

# Applicant/Violator System Office System Advisory Memorandum



SAM # 6 DATE: August 9, 2012

**Subject:** PERMIT RENEWALS, REVISIONS and TRANSFERS

This System Advisory Memorandum (SAM) replaces previous SAM #6; "Amendments, Renewals, and Transfers" dated December 30, 2008 and removes the term "amendment" found in the previous version of this SAM and replaces it with the term "revision," which more closely mirrors the language used throughout our Federal regulations contained in 30 CFR Part 700 to End.

The purpose of this SAM is to provide regulatory authorities with guidance regarding the importance of creating accurate renewal, revision and transfer of permit records in the Applicant/Violator System (AVS) using numeric sequence structures to retain surface coal mining permit history for a specific permit site. Additionally, this SAM discusses which permitting actions may be subject to a section 510(c) eligibility check using the AVS.

AVS uses sequence numbers for applications and permits to create consecutive numeric sequence structures of application and permit records in order to (1) allow regulatory authorities to make permit eligibility determinations on each successive permitting action and (2) to retain computerized surface coal mining permit histories on a national scale. Each application record for a new permit is designated by the sequence number zero (0). Each application record for a renewal, revision, or transfer is assigned a successive sequence number. Application records for renewals, revisions, or transfers should never be designated by sequence number zero. Below is a snapshot from AVS of a record using proper sequencing to reflect the permitting actions that have occurred for permit P3893.

Entities Applications Permits Comments

	App. #	Seq. #	ST	App. Type	Status	Applicant	Indian	County	MSHAID#	Mine
Select	P3893	0	AL	New	Issued	143438 Twin Pines Coal Company Incorporated	No	Marion	0103393	Buttahatchee
Select	P3893	1	AL	Transfer	Issued	150649 Hope Coal Co Inc	No	Marion	0103393	Buttahatchee Mine No 1
Select	P3893	2	AL	Transfer	Issued	246828 National Coal of Alabama Inc	No	Marion	0103393	Buttahatchee Mine No 1

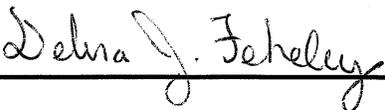
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Regulatory authorities are reminded that an application for a transfer should be evaluated for eligibility in AVS and a narrative requested just like for any other new application record. Federal regulations governing transfer, assignment, or sale of permits rights are found at 30 CFR 774.17.

With respect to permit renewals, SMCRA, and our Federal regulations at 30 CFR 774.15, state that a permit shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit, unless there is a finding that the applicant is not in compliance with all permit conditions. For this reason, there is no obligation to perform a section 510(c) eligibility evaluation in AVS on an application for a permit renewal. However, we believe it is a good idea to use AVS to perform an eligibility evaluation of the application before approving the renewal based on the continuing applicability of the Federal regulatory provisions for permit conditions at 30 CFR 773.17, especially paragraph (g), in addition to the Federal provisions for permit renewal at 30 CFR 774.15. Paragraph (g) of 30 CFR 773.17 is the permit condition requiring permittees and operators to pay their reclamation fees. AVS remains the best tool to determine if a permittee has been paying its reclamation fees for its coal production.

Federal regulations governing permit revisions are found at 30 CFR 774.13. Each SRA is required to set forth guidelines to use in determining if a revision is considered significant and the requirements and procedures for those revisions. Our Federal regulations at 30 CFR 773.15(n) require an applicant to be eligible to receive a permit before a significant revision is approved, and the AVS is the eligibility tool to use when determining the applicant's eligibility status.

If you have questions concerning this guidance or processing renewals, revisions, or transfers in AVS, please contact an AVS User Assistance Liaison at 1-800-643-9748.

**Signed:**   

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**Debra J. Feheley, Chief,  
Applicant/Violator System Office**