

1. Alabama deleted the following forms:

- Form ASMC-3 Request for Inspection & Bond Release.
- Form ASMC-17 Permit Application for Underground Mining.
- Form ASMC-98 Application for Coal Exploration Permit to Remove More Than 250 Tons of Coal or Disturb More Than One-Half Acre.
- Form ASMC-137 Permit Application for Coal Processing Plants.

Alabama uses other existing forms in place of the deleted forms.

2. Alabama changed the existing descriptions of Forms ASMC-6, ASMC-16, ASMC-176, and ASMC-232 to the descriptions shown below:

- Form ASMC-6 Application for Coal Mining License/Application for Annual Update of Coal Mining License/Notification of Change in Ownership or Control.
- Form ASMC-16 Permit Application for a Surface Coal Mine/Permit Application for an Underground Coal Mine/Permit Application for a Preparation Facility.
- Form ASMC-176 Renewal Application for a Surface Coal Mine/Renewal Application for an Underground Coal Mine/Renewal Application for a Preparation Facility.
- Form ASMC-232 Transfer Application for a Surface Coal Mine/Transfer Application for an Underground Coal Mine/Transfer Application for a Preparation Facility.

Alabama revised the descriptions of the above forms to clarify their current use.

3. Alabama added the following new forms to its list:

- Form ASMC 254 Notice of the Filing of a Renewal Application for Surface Coal Mining Permit (To Agencies).
- Form ASMC 255 Notice of the Filing of a Revision Application for Surface Coal Mining Permit (To Agencies).
- Form ASMC 256 Notice of the Filing of a Revision Application for Surface Coal Mining Operations (Landowner Notice).
- Form ASMC 257 Notice of the Filing of a Renewal Application for Surface Coal Mining Operations (Landowner Notice).
- Form ASMC 258 Statement as to Negotiability of Certificate of Deposit and Assignment (Subsidence Impacts).
- Form ASMC 259 Surety Bond (Subsidence).

There is no direct Federal regulation counterpart to Alabama's rule at ASMC 880-X-1B. However, we find that the revised list of forms used in the operations and organization of the

Alabama Surface Mining Commission is not inconsistent with the requirements of the Federal regulations or SMCRA. Therefore, we are approving the revisions to ASMC 880-X-1B.

B. ASMC 880-X-6A-.06 License Application Requirements

Alabama's rule at ASMC 880-X-6A-.06(g)2 requires an applicant to submit information that demonstrates sufficient financial responsibility to reasonably assure the Alabama Surface Mining Commission of the applicant's financial ability to meet the requirements of the Alabama program. Alabama is proposing to revise one of the information provisions at ASMC 880-X-6A-.06(g)2(ii)(I). This revised provision will allow public accountants to certify and sign current statements of the net worth of applicants applying for licenses to conduct surface coal mining operations. Currently, Alabama only allows certified public accountants to certify and sign these statements. The revised provision reads as follows:

A current statement in letter form, certified by a certified public accountant or public accountant licensed to do business in the State of Alabama that the applicant has a net worth of not less than \$100,000. The statement must not be ambiguous, qualified, or otherwise vague. It must state the Alabama certificate or registration number of, and be signed by the certified public accountant or public accountant.

There is no direct Federal regulation counterpart to Alabama's rule at ASMC 880-X-6A-.06(g)2(ii)(I). However, we find that the revised provision is not inconsistent with the Federal regulation at 30 CFR 778.11, which requires a permit applicant to submit various kinds of applicant, operator, and ownership and control information. Therefore, we are approving the revision to ASMC 880-X-6A-.06(g)2(ii)(I).

Public Comments

We asked for public comments on the amendment, but did not receive any.

Federal Agency Comments

On October 25, 2002, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Alabama program (Administrative Record No. AL-0655). We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or

water quality standards issued 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 Alabama proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment.

On October 25, 2002, under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from EPA (Administrative Record No. AL-0655). EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On October 25, 2002, we requested comments on Alabama's amendment (Administrative Record No. AL-0655), but neither responded to our request.

V. OSM's Decision

Based on the above findings, we approve the amendment Alabama sent us on October 17, 2002.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 901, which codify decisions concerning the Alabama program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. Making this rule effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

The revisions made at the initiative of the State have been reviewed and a determination made that they do not have takings implications. This determination is based on the fact that the deletions, revisions, and additions by the Alabama Surface Mining Commission to the forms listed in ASMC 880-X-1B are administrative and procedural in nature and are not expected to have a substantive effect on the regulated industry. The same is true for the revisions to ASMC 880-X-6A-.06.