

(EPA), Region III. The State agency was the Pennsylvania Historical and Museum Commission.

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 with the exception as noted below. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes.

A. Minor Revisions to Pennsylvania's Rules

Pennsylvania proposed minor changes to the following previously approved rules.

Pennsylvania is adding the metric measurement equivalent to the standard measurements found at sections 86.101(8), (8)(ii), (10), (11), and (12); 86.103(c) and throughout various subsections of 86.130(b). We find that adding the metric equivalent will not render these regulations inconsistent with the Federal regulations.

Pennsylvania is deleting the references to the Bureau of Mining and Reclamation at sections 86.123(c) and 86.124(d) and replacing that phrase with the word "Department" which is a

reference to the Pennsylvania Department of Environmental Protection (PADEP). These changes are not inconsistent with the Federal rules because it clarifies the role of PADEP, which is the State regulatory authority that implements the coal mining program in Pennsylvania. We are approving these changes.

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

Pennsylvania proposed revisions to the following rules containing language that is the same or similar to the corresponding sections of the Federal regulations.

Pennsylvania rule citation	Corresponding Federal regulation	Topic
25 Pa. Code 86.1 Definitions "valid existing rights".	30 CFR 761.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.101 Definitions "fragile lands"	30 CFR 762.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.101 Definitions "historic lands"	30 CFR 762.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.101 Definitions "public building".	30 CFR 761.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.101 Definitions "public park" ...	30 CFR 761.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.101 Definitions "renewable resource lands".	30 CFR 762.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.101 Definitions "significant recreational value, timber, economic or other values incompatible with surface mining operations".	30 CFR 761.5	Definition used as part of the criteria and procedures for designating areas unsuitable for surface mining.
25 Pa. Code 86.102(1)	30 CFR 761.11(a)(1)–(6)	Areas where surface coal mining operations are prohibited or limited.
25 Pa. Code 86.102(3)	30 CFR 761.11(c)	Areas where surface coal mining operations are prohibited or limited.
25 Pa. Code 86.102(9) through (9)(iii)	30 CFR 761.11(e) and 761.15(b), surface coal	Areas where (c) and (d) mining operations are prohibited or limited.
25 Pa. Code 86.103(d)	30 CFR 761.15(b)	Procedures
25 Pa. Code 86.103(e), (e)(2)(i) and (ii)	30 CFR 761.17(d)(1) through (d)(1)(iii)	Regulatory authority obligations at the time of permit application review.
25 Pa. Code 86.121(1) through (3)	30 CFR 762.13 (a) through (c)	Areas exempt from designation as unsuitable for surface mining operations.
25 Pa. Code 86.123(c)(5)	30 CFR 764.13(a)	Right to petition
25 Pa. Code 86.124(c)	30 CFR 764.15(c)	Initial processing, record keeping, and notification requirements.
25 Pa. Code 86.125(c)	30 CFR 764.17(a)	Burden of Persuasion.
25 Pa. Code 86.127(b)	30 CFR 764.21(b)	Database and inventory system requirements.

Because these proposed rules contain language that is the same as or similar to the corresponding Federal regulations, we find that they are no less effective than the corresponding Federal regulations.

Pennsylvania is also modifying the following definitions found at 25 Pa. Code 86.101 by deleting some existing language and adding language: fragile

lands, historic lands, public building, public park and renewable resource lands and deleting existing 86.121(a) and (b). Since the added language to these definitions or the new sections to 86.121(1) through (3) are substantively identical to the Federal rules, we find that the deletions do not render the Pennsylvania program inconsistent with SMCRA or the Federal regulations.

25 Pa. Code 86.1 Definition of Valid Existing Rights. Pennsylvania is deleting its existing definition of "Valid Existing Rights" which stated:

Valid Existing Rights—Includes the following:

(i) Except for haul roads and activities enumerated in subparagraph (iii), property rights in existence on August 3, 1977, that were created by a legally binding