

**§ 2203.0-6**

**43 CFR Ch. II (10-1-99 Edition)**

and local officials as prescribed in § 2200.0-6(m) of this part.

**Subpart 2203—Exchanges Involving Fee Federal Coal Deposits**

SOURCE: 51 FR 12612, Apr. 14, 1986, unless otherwise noted.

**§ 2203.0-6 Policy.**

When determining whether a fee exchange of the Federal coal deposits is in the public interest, it is the policy of the Department of the Interior to consider whether the exchange will create or maintain a situation inconsistent with the Federal anti-trust laws. The Bureau of Land Management, in making the determination of public interest, shall consider the advice of the Attorney General of the United States concerning whether the exchange will create or maintain a situation inconsistent with the Federal antitrust laws.

**§ 2203.0-9 Cross references.**

The authorized officer shall implement a fee exchange of Federal coal deposits in compliance with the requirements of subparts 2200 and 2201 on this title.

**§ 2203.1 Opportunity for public comment and public meeting on exchange proposal.**

Upon acceptance of a proposal for a fee exchange of Federal coal deposits, the authorized officer shall publish and distribute a notice of exchange proposal as set forth in § 2201.2 of this title.

[51 FR 12612, Apr. 1986, as amended at 58 FR 60926, Nov. 18, 1993]

**§ 2203.2 Submission of information concerning proposed exchange.**

(a) Any person submitting a proposal for a fee exchange of Federal coal deposits shall submit information concerning the coal reserves presently held in each geographic area involved in the exchange along with a description of the reserves that would be added or eliminated by the proposed exchange. In addition, the person filing a proposed exchange under this section shall furnish any additional information requested by the authorized officer

in connection with the consideration of the antitrust consequences of the proposed exchange.

(b) The authorized officer shall transmit a copy of the information required by paragraph (a) of this section to the Attorney General upon its receipt.

(c) All non-proprietary information submitted under paragraph (a) of this section shall be made a part of the public record on each proposed exchange. With respect to proprietary information submitted under paragraph (a) of this section, only a description of the type of information submitted shall be included in the public record.

(d) Where the entity proposing a fee coal exchange has previously submitted information, a reference to the date of submission and to the serial number of the record in which it is filed, together with a statement of any and all changes in holdings since the date of the previous submission, shall be accepted.

[51 FR 12612, Apr. 14, 1986, as amended 58 FR 60926, Nov. 18, 1993]

**§ 2203.3 Public meeting.**

Upon completion of an environmental analysis, but prior to the issuance of a notice of decision, the authorized officer shall publish a notice in the FEDERAL REGISTER setting a time and place where a public meeting will be held to receive public comment on the public interest factors of the proposed exchange. Such notice shall be distributed in accordance with § 2201.7-1 of this title. The public meeting shall:

(a) Follow procedures established by the authorized officer, which shall be announced prior to the meeting; and

(b) Be recorded and a transcript prepared, with the transcript and all written submissions being made a part of the public record of the proposed exchange.

[51 FR 12612, Apr. 14, 1986, as amended at 58 FR 60926, Nov. 18, 1993]

**§ 2203.4 Consultation with the Attorney General.**

(a) The authorized officer shall, at the conclusion of the comment period and public meeting provided for in

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§2203.3 of this title, forward to the Attorney General copies of the comments received in response to the request for public comments and the transcript and copies of the written comments received at the public meeting.

(b) The authorized officer shall allow the Attorney General 90 days within which the Attorney General may advise, in writing, on the anti-trust consequences of the proposed exchange.

(c) If the Attorney General requests additional information concerning the proposed exchange, the authorized officer shall request, in writing, such information from the person proposing the exchange, allowing a maximum period of 30 days for the submission of the requested information. The 90-day period provided in paragraph (b) of this section shall be extended for the period required to obtain and submit the requested information, or 30 days, whichever is sooner.

(d) If the Attorney General notifies the authorized officer, in writing, that additional time is needed to review the anti-trust consequences of the proposed exchange, the time provided in paragraph (b) of this section, including any additional time provided under paragraph (c) of this section, shall be extended for the period requested by the Attorney General. If the Attorney General has not responded to the request for anti-trust review within the time granted for such review, including any extensions thereof, the authorized officer may proceed with the exchange without the advice of the Attorney General.

**§ 2203.5 Action on advice of the Attorney General.**

(a) The authorized officer shall make any advice received from the Attorney General a part of the public record on the proposed exchange.

(b) Except as provided in §2203.4(d) of this title, the authorized officer shall not make a final decision on the proposed exchange and whether it is in the public interest until the advice of the Attorney General has been considered. The authorized officer shall, in the record of decision on the proposed exchange, discuss the consideration given any advice received from the Attorney General in reaching the final decision on the proposed exchange.

**Group 2300—Withdrawals**

**PART 2300—LAND WITHDRAWALS**

**Subpart 2300—Withdrawals, General**

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**Subpart 2310—Withdrawals, General: Procedure**

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- 2320.0-3 Authority.
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- 2320.2 General determinations under the Federal Power Act.
- 2320.3 Applications for restoration.

AUTHORITY: 43 U.S.C. 1201; 43 U.S.C. 1740; E.O. 10355 (17 FR 4831, 4833).

SOURCE: 46 FR 5796, Jan. 19, 1981, unless otherwise noted.

**Subpart 2300—Withdrawals, General**

**§ 2300.0-1 Purpose.**

(a) These regulations set forth procedures implementing the Secretary of