

conclude that the library, upon acceptance of the fee, is responsible for the maintenance of the copy. Therefore, the Director finds the new language does not render the Indiana program less effective.

Subsection 106(e) is amended to add the words "or a revision or renewal of a permit." The added words are substantively identical to the counterpart language at 30 CFR 773.13(a)(3).

Subsection 106(g) is added as a counterpart to 30 CFR 773.12 concerning the coordination of the review and issuance of permits with other agencies to avoid duplication. The director finds the new language to be substantively identical to 30 CFR 773.12.

8. 310 IAC 12-4-7 Period of Liability

Subsection 7(a) is amended to update the citations of the revegetation standards to reflect the most current, approved standards. Language is also added to provide a counterpart to the Federal regulations at 30 CFR 800.13(a)(2) concerning the bonding of specific phases of reclamation. The Director finds that the revised citations do not render the Indiana program less effective and the added language is substantively identical to the counterpart Federal regulations.

Subsection 7(b) is revised by the updating of a citation to the approved revegetation standards. The Director finds that the citation change does not render the Indiana program less effective.

Subsection 7(d) is amended by updating two citations and adding language that mirrors Federal language. The proposed citation changes reflect amendments that were proposed in the original submittal of this amendment package (Amendment 93-7). On January 25, 1995, Indiana requested that Amendment 93-7 be subdivided and reviewed in three parts. The proposed citation changes reflect amendments that are now contained in Part III of Amendment 93-7. The Director is approving the citation changes and notes that the amendments to those provisions will be reviewed in a future Federal Register Notice.

The language in subsection 7(d) that mirrors the Federal language (at 30 CFR 800.13(c)) refers to the applicable five "or ten (10) year" period of liability for revegetation success. The director finds that the added language is substantively identical to and no less effective than the counterpart Federal language.

Subsection 7(e) is amended by deleting language that did not hold the operator responsible for actions by third

parties. The Federal regulations previously contained such a provision, but were amended to eliminate the reference to actions by third parties. Indiana is adding, in place of the deleted language, language that is substantively identical to the counterpart Federal regulations at 30 CFR 800.13(d)(1). The Director finds that with the amendments, the provision is no less effective than the counterpart Federal language.

9. 310 IAC 12-5-3 Coal Exploration; Performance Standards

The introductory paragraph to this section is amended to add language that is substantively identical to and no less effective than the counterpart Federal language at 30 CFR 815.1 concerning the scope and purpose of the performance standards for coal exploration.

New subsection 3(a) is added and is substantively identical to and no less effective than the counterpart Federal regulations at 30 CFR 815.15(a) concerning the protection of certain habitats of unique or unusually high value.

Subsection 3(b)(2) is amended by deleting the existing language and adding in its place language that is substantively identical to and no less effective than the counterpart Federal regulations at 30 CFR 815.15(b) concerning roads and other transportation facilities.

Subsections 3(b)(3) and (4) are deleted. There are no Federal counterparts at 30 CFR 815.15 to the deleted language and the deletion does not render the Indiana program less effective than the Federal regulations.

Subsection 3(e) is amended by deleting and adding language to make the provision substantively identical to and no less effective than the counterpart Federal regulations at 30 CFR 815.15(e) concerning revegetation of areas disturbed by coal exploration.

Subsection 3(f) is amended to change the term "may" to read "shall" to clarify that the requirements of the section are mandatory rather than voluntary. The Director finds the change to be substantively identical to and no less effective than the Federal requirement at 30 CFR 815.15(f) concerning diversions.

Subsection 3(h) is amended by deleting language and adding language that is substantively identical to the Federal regulations at 30 CFR 815.15(i) concerning minimizing disturbances to the hydrologic balance. The Director finds that the amended provision is no less effective than the Federal counterpart.

Subsection 3(i) is amended by deleting and adding language that

makes the provision substantively identical to and no less effective than the counterpart Federal regulations at 30 CFR 815.15(j) concerning acid- or toxic-forming materials.

10. 310 IAC 12-6-20 Individual Civil Penalties; Definitions

This new provision has been renumbered. In the original submittal, this provision was identified as 310 IAC 12-6-19.

This new provision is added to provide a counterpart to the Federal regulations at 30 CFR 846.5. In its January 25, 1995, letter to OSM, Indiana corrected two citation references in subsection (2)(B). Indiana is revising the sentence in subsection (2)(B) to read: "* * * except an order incorporated in a decision issued under IC 13-4.1-12-1." The citation change concerns civil penalties and adds specificity to the Indiana provision that is counterpart to the Federal citation of section 518(b) of SMCRA at 30 CFR 846.5 in the definition of "violation, failure or refusal." The Director finds that the addition is substantively identical to and no less effective than the counterpart Federal regulations.

11. 310 IAC 12-6-22 Individual Civil Penalties; Amount

This new provision has been renumbered. In the original submittal, this provision was identified as 310 IAC 12-6-21. This new provision is added to provide a counterpart to the Federal regulations at 30 CFR 846.14 concerning the amount of individual civil penalties. In its January 25, 1995, submittal to OSM, Indiana made one citation change. In subsection 22(a), Indiana changed "IC 13-4.1" to read "IC 13-4.1-12-1." The change adds appropriate specificity to identify the criteria concerning civil penalties. With the above change, the new language of this subsection is substantively identical to and no less effective than 30 CFR 846.14.

IV. Summary and Disposition of Comments

Federal Agency Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(1)(i), comments were solicited from various interested Federal agencies. The U.S. Fish and Wildlife Service (FWS) responded (Administrative Record Number IND-1335). The FWS commented that additional information should be added to 310 IAC 12-5-3(a) to state that if wetlands are affected, a permit by the U.S. Army Corps of Engineers may be needed. In response, the Director notes that the counterpart Federal standards at