

(A) For the Administrator to accept an operator's self-bond, the total amount of the outstanding and proposed self-bonds of the operator shall not exceed 25 percent of the operator's tangible net worth in the United States, or

(B) For the Administrator to accept a corporate guarantee, the total amount of the parent corporation guarantor's present and proposed self-bonds and guaranteed self-bonds shall not exceed 25 percent of the parent corporate guarantor's tangible net worth in the United States, or"

The Federal regulations at 30 CFR 800.23(d) state, "For the regulatory authority to accept an applicant's self-bond, the total amount of the outstanding and proposed self-bonds of the applicant for surface coal mining and reclamation operations shall not exceed 25 percent of the applicant's tangible net worth in the United States. For the regulatory authority to accept a corporate guarantee, the total amount of the parent corporation guarantor's present and proposed self-bonds and guaranteed self-bonds for surface coal mining and reclamation operations shall not exceed 25 percent of the guarantor's tangible net worth in the United States."

A comparison of Wyoming's proposed language with that of the Federal regulations finds that Wyoming has added the terms "parent" and "parent corporate" to maintain consistent references in the rules, and has reformatted the manner in which the rules are presented. Consequently, as proposed, the clarification is consistent with and no less effective than the requirements of the Federal regulations.

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

Wyoming has proposed to amend the text of the newly created Chapter 11, Section 2(a)(xii) by incorporating the following language "(C) For the Administrator to accept a non-parent corporate guarantee, the total amount of the non-parent corporate guarantor's present and proposed self-bonds and guaranteed self-bond shall not exceed 25 percent of the non-parent corporate guarantor's tangible net worth in the United States."

The Federal regulations at 30 CFR 800.23(d) state, "For the regulatory authority to accept a non-parent corporate guarantee, the total amount of the non-parent corporate guarantor's present and proposed self-bonds and guaranteed self-bonds shall not exceed 25 percent of the guarantor's tangible net worth in the United States."

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 non-parent corporate guarantee. Therefore, it is no less effective than the Federal regulations.

h. Chapter 11, Section 3(b)(i)

Wyoming has proposed to amend the text of Chapter 11, Section 3(b)(i) by revising the text to read, "The indemnity agreement shall be executed by all persons and parties who are to be bound by it, including the parent or non-parent corporate guarantor, and shall bind each jointly and severally."

The Federal regulations at 30 CFR 800.23(e)(1) state, "The indemnity agreement shall be executed by all persons and parties who are to be bound by it, including the parent corporation guarantor, and shall bind each jointly and severally."

A comparison of Wyoming's proposed language with that of the Federal regulations finds that Wyoming has added the term "or non-parent" and deleted the reference to "Federal agency" to clarify that both types of corporate guarantors are being referred to in the rule, and to remove the obsolete reference to a Federal agency. Consequently, as proposed, the clarification is consistent with and no less effective than the requirements of the Federal regulations.

i. Chapter 11, Section 3(b)(ii)

Wyoming has proposed to amend the text of Chapter 11, Section 3(b)(ii) by revising the text to read, "Corporations applying for a self-bond or parent and non-parent corporations guaranteeing an operator's self-bond shall submit an indemnity agreement signed by two corporate officers who are authorized to bind their corporations. A copy of such authorization shall be provided to the Administrator along with an affidavit certifying that such an agreement is valid under all applicable Federal and State laws. In addition, all corporate guarantors shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement."

The Federal regulations at 30 CFR 800.23(e)(2) state, "Corporations applying for a self-bond, and parent and non-parent corporations guaranteeing an applicant's self-bond shall submit an indemnity agreement signed by two corporate officers who are authorized to bind their corporations. A copy of such authorization shall be provided to the regulatory authority along with an affidavit certifying that such an agreement is valid under all applicable Federal and State laws. In addition, the guarantor shall provide a copy of the corporate authorization demonstrating

that the corporation may guarantee the self-bond and execute the indemnity agreement."

A comparison of Wyoming's proposed language with that of the Federal regulations finds that it now requires the submission of an affidavit certifying that the agreement is valid under all applicable State and Federal laws, and requires that any grantor provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement. The revised text also deletes the outdated references to a Federal agency guaranty. It is consistent with and no less effective than the Federal regulations.

As a result of the changes made to Chapter 3(b)(ii), Wyoming has also revised their policy memorandum, "Wyoming Environmental Quality Act—Form and Execution of Self-Bonding Indemnity Agreement and Corporate or Federal Agency Guaranty" to remove all references to a Federal Agency Guaranty and to add the requirement that the affidavit certifying the agreement is valid under all applicable State and Federal laws shall also be submitted. The resulting memorandum, "Wyoming Environmental Quality Act—Form and Execution of Self-Bonding Indemnity Agreement and Parent or Non-Parent Corporate Guaranty" is consistent with and no less effective than the requirements of the Federal regulations.

j. Chapter 11, Section 3(c) and Section 4(a)(ii)

Wyoming has proposed to amend the text of the two regulations cited above to change the reference to Section 2 (a)(xi) to Section 2(a)(xii).

A comparison of Wyoming's proposed language to the existing language finds that the insertion of a new rule under Chapter 11, Section 2(a)(xi) required that the existing cross-references in these two rules reference the correct subsection. The correct subsection has been referenced and this Wyoming rule is now consistent with and no less effective than the Federal regulations.

3. Wyoming's Coal Rules: Chapter 12, Section 2(d)(iii); Federal regulations: 30 CFR 800.11(b)(4), separate increments within a bonded area.

Wyoming proposes to add a subsection to its regulations and revise its existing regulations to mandate that isolated and independent increments of the permitted mine area be of sufficient size and configuration for efficient reclamation operations, should reclamation by the Wyoming Department of Environmental Quality become necessary.