

meeting on the amendment's adequacy. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on June 17, 2002. We did not receive any public comments.

During our review of the amendment, we identified editorial-type errors. We notified Illinois of these errors by letters dated May 30, 2002, and March 31, 2003 (Administrative Record Nos. IL-5078 and IL-5082, respectively).

By letter dated March 14, 2003 (Administrative Record No. IL-5081), Illinois sent us revisions to its proposed program amendment. Also by letter dated April 25, 2003 (Administrative Record No. IL-5083), Illinois sent additional information. Because the revisions were editorial in nature and the additional information merely clarified certain provisions of Illinois' amendment, we did not reopen the public comment period.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes.

A. Minor Revisions to Illinois' Regulations

1. Illinois deleted its definition of "Interagency Committee" at 62 IAC 1701. Appendix A. Illinois removed this definition because Illinois Public Act 90-0490 abolished the Illinois Interagency Committee on Surface Mining Control and Reclamation (Interagency Committee) through an amendment to 225 Illinois Compiled Statutes (ILCS) 720/1.05 in 1997.

On November 21, 2001, we approved the amendment to 225 ILCS 720/1.05 (66 FR 58371). Therefore, we find that the removal of the definition will not make Illinois' regulations less effective than the Federal regulations.

2. In the general definition section at 62 IAC 1701. Appendix A, Illinois removed the existing language from its definition of "valid existing rights" and replaced it with a reference to the new definition of "valid existing rights" found at 62 IAC 1761.5. Illinois' regulations at 62 IAC Part 1761 concern areas designated by Act of Congress.

We find that relocating the definition of "valid existing rights" to the section concerning areas designated by Act of Congress is consistent with the Federal regulations at 30 CFR Part 761. We also find that providing a reference in the general definition section to the new definition of "valid existing rights" will clarify the location of the new definition for persons using the Illinois regulations.

3. Illinois proposed to redesignate existing 62 IAC 1762.14, concerning exploration on land designated as unsuitable for surface coal mining operations, as new 62 IAC 1762.15. However, during the adoption of redesignated 62 IAC 1762.15, two editorial errors were made. We notified Illinois of these errors on March 31, 2003 (Administrative Record No. IL-5082). By letter dated April 25, 2003 (Administrative Record No. IL-5083), Illinois indicated that the editorial errors would be corrected in the next State rulemaking.

We find that the redesignation of 62 IAC 1762.14 as 62 IAC 1762.15 is consistent with a recent change made to the counterpart Federal regulation. OSM redesignated its regulation concerning exploration on land designated as

unsuitable for surface coal mining operations as 30 CFR 762.15. See 64 FR 70766, dated December 17, 1999. For this reason and because the editorial errors will not affect Illinois' implementation of its regulations concerning exploration on land designated as unsuitable for surface coal mining operations, we are approving 62 IAC 1762.15.

4. Illinois corrected citation references, made minor wording changes, and simplified its use of numbers in 62 IAC 1772.12, Permit Requirements for Exploration Removing More than 250 Tons of Coal; 1773.13(a)(1)(E) and (d), Public Participation in Permit Processing; 1773.15(c)(3)(B), (c)(11), and (c)(13), Review of Permit Applications; 1778.15(e), Right of Entry Information; 1778.16(c), Relationship to Areas Designated Unsuitable for Mining; 1780.31(a)(2), Protection of Public Parks and Historic Places; 1780.33, Relocation or Use of Public Roads; 1784.17(a)(2), Protection of Public Parks and Historic Places (Underground Mining); 1784.18, Relocation or Use of Public Roads (Underground Mining); 1816.116(a)(2)(C), Success of Revegetation; and 1847.9(a), Bond Release Public Hearings.

Because these changes are minor, we find that they will not make Illinois' regulations less effective than the corresponding Federal regulations.

B. Revisions to Illinois' Regulations That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

Illinois' regulations listed in the table below contain language that is the same as or similar to the corresponding sections of the Federal regulations.

Topic	State regulation	Federal counterpart regulation
Definition of Valid Existing Rights	62 IAC 1761.5	30 CFR 761.5.
Exceptions to Existing Operations	62 IAC 1761.12	30 CFR 761.12.
Procedures for Relocation or Closing of a Public Road or Waiving the Prohibition on Mining Operations within the Buffer Zone of a Public Road.	62 IAC 1761.14	30 CFR 761.14.
Procedures for Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of an Occupied Dwelling.	62 IAC 1761.15	30 CFR 761.15.
Submission and Processing of Requests for Valid Existing Rights Determinations.	62 IAC 1761.16	30 CFR 761.16.
Department Obligations at Time of Permit Application Review	62 IAC 1761.17	30 CFR 761.17.
Applicability to Lands Designated as Unsuitable by Congress	62 IAC 1762.14	30 CFR 762.14.
Permit Requirements for Exploration Removing More Than 250 Tons of Coal.	62 IAC 1772.12(b)(14), (d)(2)(D) ...	30 CFR 772.12(b)(14), (d)(2)(iv).

During the adoption of its new regulations at 62 IAC 1761.16 and 1772.12(b)(14) shown above, Illinois made three editorial errors. We notified

Illinois of these errors on March 31, 2003 (Administrative Record No. IL-5082). By letter dated April 25, 2003 (Administrative Record No. IL-5083),

Illinois indicated that the editorial errors would be corrected in the next State rulemaking. Because the editorial errors made to 62 IAC 1761.16 and