

no less effective than the Federal regulations.

2. Wyoming's Coal Rules: Chapter 11, Sections 1(a), 2(a), 3(b), 3(c), 4(a); Federal regulations: 30 CFR 800.23, self-bonding.

Wyoming proposes revisions to its rules governing self-bonding intended to satisfy deficiencies identified by OSM in its letter dated November 7, 1988, under 30 CFR 732.17 requiring amendments to the Wyoming program.

a. Chapter 11, Section 1(a)

Wyoming has proposed to amend the text of Chapter 11, Section 1(a) by revising it to read, “* * * The indemnity agreement is signed by the permittee, and if applicable, the parent company or non-parent corporate guarantor.”

The Federal regulations under 30 CFR 800.5(c) state, “Self bond means an indemnity agreement in a sum certain executed by the applicant and any corporate guarantor made payable to the regulatory authority, with or without a separate surety.”

A comparison of Wyoming's proposed language with that of the Federal regulations finds that it removes an old reference to a Federal agency as a potential guarantor of a self-bond for a coal mining operation. Wyoming's modification of the term “corporate” to “parent” and “non-parent” where applicable clarifies that the definition applies to both a parent and non-parent corporate guarantor. Consequently, as proposed, the minor revisions and clarifications are consistent with and no less effective than the requirements of the Federal regulations.

b. Chapter 11, Section 2(a)(x)

Wyoming has proposed to amend the text of Chapter 11, Section 2(a)(x) by revising the text to read, “A written guarantee for an operator's self-bond from a parent corporation guarantor, if the guarantor meets conditions of subsections (a)(iv), (vi), (viii) and (ix) of this Section as if it were the operator. Such a written guarantee may be accepted by the Administrator and shall be referred to as a “parent corporate guarantee.”

The Federal regulations at 30 CFR 800.23(c)(1) state, “The regulatory authority may accept a written guarantee for an applicant's self-bond from a parent corporation guarantor, if the guarantor meets the conditions of Paragraphs (b)(1)-(b)(4) of this Section as if it were the applicant. Such written guarantee shall be referred to as a “corporate guarantee.”

The November 7, 1988, 30 CFR part 732 letter directed Wyoming to revise

the text under this section to address the statement that, “The operator must only supply information addressing requirements not met by the parent corporation guarantor.” Wyoming has deleted this sentence, consequently, as proposed, the minor revisions and clarifications are consistent with and no less effective than the requirements of the Federal regulations.

c. Chapter 11, Section 2(a)(x)(A)

Wyoming has proposed to amend the text of Chapter 11, Section 2(a)(x)(A) by revising the text to read, “If the operator fails to complete the reclamation plan, the parent corporate guarantor shall do so or the parent corporate guarantor shall be liable under the indemnity agreement to provide funds to the state sufficient to complete the reclamation plan, but not to exceed the bond amount.”

The Federal regulations at 30 CFR 800.23(c)(1)(i) state, “If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide funds to the regulatory authority sufficient to complete the reclamation plan, but not to exceed the bond amount.”

A comparison of Wyoming's proposed language with that of the Federal regulations finds that Wyoming has added the term “parent corporate” in front of guarantor to clarify which type of guarantor is being referred to in the rule. Consequently, as proposed, the clarification is consistent with and no less effective than the requirements of the Federal regulations.

d. Chapter 11, Section 2(a)(x)(B)

Wyoming has proposed to amend the text of Chapter 11, Section 2(a)(x)(B) by revising the text to read, “The parent corporate guarantee shall remain in force unless the parent corporate guarantor sends notice of cancellation by certified mail to the operator and to the Administrator at least 90 days in advance of the cancellation date, and the Administrator accepts the cancellation.”

The Federal regulations under 30 CFR 800.23(c)(1)(ii) state, “The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the regulatory authority at least 90 days in advance of the cancellation date, and the regulatory authority accepts the cancellation.”

A comparison of Wyoming's proposed language with the Federal regulations finds that the proposed revisions to Chapter 11, Section 2(a)(x)(B) remove the reference to a Federal agency

guarantor and clarify which type of guarantor is being referred to in the rule. The resulting Wyoming regulations are consistent with, and no less effective than, the Federal regulations.

e. Chapter 11, Section 2(a)(xi)

Wyoming has proposed to amend the text of Chapter 11, Section 2(a)(xi) by incorporating the following language: “A written guarantee for an applicant's self-bond from any corporate guarantor, whenever the operator meets the conditions of subsections (a)(iv), (a)(vi) and (a)(ix) of this Section, and the guarantor meets the conditions of subsections (a)(iv), (a)(vi), (a)(vii) and (a)(ix) of this Section may be accepted by the Administrator. Such written guarantee shall be referred to as a “non-parent corporate guarantee.” The terms of this guarantee shall provide for compliance with the conditions of subsections (a)(x)(A) and (B) of this Section. The Administrator may require the operator to submit any information specified in subsection (a)(vii) of this Section in order to determine the financial capabilities of the operator.”

The Federal regulations under 30 CFR 800.23(c)(2) state, “The regulatory authority may accept a written guarantee for an applicant's self-bond from any corporate guarantor, whenever the applicant meets the conditions of paragraphs (b)(1), (b)(2) and (b)(4) of this section, and the guarantor meets the conditions of paragraphs (b)(1) through (b)(4) of this section. Such a written guarantee shall be referred to as a “non-parent corporate guarantee.” The terms of this guarantee shall provide for compliance with the conditions of paragraphs (c)(1)(i) through (c)(1)(iii) of this section. The regulatory authority may require the applicant to submit any information specified in paragraph (b)(3) of this section in order to determine the financial capabilities of the applicant.”

A comparison of Wyoming's proposed language with that of the Federal regulations finds that it now incorporates the Federal counterpart language addressing the conditions under which the regulatory authority may accept a written guarantee of an operator's self-bond from a third party other than the parent corporation. Therefore, it is no less effective than the Federal regulations.

f. Chapter 11, Section 2(a)(xii)

Wyoming has proposed to amend the text of Chapter 11, Section 2(a)(xi) by renumbering it as (xii), as a result of creating a new Section 2(a)(xi), and revising the text to read, “The following in order: