intended to revise language which was inadvertently repealed.

EFFECTIVE DATE: March 10, 1995.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program. II. Submission of the Proposed Amendment. III. Director's Findings.

IV. Summary and Disposition of Comments. V. Director's Decision.

VI. Procedural Determinations.

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background Information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 29, 1982, **Federal Register** (47 FR 32071). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Submission of the Proposed Amendment

By letter dated December 7, 1994 (Administrative Record No. IND–1416), Indiana submitted a proposed amendment to its program pursuant to SMCRA to revise language that was inadvertently repealed and pertains to the procedures for the application and renewal of blaster certification. Indiana proposed to revise 310 IAC 12–8–4.1 Application for Certification and 310 IAC 12–8–8.1 Renewal.

OSM announced receipt of the proposed amendment in the December 30, 1994, **Federal Register** (59 FR 67691), and in the same document, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on January 30, 1995.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

310 IAC 12-8-4.1 Application for Certification. This new section is added to provide the following. Section 4.1(a)-(c) require that an application for certification as a certified blaster be submitted to the Department of Natural Resources (Department) in writing on

forms furnished by the Department and completed in accordance with the instructions. Section 4.1(d) states that an application is incomplete if the form does not contain all required information or contains incorrect information. The applicant will be notified on any deficiencies and if the required information is not provided within 30 days of the notice, the application will be terminated. Section 4.1(e) provides for the verification by the Department of the information on the application. Section 4.1(f) states that if an application has been terminated, the person will not be considered for certification. A new application may be submitted at any time by complying with subsections (b) and (c) of this section.

There are no direct Federal counterparts. However, the Federal regulations at 30 CFR 850.15(a) pertaining to the certification of blasters require that the regulatory authority certify for a fixed period those candidates qualified to accept the responsibility for blasting operations. The Director finds that the proposed regulations at 310 IAC 12–8–4.1 are consistent with the Federal regulations at 30 CFR 850.15(a).

310 IAC 12-8-8.1 Renewal. Section 8.1(a) requires that a certified blaster renew his/her certification every three years. A request for renewal of certification must be in writing on a form furnished by the Department. The request must be received by the Department not later than 30 days prior to the expiration of the certificate. Section 8.1(b) specifies that the renewal will be approved if the certified blaster has worked at least 12 months of the preceding 36 months as a certified blaster and is not in violation of the provisions of 310 IAC 12-8-9 (Suspension or Revocation of Certification). Section 8.1(c) states that when a certification is not renewed for more than one year after expiration, the certification will not be renewable. If certification is sought, the person must submit an application and will be considered a new applicant. Sections 8.1 (d) and (e) state that a renewal notice will be sent to each registrant to the last address given by the registrant not less than two months prior to the expiration date of the certification. Failure to receive a renewal notice does not relieve the certified blaster of the obligation to obtain a renewal of the certification as required.

The Federal regulations at 30 CFR 850.15(c) pertaining to recertification permit the regulatory authority to require the periodic re-examination, training, or other demonstration of

continued blaster competency. As described above, Indiana requires a periodic demonstration of continued blaster competency when a blaster must triennially demonstrate that he/she has worked as a certified blaster for at least 12 out of the last 36 months and is not in violation of 310 IAC 12–8–9, which section lists prohibited activities that are causes for the suspension/revocation of a blaster's certification. Therefore, the Director finds that the proposed regulations at 310 IAC 12–8–8.1 are no less effective than the Federal regulations at 30 CFR 850.15(c).

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Indiana program. The U.S. Department of the Interior, Bureau of Mines, concurred without comment.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

None of the revisions that Indiana proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

V. Director's Decision

Based on the above finding(s), the Director approves the proposed amendment as submitted by Indiana on December 7, 1994.

The Federal regulations at 30 CFR part 914, codifying decisions concerning the Indiana program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of