



COALEX STATE COMPARISON REPORT - 280

April 1994

Gregory Conrad, Executive Director
Interstate Mining Compact Commission 459-
B Carlisle Drive
Herndon, Virginia 22070

TOPIC: RESCISSION PROCEDURES FOR IMPROVIDENTLY ISSUED PERMITS

INQUIRY: Which states have regulations in their programs that correspond to 30 CFR 773.21 Improvidently issued permits; rescission procedures?

SEARCH RESULTS: Research was conducted using the COALEX Library and the Federal Register materials available in LEXIS. Results of the survey follows.

A. Sections from the following state programs, corresponding to the federal section 773.21, were retrieved from COALEX:

STATE	STATE SECTION	(SUBMISSION DATE)
ALABAMA	880-X-8K-.18	(8/91)
ARKANSAS	786.31	(12/89)
ILLINOIS	1773.21	(4/90)
KANSAS	47-3-42	(10/90)
KENTUCKY	405 KAR 8:010, Sec. 25	(1/91)
MISSOURI	10 CSR 40-6.070	(10/90)
NORTH DAKOTA	69-05.2-32-03	(11/91)
OKLAHOMA	773.21	(5/88)
UTAH	645-300.100	(7/90)
WEST VIRGINIA	38-2-3	(6/86)



B. Federal Register preambles that discuss the approval/disapproval of state program amendments re: rescission of permits are included for background:

STATE	FEDERAL REGISTER NOTICE	STATE SECTION
1. STATES WITH PROGRAM AMENDMENT SECTIONS THAT ARE "SUBSTANTIALLY IDENTICAL" TO THE CORRESPONDING FEDERAL RULE:		
ALABAMA	57 FR 20045 (May 11, 1992). Final rule.	Reg. Sec. 880-X-8K-.18
ARKANSAS	55 FR 48835 (November 23, 1990). Final rule.	Reg. Sec. 786.31
ILLINOIS	1. 55 FR 35301 (August 29, 1990). Final rule. 2.56 FR 20535 (May 6, 1991). Final rule. 3. 58 FR 46845 (September 3, 1993). Final rule	1. Reg. Sec. 62 IAC 773.21 2. Reg. Sec. 62 IAC 1773.21(b) corresponds to 773.21(b) 3. Reg. Sec. 62 IAC 1773.21(c) corresponds to 773.21(c)
INDIANA	58 FR 34218 (June 24, 1993). Final rule.	Reg. Sec. 310 IAC 12-3-119.6
KENTUCKY	1. 56 FR 6594 (February 19, 1991). Proposed rule. 2. 56 FR 47907 (September 23, 1991). Final rule.	1. Reg. Sec. 405 KAR 8:010 Sec.25 2. Reg. Sec. 405 KAR Sec.25(4)
MARYLAND	56 FR 61160 (December 2, 1991). Final rule.	Reg. Sec. 08.13.09.05F
MISSOURI	57 FR 44660 (September 29, 1992). Final rule.	Reg. Sec. 10 CSR 40-6.070
NEW MEXICO	58 FR 65907 (December 17, 1993). Final rule.	Reg. Sec. CSMC 80-1-11-24
NORTH DAKOTA	57 FR 37707 (August 20, 1992). Final rule.	Reg. Sec. NDAC 69-05.2-32
OHIO	56 FR 16004 (April 19, 1991). Final rule.	Reg. Sec. OAC 1501:13-5-02
PENNSYLVANIA	57 FR 62222 (December 30, 1992). Final rule.	Reg. Sec. 86.44 taken together with section 4 of 35 P.S. section 7514 are no less effective than the federal regulations.
TEXAS	59 FR 13200 (March 21, 1994). Final rule.	Part of TCMR 788.225(f) was approved; further revision is required to completely equate to the federal regulations.
UTAH	56 FR 41795 (August 23, 1991). Final rule.	Reg. Sec. R614-300-164.100 through .300



VIRGINIA	56 FR 368 (January 4, 1991). Final rule.	Reg. Sec. VR 480-03-19.773.21
WEST VIRGINIA	1. 55 FR 21304 (May 23, 1990). Final rule. 2. 58 FR 42903 (August 12, 1993).	1. Reg. Sec. CSR 38-2-3.34 2. Revision to Reg. Sec. 38-2-3.33
2. STATES WITH PROGRAM AMENDMENT SECTIONS THAT ARE "LESS EFFECTIVE THAN" THE CORRESPONDING FEDERAL RULE:		
TEXAS	57 FR 21600 (May 21, 1992). Final rule.	TCMR 788.225(g) was found to be less effective than the corresponding federal regulation.

PLEASE NOTE: Due to a lag time in updating the COALEX database, it is possible for state program regulations to be approved, as noted in the Federal Register preambles, but not yet be available for research in COALEX.

ATTACHMENTS

A. State sections corresponding to 30 CFR 773.21:

1. Alabama: 880-X-8K-.18 (8/91)
2. Arkansas: 786.31 (12/89)
3. Illinois: 1773.21 (4/90)
4. Kansas: 47-3-42 (10/90)
5. Kentucky: 405 KAR 8:010, Sec. 25 (1/91)
6. Missouri: 10 CSR 40-6.070 (10/90)
7. N. Dakota: 69-05.2-32-03 (11/91)
8. Oklahoma: 773.21 (5/88)
9. Utah: 645-300.100 (7/90)
10. W. Virginia: 38-2-3 (6/86)

B. STATES --

1. WITH PROGRAM AMENDMENT SECTIONS THAT ARE "SUBSTANTIALLY IDENTICAL" TO THE CORRESPONDING FEDERAL RULE:
 - a. Alabama: 57 FR 20045 (May 11, 1992). Final rule. Reg. Sec. 880-X-8K-.18
 - b. Arkansas: 55 FR 48835 (November 23, 1990). Final rule. Reg. Sec. 786.31
 - c. Illinois:
 1. 55 FR 35301 (August 29, 1990). Final rule. Reg. Sec. 62 IAC 773.21.



2. 56 FR 20535 (May 6, 1991). Final rule. Reg. Sec. 62 IAC 1773.21(b) corresponds to 773.21(b).
 3. 58 FR 46845 (September 3, 1993). Final rule. Reg. Sec. 62 IAC 1773.21(c) corresponds to 773.21(c).
 - d. Indiana: 58 FR 34218 (June 24, 1993). Final rule. Reg. Sec. 310 IAC 12-3-119.6
 - e. Kentucky:
 1. 56 FR 6594 (February 19, 1991). Proposed rule. Reg. Sec. 405 KAR 8:010 Sec.25
 2. 56 FR 47907 (September 23, 1991). Final rule. Reg. Sec. 405 KAR 8:010 Sec.25(4)
 - f. Maryland: 56 FR 61160 (December 2, 1991). Final rule. Reg. Sec. 08.13.09.05F
 - g. Missouri: 57 FR 44660 (September 29, 1992). Final rule. Reg. Sec. 10 CSR 40-6.070
 - h. New Mexico: 58 FR 65907 (December 17, 1993). Final rule. Reg. Sec. CSMC 80-1-11-24
 - i. North Dakota: 57 FR 37707 (August 20, 1992). Final rule. Reg. Sec. NDAC 69-05.2-32
 - j. Ohio: 56 FR 16004 (April 19, 1991). Final rule. Reg. Sec. OAC 1501:13-5-02
 - k. Penn: 57 FR 62222 (December 30, 1992). Final rule. Reg. Sec. 86.44 taken together with section 4 of 35 P.S. section 7514 are no less effective than the federal regulations.
 - l. Texas: 59 FR 13200 (March 21, 1994). Final rule. Part of TCMR 788.225(f) was approved; further revision is required to completely equate to the federal regulations.
 - m. Utah: 56 FR 41795 (August 23, 1991). Final rule. Reg. Sec. R614-300-164.100 through .300
 - n. Virginia: 56 FR 368 (January 4, 1991). Final rule. Reg. Sec. VR 480-03-19.773.21
 - o. West Virginia:
 1. 55 FR 21304 (May 23, 1990). Final rule. Reg. Sec. CSR 38-2-3.34
 2. 58 FR 42903 (August 12, 1993). Revision to Reg. Sec. 38-2-3.33
2. WITH PROGRAM AMENDMENT SECTIONS THAT ARE "LESS EFFECTIVE THAN" THE CORRESPONDING FEDERAL RULE:
- a. Texas: 57 FR 21600 (May 21, 1992). Final rule. TCMR 788.225(g) was found to be less effective than the corresponding federal regulation.