1. Section 1772.11—Notice of Requirements for Exploration Removing 250 Tons of Coal or Less

Subsection (b)(5) is proposed to be amended in order to clarify that the referenced forms are required to be submitted with a coal exploration notice only if such forms are required by the Department's Oil and Gas Division.

2. Section 1772.12—Permit Requirements for Exploration Removing More than 250 Tons of Coal

Subsection (d)(2) is proposed to be amended by replacing the word "operation" with the word "permit."

Subsection (d)(2)(C) is proposed to be amended by replacing the reference "agency with jurisdiction over State Historic Preservation" with "Illinois Historic Preservation Agency."

E. 62 IAC 1773—Requirements for Permits and Permit Processing

Illinois is proposing to revise or add the following sections of part 1773, with the exception of section 1773.15(a)(1), consistent with changes made to the Federal regulations at 30 CFR 773 on October 28, 1994 (59 FR 54306).

1. Section 1773.15—Review of Permit Applications

Illinois is proposing to revise subsection (a)(1) by removing reference to its informal conference at § 1773.13(c) and adding a reference to its public hearing at § 1773.14.

Illinois is proposing to revise subsection (b)(1) to assure a decision with respect to permit issuance or denial is based upon complete information relating to ownership, control, and violations by requiring its review to include information obtained pursuant to §§ 1773.22, 1773.23, 1778,13, and 1778.14.

Illinois is proposing to revise subsection (b)(2) to read as follows. "(2) Any permit that is issued on the basis of a presumption supported by certification under 62 IAC 1778.14 that a violation is in the process of being corrected, on the basis of proof submitted under subsection (b)(1)(A) of this section that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1)(B) of this section, shall be conditionally issued."

2. Section 1773.20—Improvidently Issued Permits: General Procedures

Subsection (b)(2)(B) is proposed to be revised to read as follows. "(B) Is not the subject of a good faith appeal, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the

satisfaction of the responsible agency; and \* \* \*."

Existing subsection (b)(3) is proposed to be redesignated (b)(2)(C). New subsection (b)(3) is proposed to be added to read as follows. "(3) The provisions of § 1773.25 shall apply when the Department determines: (A) Whether a violation, penalty or fee existed at the time that it was cited, remains unabated or delinquent, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal; and (B) whether any ownership or control link between the permittee and the person responsible for the violation, penalty or fee existed, still exists, or has been severed,'

The proposed revision to subsection (c)(4) read as follows. "(4) Rescind the permit. If the Department decides to rescind the permit, it shall give at least 30 days written notice to the permittee. If the Department decides to rescind the permit, it shall issue a notice in accordance with § 1773.21. In either case, the permittee shall be given the opportunity to request review of the notice under 62 IAC 1847.3. The Department's decision shall remain in effect during the pendency of the review, unless temporary relief is granted under 62 IAC 1847.3(k)."

3. Section 1773.21—Improvidently Issued Permits: Rescission Procedures

At subsection (a), Illinois proposes to add the phrase "consistent with the provisions of section 1773.25" after the words "and the Department finds."

Subsection (c) is proposed to be deleted.

4. Section 1773.22—Vertification of Ownership or Control Application Information

New § 1773.22 requires the Department, prior to the issuance of a permit, to verify ownership or control information through manual data sources and through automated data sources, including the Applicant Violator System. Upon completion of the review, the Department shall update all ownership or control information on the Applicant Violator System.

5. Section 1773.23—Review of Ownership or Control and Violation Information

New § 1773.23 requires the Department to review all reasonably available information concerning violation notices connected with ownership or control links. The Department shall not approve the application unless and until it determines that violations have been corrected or are in the process of being

corrected. Following the Department's decision on the application, the Department shall enter all relevant information related to such decision or withdrawal into the Applicant Violator System.

6. Section 1773.24—Procedures for Challenging Ownership or Control Shown in the applicant Violator System

New § 1773.24 establishes the procedures to be followed if a person wishes to challenge an ownership or control link between a person and any other person shown in the Applicant Violator System. The section provides procedures for direct appeals of such links to OSM by persons who have been so linked. The section also provides for challenges concerning the status of violations to which persons shown on the Applicant Violation System have been linked. The section further provides information on the challengers right for appeal of OSM's decision to the Department of the Interior's Office of Hearings and Appeals and the opportunity for those persons making a challenge to obtain a temporary relief from any adverse use of the challenged link or violation information during the pendency of such challenge.

7. Section 1773.25—Standards for Challenging Ownership or Control Links and the Status of Violations

New § 1773.25 establishes standards for challenges to ownership or control links and for challenges to the status of violations. The section allocates responsibilities between OSM and State regulatory authorities for resolving issues related to ownership and control and provides the standards for evidence to resolve such issues.

## F. 62 IAC 1774.13—Permit Revisions

At subsection (b)(2)(E), a significant revision shall be required for land use changes involving greater than 5 percent of the "total permit acreage" instead of the "original total permit acreage."

Exceptions to the 5 percent cumulative total limit were added at new subsections (b)(2)(E)(i) and (ii). The proposed addition of subsection (b)(2)(E)(i) would allow the accumulation of the 5 percent limit to restart upon issuance of a significant revision that addresses all previous land use changes approved via insignificant revisions. The proposed addition of subsection (b)(2)(E)(ii) would allow acreage added by incidental boundary revisions to be included in the total permit acreage used to determine the 5 percent limit if the acreage has been addressed previously in a significant revision.