

LORI M. FREE

IBLA 74-59

Decided August 17, 1973

Appeal from Utah State Director, Bureau of Land Management decision of April 23, 1973, rejecting coal prospecting permit application U-14725.

Affirmed.

Coal Leases and Permits: Applications

A decision rejecting a coal prospecting permit application will be affirmed where the decision was made pursuant to and in accordance with Secretarial Order 2952 of February 13, 1973.

APPEARANCES: Frandsen and Keller, Attorneys at Law, for appellant.

OPINION BY MR. FRISHBERG

This is an appeal from a decision rejecting appellant's coal prospecting permit application. The decision recited that it was promulgated pursuant to Secretarial Order 2952, which directed that all coal prospecting permit applications must be rejected pending further instructions.

Secretarial Order No. 2952 of February 13, 1973, precludes the issuance of any new coal prospecting permits pending preparation of a program for more orderly development. It directed that all applications for prospecting permits shall be rejected pending further instructions. Pursuant to the Mineral Leasing Act, 30 U.S.C. § 201(b) (1970), the Secretary is authorized to issue such instructions. We will review the decision below to assure those instructions were followed. Marvin E. Weaster, 10 IBLA 277 (1973); Richard K. Todd, 68 I.D. 291 (1961), aff'd in Duesing v. Udall, 350 F.2d 748 (D.C. Cir. 1965), cert. den. 383 U.S. 192 (1966).

In the instant case BLM correctly applied the instructions of Order 2952 and properly rejected appellant's prospecting permit application.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision below is affirmed.

Newton Frishberg, Chairman

We concur:

Joseph W. Goss, Member

Martin Ritvo, Member

