



COALEX STATE INQUIRY REPORT – 150
September 18, 1990

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TOPICS: BONDING FOR LONG-TERM FACILITIES

INQUIRY: Locate Federal Register notices (preambles, proposed and final rules) which discuss bonding requirements for coal-related long-term facilities and structures.

SEARCH RESULTS: Using the COALEX Library and the other materials in LEXIS, three relevant Federal Register notices were identified. A fourth notice referenced in the retrieved materials was not available through LEXIS or COALEX. Copies of the three notices and a relevant TEMPORARY DIRECTIVE are attached.

1. 45 FR 6028 (JANUARY 24, 1980). Proposed rule.

[Not available in LEXIS or COALEX.]

2. 45 FR 52306 (AUGUST 6, 1980). Final rule.

"A new Part 801 was proposed at the suggestion of the petitioners to distinguish between a surface mine (short duration) bonds and the long-term bonding aspects of underground mines and coal-related processing facilities."

Operations covered by this Part have a life in "excess of 5 years [generally with a 30 - 50 year lifetime] and continually disturb the same surface areas", requiring a fairly constant bond amount. A mechanism was required to "cover reclamation of such areas."

3. 46 FR 45082 (SEPTEMBER 9, 1981). Proposed rule.

The intent of these proposed rule changes was to revise "regulations which were excessive, burdensome or counterproductive". Changes included deleting 30 CFR Parts 801-809, incorporating some sections into Part 800. OSM proposed to renumber the retained sections from Part 801 as section 800.17 (a) - (d).

4. 48 FR 32932 (JULY 19, 1983). Final rule.



The following table indicates the final rule revisions: [Table reformatted from original]

| Old Section No. | Topic | New Section No. |
|-----------------|---------------------------------|--|
| 801.1 | Scope | Deleted. Considered part of 800.1 |
| 801.2 | Objective | Deleted. Considered part of 800.2 |
| 801.4 | Responsibilities | Renumbered. 800.17(a) |
| 801.11 | Applicability | Deleted. Constraints to long-term operations will be at the RA's discretion. |
| 801.12 | Amount of bond required | Deleted. See 800.14 |
| 801.13 | Period of liability | Renumbered 800.17(b) |
| 801.14 | Form of bond | Deleted |
| 801.15 | Applicability of other sections | Deleted |
| 801.16 | Subsidence and mine drainage | Under proposed rules, renumbered 800.17(c). Was deleted under final rules. |
| 801.17 | Bond forfeiture | Renumbered 800.17(d) under the proposed rules. Became 800.17(c) under the final rules. |

5. TEMPORARY DIRECTIVE, Subject No. REG-19, Transmittal No. 387, "Incidental Boundary Revisions" (Issued October 19, 1987).

Modifications which may qualify as incidental boundary revisions include "needed changes in the location of isolated long-term facilities associated with underground mining activities".

ATTACHMENTS

- A. 45 FR 52306 (AUGUST 6, 1980). Final rule.
- B. 46 FR 45082 (SEPTEMBER 9, 1981). Proposed rule.
- C. 48 FR 32932 (JULY 19, 1983). Final rule.
- D. TEMPORARY DIRECTIVE, Subject No. REG-19, Transmittal No. 387, "Incidental Boundary Revisions" (Issued October 19, 1987).