMCRA Article 5920–11, § 3(7); 4 Ch. 134.142.
December 1, 1997	March 3, 1998	TSCMRA 134.142.
January 23, 1998	April 22, 1998	Recodification; 16 TAC 12.800 through 12.817.

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Original amendment submission date	Date of final publication	Citation/description
December 1, 1997 October 11, 2006	November 25, 1998 February 6, 2007	12.800 through .814; .815(d); .816; .818 through .823. Emergency response reclamation program; AML Plan sections 884.13(c)(6), (d)(2) and (d)(3).
February 14, 2007	November 19, 2007	TSCMRA 134.150(c) and TAC 12.816(c)

[62 FR 9954, Mar. 5, 1997, as amended at 63 FR 10320, Mar. 3, 1998; 63 FR 19823, Apr. 22, 1998; 63 FR 65070, Nov. 25, 1998; 72 FR 5333, Feb. 6, 2007; 72 FR 64946, Nov. 19, 2007]

PART 944—UTAH

Sec.

944.1 Scope.

944.10 State regulatory program approval.

944.15 Approval of Utah regulatory program amendments.

944.16 [Reserved]

944.20 Approval of Utah abandoned mine plan.

944.25 Approval of Utah abandoned mine land reclamation plan amendments.

944.30 State-Federal Cooperative Agreement.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

§ 944.1 Scope.

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

[46 FR 5913, Jan. 21, 1981]

§ 944.10 State regulatory program approval.

The Utah State program as submitted on March 3, 1980, and as amended and clarified on June 16 and July 24, 1980, and resubmitted on December 23, 1980, was conditionally approved effective January 21, 1981. Copies of the ap-

proved program, together with copies of the letter of the Division of Oil, Gas and Mining agreeing to the conditions in section 944.11, are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

[59 FR 17933, Apr. 15, 1994, as amended at 60 FR 54593, Oct. 25, 1995]

§ 944.15 Approval of Utah regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
June 29, 1981	June 22, 1982	UCA 40-10-10, -11, -16, -17, -18, -21, -22, -24; UMC 784.20(b)(3)(v); 817.124(b).
May 21, 1981	September 27, 1982	SMC/UMC 845; Vegetation Information Guidelines.
August 26, 1982	December 13, 1982	SMC 816.53(c); UMC 817.42(a)(3)(i), (ii), .53(c), .101(b)(8), (c).
December 3, 1982	March 7, 1983	SMC/UMC 785.19(c)(3)(ii); SMC 816.72(b), (c); UMC 817.72(b), (c).
February 6, 1984	August 29, 1984	SMC/UMC 816/817.42; 840.11; 843.12.
August 13, 1984	December 3, 1985 ..	SMC/UMC 700.1, .5—definition for "affected area;" 800, .5, .11 through .17, .20 through .23, .30, .40, .50, .60; 805 through 808; 843.11, .15, .16; 845.12, .13, .17 through .20.
September 25, 1985	December 18, 1985	SMC/UMC 843.13.
October 9, 1985	January 16, 1986 ...	SMC/UMC 700.5—definition for "incidental boundary change;" 771.21(b)(3); 778.12.
January 21, 1985	June 10, 1986	Definitions for "adjacent area," "disturbed area," "permit area," "mine plan area;" SMC 843.11, .15, .16, .20; 845.12, .13, .17, .18, .19.
March 3, 1986	July 28, 1986	SMC/UMC 816/817.61; 850; Memorandum of Agreement between the Board and Division of Oil, Gas, and Mining and the Utah Industrial Commission; UCA 40-2-14 through -16; Utah Industrial Commission's General Safety Orders, Coal Mining, §§51 through 53.
September 3, 1986 ...	January 28, 1987 ...	SMC/UMC 700.5—definitions for "coal processing," "coal processing plant".