

D. C. ANDERSON

IBLA 76-99

Decided December 23, 1975

Appeal from decision of the Utah State Office, Bureau of Land Management, rejecting coal prospecting permit applications U-30332, U-30333, and U-30334.

Affirmed.

1. Coal Leases and Permits: Applications

Decisions rejecting coal prospecting permit applications will be affirmed where the decision was made pursuant to and in accordance with Secretarial Order No. 2952 of February 13, 1973.

APPEARANCES: D. C. Anderson, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

D. C. Anderson has appealed from a decision of the Utah State Office, Bureau of Land Management, dated June 19, 1975, rejecting his coal prospecting permit applications. The decision recited that Secretarial Order No. 2952 of February 13, 1973, mandated the rejection of the applications.

Appellant points to the national need for coal, and characterizes Order No. 2952 as "outdated." If his applications cannot be granted now, he asks that they be held in suspense until the Secretary undertakes a review of the order.

[1] In Marvin E. Weaster, 10 IBLA 277 (1973), Woods Petroleum Corp., 12 IBLA 27 (1973), and other cases, the Board held that Order No. 2952 precludes the issuance of any new coal prospecting permits pending further instructions from the Secretary. The Secretary has not yet issued new instructions or relaxed the mandate of Order No. 2952 requiring rejection of all prospecting permit applications. Until he does, this Board and all other Departmental officials are

required to carry out his directive. See Krueger v. Morton, Civil No. 74-1256 (D.D.C., January 28, 1975), appeal docketed, No. 75-1456, D.C. Cir., March 28, 1975.

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

Frederick Fishman
Administrative Judge

We concur:

Joan B. Thompson
Administrative Judge

Martin Ritvo
Administrative Judge

