



DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 874

[Docket No. OSM-2025-0015; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

RIN 1029-AC99

General Reclamation Requirements

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is confirming the effective date of March 30, 2026, for the direct final rule entitled, “General Reclamation Requirements,” which was published in the *Federal Register* on November 28, 2025. The direct final rule revised the Federal regulations to rescind obsolete language requiring compliance with the regulations when funding reclamation projects with prior balance replacement funds, which are moneys from the United States Treasury’s General Fund that replaced State or Tribal share funds that were allocated before October 1, 2007, but were never appropriated by Congress. During the comment period, OSM received comments that required further review and consideration to determine whether the comments warranted a response, or the withdrawal or modification of the final rule. After further review and consideration, OSM determined that these comments were not significant adverse comments and is confirming the effective date.

DATES: The effective date of March 30, 2026, for the direct final rule published at 90 FR 54582 (Nov. 28, 2025), delayed at 91 FR 3374 (Jan. 27, 2026), is confirmed.

FOR FURTHER INFORMATION CONTACT: James Tyree, Chief, Division of Regulatory Support, (202) 208-4479, jtyree@osmre.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY,

TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule, which was published at 90 FR 54582 (Nov. 28, 2025), included a 30-day public comment period that ended on December 29, 2025. The original effective date of the direct final rule was January 27, 2026; however, OSM received four timely comments on the rule, and OSM extended the original effective date to allow for sufficient time to review and consider those comments to determine whether they were significant adverse comments that might warrant a response or withdrawal or modification of the final rule. Consequently, on January 27, 2026, OSM published a document in the *Federal Register* (91 FR 3374) delaying the effective date of the rule for 60 days, until March 30, 2026.

The four timely comments were generally generic and discussed broad, mostly non-germane themes related to reclamation, coal mining, and funding to Indian tribes. One comment, submitted anonymously, did raise some questions related to prior balance replacement funds in an effort to seek administrative clarity. No commenter expressly disagreed with the rule. In addition to receiving the four timely comments, in March 2026, long after the close of the comment period, OSM received one additional comment that purported to make comments on this rule; due to the untimely nature of this comment, it was not considered.

After careful review of the timely comments, and discussed in greater detail below, OSM has determined that the comments were not significant adverse comments that warrant withdrawal or modification of the final rule because the commenters did not effectively challenge the rule's underlying premise or approach or explain why the rule would be ineffective or inappropriate without a revision.

One commenter asked a series of questions related to prior balance replacement funds, such as the amount unspent by grantees and requesting a crosswalk that identifies the applicable Code of Federal Regulations (CFR) edition and key conditions for any remaining awards and a simple table showing remaining balances and project status by State and Tribe. While OSM appreciates the commenter's interest in clarity, neither a crosswalk nor a table of funding is necessary. Wyoming is the only State or Tribe that received prior balance replacement funds and that still has an unspent balance (less than \$1 million). While we agree that this State should have clarity about how its prior balance replacement funds can be spent, the statutory framework has not changed, and Wyoming has operated under these requirements for many years and will continue to do so because Wyoming must continue to comply with the terms and conditions of its existing grant agreement, including the regulations in place at the time of the grant award. Because those requirements remain in effect, the direct final rule does not alter how the State obligates or expends its remaining funds, including for SMCRA's contractor responsibility, eligibility, and priority requirements. Likewise, Tribes with approved SMCRA reclamation programs are unaffected because they have already expended their prior balance replacement funds. Thus, the suggestions for additional information, to the extent they are even appropriate in a regulation, do not render the direct final rule, without such addition, ineffective.

Moreover, as OSM made clear in the preamble to the rule, iOSM had good cause under 5 U.S.C. 553(b)(B) to forgo notice-and-comment rulemaking because the rule is noncontroversial, makes only minor and technical updates, involves little agency discretion, and is unlikely to generate significant adverse comments. *See* 90 FR 54582. OSM also committed to withdrawing the rule or issuing a new rule if significant adverse comments were received. For the reasons stated above, OSM determined that the comments received on this rule are not significant adverse comments and that they do not

justify making any modifications to the rule or withdrawing the final rule. Moreover, even if OSM had no good cause to forgo notice-and-comment rulemaking, the direct final rule itself provided notice and an opportunity for comment and the commenters availed themselves of that opportunity. On that basis, the direct final rule complies with the APA.

As such, this notice confirms that this final rule will be effective on March 30, 2026.

Lanny E. Erdos,
Director,
Office of Surface Mining
Exercising the Authority of the Assistant Secretary – Land and Minerals Management.

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