

	<b>U.S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT</b>  <b>DIRECTIVES SYSTEM</b>	<b>Subject Code:</b> INE-40-1
		<b>Transmittal Number:</b> 950
		<b>Date:</b> OCT - 7 2008
<b>Subject:</b> Individual Civil Penalty Assessment		
<b>Approval:</b> Brent Wahlquist <i>Brent Wahlquist</i>		<b>Title:</b> Director
<b>CHANGE NOTICE-RESCISSION</b>		

1. **Purpose.** The purpose of this Change Notice is to rescind Directive INE-40-1, Individual Civil Penalty Assessment. Directive INE-40-1 was issued to change Directive INE-40, Individual Civil Penalty Assessment, in order to modify the existing reporting requirements to comport with a Settlement Agreement between Save Our Cumberland Mountains, Inc. (SOCM), et al, and the Secretary of the Interior, et al. Specifically, Section 5, "Reporting Requirements" of INE-40 was amended to produce a report that specified the name of every individual against whom OSM has assessed an Individual Civil Penalty (ICP), pursuant to Section 518(f) of the Act, the amount of the penalty, the current status of the penalty, and the name of all individuals whom OSM has determined are ineligible for assessment of an ICP.

2. **Summary of Changes.** On May 22, 1992, a Federal Court decision vacated the above-referenced SOCM Settlement Agreement. As a result, the terms and conditions specified in the agreement are no longer applicable. Therefore, Directive INE-40-1 is obsolete and is rescinded. Directive INE-40, as originally issued, is now in effect.

3. **Effects on Other Documents.** This rescission notice applies to all previous editions of Directive INE-40-1.

4. **Effective Date.** Upon issuance

5. **Distribution.** By electronic format

**Contact:** Appalachian Region, Knoxville Field Office