



U.S. Office of Surface Mining

News Release



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For immediate release

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OSM Proposes to Revise and Clarify Ownership and Control Rules

(Washington) The US Office of Surface Mining has proposed rules that would revise and clarify its ownership and control regulations and related rules addressing, among other things, permit application information requirements, permit eligibility, and alternative enforcement.

The proposed rule, published today in the Federal Register, satisfies an agreement OSM entered into to settle the National Mining Association's lawsuit that sought to overturn certain aspects of OSM's 2000 final ownership and control rule.

The 2000 final rule, which took effect for Federal programs (*i.e.*, SMCRA programs for which OSM is the regulatory authority) on January 18, 2001, primarily addresses ownership or control of surface coal mining operations under section 510(c) of the Surface Mining Control and Reclamation Act of 1977. Under section 510(c), a permit applicant is not eligible to receive a permit if it owns or controls any surface coal mining operation that is in violation of SMCRA or other applicable laws.

"We view this rulemaking as an opportunity to clarify our regulations and reduce any unnecessary reporting burdens on industry and regulatory authorities, while continuing to ensure that we have the tools we need to enforce SMCRA," said Jeff Jarrett, Director of OSM. "We intend for this rulemaking initiative to introduce regulatory stability to an area that has been in flux and a source of contentious litigation for over 20 years."

The proposed rules would, among other things, revise the definitions of ownership and control, make permit application information requirements more objective and concrete, streamline coal industry information reporting burdens, and provide for specific evidentiary standards and additional due process with respect to certain of OSM's regulatory processes.

The public has 60 days to comment on the proposed rule change. Interested persons may submit comments on this proposed rule by one of three methods. Comments may be mailed or hand carried to the Office of Surface Mining

Reclamation and Enforcement, Administrative Record, Room 101, 1951
Constitution Avenue, NW, Washington, DC 20240, or comments may be sent via
electronic mail to OSMRULES@OSMRE.GOV. Comments must be received by
February 27, 2004.