objections to the application of its final decision, to replace the word "disapprove" with the word "deny" for consistency with other sections of the regulations dealing with approval and denial of application, and to delete the requirement that it publish a public notice of its final action. The regulatory citation in subsection (g)(2) is corrected.

M. 62 IAC 1795—Small Operator Assistance

Illinois is proposing to revise the following sections of part 1795 to implement recently amended sections of the State Act at 225 ILCS 720/2.02 and 3.15 and for consistency with revisions made to the Federal regulations at 30 CFR 795 on May 31, 1994 (59 FR 28136).

1. Section 1795.1—Scope and Purpose

Illinois proposes to amend the purpose statement at subsection (b) to read as follows. "The purpose of the program is to provide for eligible operators a determination of probable hydrologic consequences including the engineering analysis and designs necessary for the determination; crosssections, maps and plans; geologic drilling and statement of results of test borings and samplings; archaeological and historical information collection and relevant plan preparation; pre-blast surveys and pre-blast survey reports; and site specific resource information collection and relevant plan preparation which are required components of the permit application under 62 IAC 1772 through 1785."

2. Section 1795.4—Definitions

At subsection (b) the definition of qualified laboratory is revised by deleting the language "statement of results of test borings or core samples under the Small Operator Assistance Program and which meets the standards of section 1795.10" and adding the language "or other studies and/or reports or plans under the Small Operator Assistance Program which meet the standards of section 1795.10."

3. Subsection 1779.6—Eligibility for Assistance

At subsection (a), the statute citation is updated.

At subsection (b), the criteria for eligibility for assistance is revised to read as follows. "Establishes that his or her probable total attributed annual production from all locations on which the operator is issued the surface coal mining and reclamation operations permit will not exceed 300,000 tons.

At subsection (b)(1) and (b)(2), Illinois proposes changing the percentage of

ownership of applicant from 5 percent to 10 percent with respect to the baseline above which ownership will play a role in determining attributed coal production.

5. Section 1795.9—Program Services and Data Requirements

Illinois proposes to revise subsection (a) by adding studies, reports, and plans to the types of services referenced in subsection (b) that are available to

eligible operators.

Subsection (b) lists the specific technical services authorized for the Small Operator Assistance Program (SOAP). At subsection (b)(1), Illinois proposes to include engineering analysis and designs necessary for the determination of probable hydrologic consequences. At subsection (b)(2), Illinois proposes to add drilling as an authorized SOAP service. Illinois proposes to add new subsection (b)(3) which provides for cross-sections, maps and plans required by 62 IAC 1779.25 and 1783.25. New subsection (b)(4) provides for collection of archaeological and historical information and related plans required by 62 IAC 1779.12(b), 1780.31, 1783.12(b) and 1784.17, and any other archaeological and historical information required by the Department. New subsection (b)(5) provides for preblast surveys and reports pursuant to the provisions of 62 IAC 1816.62. New subsection (b)(6) provides for site specific resource information and protection and enhancement plans for fish and wildlife habitats and other environmental values required by the Department under 62 IAC 1779.19, 1780.16, 1783.19, and 1784.21, and information and plans for any other environmental values required by the Department under the State Act.

6. Section 1795.12—Applicant Liability

At subsection (a)(1), the word "report" is replaced by the word "reports."

At subsection (a)(2), the applicant shall reimburse the Department if the program administrator finds that the applicant's actual and attributed production of coal for all locations exceeds 300,000 tons during the 12 months immediately following the date on which the operator is issued the surface coal mining and reclamation permit.

At subsection (a)(3), the applicant and its successor shall reimburse the Department if the permit is sold, transferred, or assigned to another person and the original permittee's and transferee's total actual and attributed production exceeds 300,000 tons during the 12 months immediately following

the date on which the permit was originally issued. If the permit is transferred during the 12-month period immediately following the permit issuance date, the determination of adherence to the 12-month, 300,000 ton limit shall be performed by combining the actual and attributed production of both parties for the 12-month period immediately following the date of original permit issuance.

At subsection (b), the definition of good faith is deleted.

N. 62 IAC 1800—Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

1. Section 1800.5—Definitions

Subsection (b)(4) is revised to allow Illinois to accept letters of credit from banks organized or authorized in other states and from banks organized or authorized in the United States by national charter provided that if the bank does not have an office for collection in Illinois, there shall be a confirming bank designated with an office in Illinois that is authorized to accept, negotiate, and pay the letter upon presentment in Illinois.

2. Section 1800.20—Surety Bonds

Subsections (b)(2) through (b)(5), which contained surety bond conditions, are deleted.

3. Section 1800.21—Collateral Bonds

Subsection (b)(1) is revised to allow Illinois to accept letters of credit from banks organized or authorized to do business in Illinois, in other States, and from banks organized or authorized in the United States by national charter provided that if the bank does not have an office for collection in Illinois, there shall be a confirming bank designated with an office in Illinois.

O. 62 IAC 1816—Permanent Program Performance Standards—Surface Mining Activities and 62 IAC 1817 Permanent Program Performance Standards—Underground Mining Activities

Illinois proposed revisions to the following sections. Regulatory citations were updated, as necessary, throughout the sections. Since most of the surface mining and underground mining regulations in these sections are identical, the revisions are being combined for discussion purposes, unless otherwise noted.