

Applicant/Violator System Office System Advisory Memorandum



SAM # 6 DATE: October 3, 2016

Subject: PERMIT RENEWALS, REVISIONS and TRANSFERS

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. #	App. Type	Status	Applicant	Indian	County	NSHAID	Mine	
Select	P3893	0	AL New	Issued	143438 Twin Pines Coal Company Incorporated	No	Marion	0103393	Buttahatchee	e
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	01.1033-93	Buttahatchee Mine No 1	

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.

An AVS 510(c) eligibility evaluation is not required for an application for a permit renewal. Federal Regulations at 30 CFR 774.15 allow for the right of successive renewals for permits without boundary changes if the applicant is in compliance with all permit conditions. The payment of reclamation fees is listed at 30 CFR 773.17(g) as a permit condition. An AVS evaluation is the best method for confirmation of reclamation payment fee.

Federal Regulations at 30 CFR 774.13 (b)(2) require that applicants for permit revisions must at a minimum be permit eligible if the revision is deemed significant. Determination of what constitutes a significant revision is based on established regulatory authority guidelines. If the revision is significant the applicant is subject to an AVS 510(c) evaluation.

Federal regulations governing permit revisions are found at 30 CFR 774.13 (b)(2). 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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Applicant/Violator System Office**