

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement**

[S1D1S SS08011000 SX064A000  
212S180110; S2D2S SS08011000  
SX064A000 21XS501520]

**Loss of State Jurisdiction To Administer the Surface Mining Control and Reclamation Act of 1977 Within the Exterior Boundaries of the Muscogee (Creek) Nation Reservation in the State of Oklahoma**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of decision.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are notifying the public that the recent decision of the United States Supreme Court in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), which legally recognized the on-going existence of the historic Muscogee (Creek) Nation Reservation in the State of Oklahoma, necessarily forecloses the State of Oklahoma's authority to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA) on Indian Lands within the exterior boundaries of the Muscogee (Creek) Nation Reservation. SMCRA designates OSMRE as the regulatory authority over surface coal mining and reclamation operations on Indian lands where a tribe has not obtained primacy. OSMRE has thus determined that Oklahoma cannot exercise its State program regulatory authority over surface coal mining and reclamation operations within the exterior boundaries of the Muscogee (Creek) Nation Reservation. Accordingly, for lands within the exterior boundaries of the Muscogee (Creek) Nation Reservation, OSMRE is assuming jurisdiction over the SMCRA Title IV reclamation and Title V regulatory programs. The Muscogee (Creek) Nation Reservation consists of lands, wholly or partially within the following counties: Creek, Hughes, Seminole, McIntosh, Muskogee, Okfuskee, Okmulgee, Tulsa, Rogers, Mayes, and Wagoner.

**DATES:** As of April 2, 2021, OSMRE initiated transfer of SMCRA Title IV and Title V program responsibilities within the exterior boundaries of the Muscogee (Creek) Nation Reservation.

**FOR FURTHER INFORMATION CONTACT:** Alfred L. Clayborne, Regional Director, Office of Surface Mining Reclamation and Enforcement, 501 Bell St., Suite 216, Alton, IL 62002; Telephone (618) 463-6463 Ext. 5101.

**SUPPLEMENTARY INFORMATION:** On April 2, 2021, OSMRE sent letters to the Oklahoma Conservation Commission (OCC) and the Oklahoma Department of Mines (ODM) to initiate transfer of the SMCRA Title IV and Title V program responsibilities within the exterior boundaries of the Muscogee (Creek) Nation Reservation. Thus, beginning a coordination period that will allow for the orderly transfer of all OCC and ODM records, documents, data, and other information associated with the regulation of activities under SMCRA within the exterior boundaries of the Muscogee (Creek) Nation Reservation. During the transition period, both the OCC and ODM will, to the extent permitted by applicable law, maintain routine reclamation and regulatory program activities, including by responding to any Abandoned Mine Land (AML) emergencies within the exterior boundaries of the Muscogee (Creek) Nation Reservation. OSMRE does not consider any action with irreversible or irreparable consequences, such as the approval of permitting actions or the release of bonds or other obligations under SMCRA, to be a routine reclamation and regulatory program activity, and, during the transition period, OCC and ODM should not take any such actions with respect to lands within the boundaries of the Muscogee (Creek) Nation Reservation.

Pursuant to SMCRA, States may acquire the primary responsibility (*i.e.*, primacy) for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within the State. To obtain primacy, a State must develop a regulatory program that meets the minimum standards set forth in SMCRA and the Federal regulations, as approved by the Secretary of the Interior. SMCRA, however, does not allow for the delegation of this authority to a State to regulate surface coal mining operations on Indian lands within the State's boundaries. Unless a Tribe obtains primacy, SMCRA designates OSMRE as the sole regulatory authority over surface coal mining and reclamation operations on Indian lands. 30 U.S.C. 1300. As indicated, SMCRA defines "Indian lands" as: "all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by an Indian tribe." 30 U.S.C. 1291(9).

**Potential Implications of Substitution of Federal Authority**

SMCRA established the Abandoned Mine Reclamation Fund to receive reclamation fees that, along with funds from other sources, are used to finance reclamation of abandoned coal mine sites. Title IV of SMCRA authorizes OSMRE to provide grants to eligible States and Tribes that are funded from permanent (mandatory) appropriations. Recipients use these funds: To reclaim the highest priority AML coal mine sites that were left abandoned prior to the enactment of SMCRA in 1977; to reclaim eligible non-coal sites; for projects that address the impacts of mineral development; and for eligible non-reclamation projects.

Title V of SMCRA authorizes OSMRE to provide grants to States and Tribes to develop, administer, and enforce State and Tribal regulatory programs that address, among other things, the disturbances from coal mining operations. Additionally, upon approval of a State or Tribal regulatory program, Title V authorizes a State or Tribe to assume regulatory primacy and act as the regulatory authority within the State or Tribe, and to administer and enforce its approved SMCRA regulatory program. The regulations at title 30 of the Code of Federal Regulations, Chapter VII, implement these provisions of SMCRA.

**Glenda H. Owens,**

*Deputy Director, Office of Surface Mining Reclamation and Enforcement.*

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**DEPARTMENT OF JUSTICE**

**Bureau of Alcohol, Tobacco, Firearms, and Explosives**

[OMB Number 1140-0072]

**Agency Information Collection Activities; Proposed eCollection of eComments Requested; Revision of a Currently Approved Collection; Explosives Employee Possessor Questionnaire—ATF Form 5400.28**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995. The proposed collection OMB 1140-0072 (Explosives Employee Possessor Questionnaire—ATF Form 5400.28) is being revised to include additional questions, and a new format and layout to improve user experience. This collection is also being published to obtain comments from the public and affected agencies.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 19, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Shawn Stevens, Federal Explosives Licensing Center either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at [Shawn.Stevens@atf.gov](mailto:Shawn.Stevens@atf.gov), or by telephone at 304-616-4400.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Information Collection**

1. *Type of Information Collection (check justification or form 83):* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Explosives Employee Possessor Questionnaire.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 5400.28.

*Component:* Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Individuals or households.

*Other (if applicable):* Business or other for-profit.

*Abstract:* The Explosives Employee Possessor Questionnaire—ATF Form 5400.28 will be used to determine if an individual is qualified to serve as an employee possessor, who can ship, transport, receive, and/or possess materials for an explosives business or operation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,000 respondents will use the form annually, and it will take each respondent approximately 20 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 3,334 hours, which is equal to 10,000 (# of respondents) \* .3333 (20 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 13, 2021.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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**BILLING CODE 4410-FY-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-834]

**Importer of Controlled Substances Application: Experic LLC**

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Experic LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION**

listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 17, 2021. Such persons may also file a written request for a hearing on the application on or before June 17, 2021.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on February 25, 2021, Experic LLC, 2 Clark Drive, Cranbury, New Jersey 08512-3619, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Nabilone .....	7379	II
Sufentanil .....	9740	II

The company plans to import finished dosage unit forms of both Nabilone (7379) and Sufentanil (9740) for clinical trial study purposes only. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant’s business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

**William T. McDermott,**

*Assistant Administrator.*

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