

CODIFICATION

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

§ 1309. Certification and training of blasters

In accordance with this chapter, the Secretary of the Interior (or the approved State regulatory authority as provided for in section 1253 of this title) shall promulgate regulations requiring the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in surface coal mining operations.

(Pub. L. 95-87, title VII, §719, Aug. 3, 1977, 91 Stat. 526.)

§ 1309a. Subsidence**(a) Requirements**

Underground coal mining operations conducted after October 24, 1992, shall comply with each of the following requirements:

(1) Promptly repair, or compensate for, material damage resulting from subsidence caused to any occupied residential dwelling and structures related thereto, or non-commercial building due to underground coal mining operations. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged occupied residential dwelling and structures related thereto, or non-commercial building. Compensation shall be provided to the owner of the damaged occupied residential dwelling and structures related thereto or non-commercial building and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

(2) Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface coal mining and reclamation permit, which has been affected by contamination, diminution, or interruption resulting from underground coal mining operations.

Nothing in this section shall be construed to prohibit or interrupt underground coal mining operations.

(b) Regulations

Within one year after October 24, 1992, the Secretary shall, after providing notice and opportunity for public comment, promulgate final regulations to implement subsection (a) of this section.

(Pub. L. 95-87, title VII, §720, as added Pub. L. 102-486, title XXV, §2504(a)(1), Oct. 24, 1992, 106 Stat. 3104.)

REVIEW OF EXISTING REQUIREMENTS AND REPORT TO CONGRESS

Pub. L. 102-486, title XXV, §2504(a)(2), Oct. 24, 1992, 106 Stat. 3104, directed Secretary of the Interior to review existing requirements related to underground coal mine subsidence and natural gas and petroleum pipe-

line safety, submit a report detailing results of review to Committee on Energy and Natural Resources of Senate and Committee on Interior and Insular Affairs of House of Representatives within 18 months of Oct. 24, 1992, and, where appropriate, to commence a rule-making to address any deficiencies in existing law determined in the review regarding notification, coordination and mitigation.

§ 1309b. Research

The Office of Surface Mining Reclamation and Enforcement is authorized to conduct studies, research and demonstration projects relating to the implementation of, and compliance with, subchapter V of this chapter, and provide technical assistance to states¹ for that purpose. Prior to approving any such studies, research or demonstration projects the Director, Office of Surface Mining Reclamation and Enforcement, shall first consult with the Director, Bureau of Mines, and obtain a determination from such Director that the Bureau of Mines is not already conducting like or similar studies, research or demonstration projects. Studies, research and demonstration projects for the purposes of subchapter IV of this chapter shall only be conducted in accordance with section 1231(c)(6)² of this title.

(Pub. L. 95-87, title VII, §721, as added Pub. L. 102-486, title XXV, §2504(c)(3), Oct. 24, 1992, 106 Stat. 3105.)

REFERENCES IN TEXT

Section 1231(c)(6) of this title, referred to in text, was repealed and paragraph (8) of section 1231(c) was redesignated (6) by Pub. L. 109-432, div. C, title II, §201(a)(1), Dec. 20, 2006, 120 Stat. 3006.

CHANGE OF NAME

Bureau of Mines redesignated United States Bureau of Mines by section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

SUBCHAPTER VIII—UNIVERSITY COAL RESEARCH LABORATORIES

§ 1311. Establishment of university coal research laboratories**(a) Designation by Secretary of Energy**

The Secretary of Energy, after consultation with the National Academy of Engineering, shall designate thirteen institutions of higher education at which university coal research laboratories will be established and operated. Ten such designations shall be made as provided in subsection (e) of this section and the remaining three shall be made in fiscal year 1980.

(b) Criteria

In making designations under this section, the Secretary of Energy shall consider the following criteria:

(1) Those ten institutions of higher education designated as provided in subsection (e) of this section shall be located in a State with abundant coal reserves.

¹ So in original. Probably should be capitalized.

² See References in Text note below.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this subchapter.

(c) Location of coal laboratories

Not more than one coal laboratory established pursuant to this subchapter shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the United States Bureau of Mines, including Alaska.

(d) Period for submission of applications for designation; contents

The Secretary of Energy shall establish a period, not in excess of ninety days after August 3, 1977, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this subchapter shall submit an application to the Secretary of Energy in such form, at such time, and containing or accompanied by such information as the Secretary of Energy may reasonably require. Each application shall—

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) Time limit

The Secretary of Energy shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

(Pub. L. 95-87, title VIII, §801, Aug. 3, 1977, 91 Stat. 526; Pub. L. 95-617, title VI, §604(a), (c), Nov. 9, 1978, 92 Stat. 3166, 3167; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-617, §604(a), substituted “The Secretary of Energy” for “The Administrator, Energy Research and Development Administration (hereafter referred to as ‘Administrator’ in this sub-

chapter)” and “shall designate thirteen institutions” for “is authorized and directed to designate ten institutions” and inserted provision that ten such designations be made as provided in subsection (e) of this section and the remaining three be made in fiscal year 1980.

Subsec. (b). Pub. L. 95-617, §604(a), (c), substituted in provisions preceding par. (1) “Secretary of Energy” for “Administrator” and in par. (1) “Those ten institutions of higher education designated as provided in subsection (e) of this section” for “The institution of higher education”.

Subsecs. (d), (e). Pub. L. 95-617, §604(c), substituted “Secretary of Energy” for “Administrator” wherever appearing.

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (c) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

§ 1312. Financial assistance

(a) The Secretary of Energy is authorized to make grants to any institution of higher education designated under section 1311 of this title to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

(b) Each institution of higher education designated pursuant to section 1311 of this title shall submit an application to the Secretary of Energy. Each such application shall—

(1) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 1311(d) of this title;

(2) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received under this subchapter;

(4) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Secretary of Energy may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities described in subsections (d)(1), (2), and (3) of section 1311 of this title, and in no case supplant such funds.

(Pub. L. 95-87, title VIII, §802, Aug. 3, 1977, 91 Stat. 527; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167.)