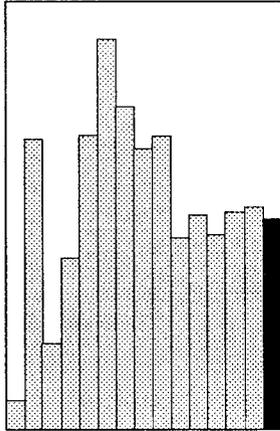


4. REGULATORY ENFORCEMENT

REGULATORY DEVELOPMENT



Final Rulemaking Actions 1978-92

rulemaking activities.

SMCRA charges OSM with the responsibility for publishing rules and regulations as necessary to carry out the purposes of the Act. OSM's permanent regulatory program, and related rules provide the fundamental mechanism for assuring that the goals of SMCRA are achieved. One of OSM's major objectives is to establish a stable regulatory program by improving the regulatory development process and obtaining a broad spectrum of viewpoints on

The 1992 rulemaking process included discussions with representatives of the coal industry, environmental groups, and the state regulatory authorities to obtain their input and suggestions. OSM also completed a review of its existing regulations in compliance with the President's January 28, 1992, memorandum on "Reducing the Burden of Government Regulations." During 1992 OSM published two proposed permanent program rules in the *Federal Register*: AML Reauthorization on November 8, 1991, and the removal of Parts 718 and 720 on August 11, 1992. Two final permanent program rules were published. The final rule *Federal Register* notices published during this period represent a 50 percent decrease over the final rules published during 1991. Table 4 describes final regulations published in the *Federal Register* during

1992. Each regulation is identified with the *Federal Register* citation that gives the volume and page number, effective date, Code of Federal Regulations (CFR) number, and date of publication. The reduction in the volume of OSM's rule-making activity resulted from the moratorium on new regulations announced by the President on January 28, 1992, which was in effect for the remainder of the year.

SIGNIFICANT COURT DECISIONS

During 1992, the federal courts rendered a number of significant decisions relating to SMCRA. These cases are described in Table 5.

STATE PROGRAM AMENDMENTS

The federal regulations governing permanent regulatory programs were initially promulgated in 1979. The regulations were completely revised in 1981-83 to allow states and operators greater flexibility in the means by which they achieve compliance with SMCRA. In response to extensive litigation and agency policy, these rules have been further revised, beginning in 1985 and continuing to the present. In 1992 OSM published 76 proposed (including 17 reopenings) and 57 final state program amendments in the *Federal Register*.

States have the right to propose to amend their programs at any time for an appropriate reason. In addition, whenever SMCRA or its implementing regulations are revised, OSM is required to notify the states of the changes needed to ensure that state programs remain consistent with federal requirements. This is known as a "Part 732 notification."

**TABLE 4
FINAL RULES PUBLISHED DURING 1992**

Areas Unsuitable for Mining; Special Categories of Mining; Surface Mining Activities; Underground Mining Activities

56 FR 65612 1/16/92 (30 CFR Parts 761, 780, 784, 785, 816, and 817) Published 12/17/91

This rule amends OSM program regulation in five general subject areas: (1) Definition of no significant recreational, timber, economic, or other values incompatible with surface coal mining; (2) AOC variances; (3) disposal of excess spoil; (4) coal mine waste; and (5) contemporaneous reclamation/backfilling and grading

Bond and Insurance Requirements

56 FR 59992 12/26/91 (30 CFR Part 800) Published 11/26/91

This rule amends OSM program regulations by requiring an operator requesting the release of all or part of a performance bond to certify that reclamation has been completed in accordance with the approved reclamation plan.

TABLE 5 1992 SIGNIFICANT COURT DECISIONS

APPLICANT/VIOLATOR SYSTEM (AVS) ISSUES

SOCM v. Lujan, No. 90-5374 (D.C. Cir.) (industry challenge to settlement agreement).

On May 22, 1992, a three-judge panel of the Court of Appeals for the District of Columbia rendered a unanimous decision in this case, vacating the September 1990 order of the district court that had approved the parties' January 1990 settlement agreement, and remanding the case to the district court with instructions to dismiss the action. The court held that citizen suits under section 520 of SMCRA can only be brought in the district in which the mining operations complained of are located.

Pittston Co. v. Lujan, No. 91-6-A (W.D. Va.), appeal pending, No. 92-1606 (4th Cir.).

On February 24, 1992, the district court entered an expanded preliminary injunction in this challenge to OSM's finding that plaintiffs' ownership and/or control of violator companies provided a basis for blocking permits to plaintiffs. That order enjoined OSM from directly or indirectly requiring plaintiffs to abate violations of their owned or controlled entities, regardless of the location of the violations, until the Government gives defendants a due process hearing on whether plaintiffs themselves have violated any laws. On May 12, 1992, the district court dismissed the complaint for lack of jurisdiction, but issued a stay that extends the expanded preliminary injunction pending appeal. Plaintiffs appealed to the Fourth Circuit. The Fourth Circuit denied the Government's motion to dissolve the stay. Briefing and oral argument have been completed. On October 20, 1992, the Fourth Circuit issued an order staying further proceedings in this case until a final order is issued in National Wildlife Fed'n v. Lujan, Nos. 88-3464, etc. (D.D.C.) (consolidated), the challenge to OSM's ownership and control regulations pending in the D.C. district court.

RULE CHALLENGES

Indiana Coal Council, Inc. v. Lujan, Nos. 91-5397, 91-5405 (D.D.C.) (consolidated), appeal pending, Nos. 91-5397, 91-5405 (D.C. Cir.) (historic properties rule challenge).

On October 7, 1991, the district court concluded that State permitting decisions in primacy States are Federal undertakings within the meaning of the NHPA. The court thus held that OSM must apply its historic property regulations to the States' permitting actions in order to comply with its NHPA responsibilities. The Government appealed this decision. On October 29, however, the President signed the omnibus water bill, which, among other things, amends the NHPA's definition of "undertaking" to include programs subject to State or local regulation and administered pursuant to a delegation or approval by a Federal agency. The bill is therefore expected to render this appeal moot.

National Wildlife Fed'n v. Lujan, No. 90-5352 (D.C. Cir.).

On December 10, 1991, the court of appeals reversed the district court's invalidation of the Secretary's termination of jurisdiction regulation. This regulation allows a regulatory authority to terminate its enforcement jurisdiction over a reclaimed surface mining site when, among other circumstances, the regulatory authority releases the performance bond securing the reclamation work of the surface mining operator. Jurisdiction must be reasserted, however, upon a showing that "fraud, collusion, or a misrepresentation of a material fact" accompanied the earlier termination of such jurisdiction. The court held that the Secretary's interpretation of when regulatory jurisdiction may be terminated was permissible. In doing so, it emphasized that the regulation's provision for reassertion of jurisdiction, which adopts an objective standard, adequately addresses concerns raised by the district court and NWF. The court declined to vacate the district court's decision invalidating on the abandoned sites regulation, finding that the district court's decision does not preclude the Secretary from adopting a new rulemaking, as suggested in the Government's brief.

ATTORNEY'S FEES

Save Our Cumberland Mountains, Inc. v. Lujan, Nos. 91-5399, 91-5400 (D.C. Cir.)

On October 6, 1992, the Court of Appeals for the District of Columbia vacated the order of the district court awarding plaintiffs \$823,686 in attorney fees and expenses. The case was remanded to the district court for reconsideration in light of the court of appeals' jurisdictional ruling in SOCM v. Lujan, 963 F.2d 1541 (D.C. Cir. 1992). The court stated that it "express[ed] no opinion as to the continuing availability of a fee award in this case, or of restitution of fees already paid," leaving those issues to be addressed by the district court on remand. The Government had argued that both a July 1991 interim fee award and the October 1991 final award in the case should be vacated, and that plaintiffs should be required to refund to the Government the \$400,853 they had been paid under the interim award.

The result has been the submission of a large number of complex amendments from the states. OSM has taken several steps to process these submissions more efficiently. For example, the amendment review process within OSM has been decentralized, and format and content guidelines for state program amendment submittal have been issued to the states. Also, steps have been taken to assure that states' schedules for rulemaking in response to Part 732 notification are reasonable to accomplish timely state program revisions.

STATE REGULATORY PROGRAMS

Since May 3, 1978, all surface coal mining operations have been required to be permitted by the states and to comply with OSM regulations. Currently there are 24 primacy states that administer and enforce programs for regulating surface coal mining and reclamation under SMCRA. In addition, during 1992, three states had federal programs where OSM regulated surface coal mining and reclamation. Table 6 summarizes state program statistics during the period from July 1, 1991, through June 30, 1992. (OSM's annual statistics on state and federal regulatory programs are compiled on a July-June cycle.)

**TABLE 6
STATE PROGRAM STATISTICS
1992 (July 1, 1991 - June 30, 1992)**

Alabama Alaska Arkansas Colorado Illinois Indiana Iowa Kansas Kentucky Louisiana Maryland Missouri

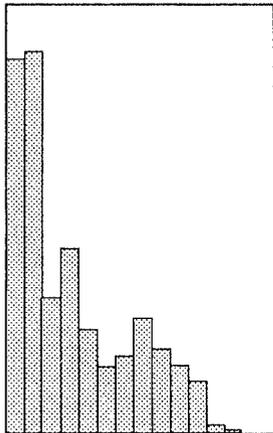
State Staffing (FTE's 6/30/92)	Alabama	Alaska	Arkansas	Colorado	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maryland	Missouri
Regulatory Program	36	4.75	8.05	20.3	79	73	4.75	4.85	523	4	12.7	14.5
AML Program	32	1	5	12.9	36	22	4.55	4.4	51	2	2.4	13.4
Permits												
New Permits Issued	47	0	2	1	10	12	0	1	150	0	1	3
Inspections												
Inspectable Units (6/30/92)	317	2	40	59	113	499	32	29	4,246	2	101	100
Complete Inspections	3,318	6	155	224	148	1,504	112	121	16,052	8	813	291
Partial Inspections	594	18	207	338	1,076	3,621	200	244	23,225	16	898	607
Citations Issued												
Notices of Violations (Actions)	366	4	14	37	67	182	28	6	1,775	4	88	21
Failure-to-Abate Cessation Orders	95	0	0	0	0	14	0	0	333	0	3	5
Imminent Harm Cessation Orders	0	0	0	0	0	0	0	0	23	0	0	0
Bonds												
Forfeitures	0	0	0	0	0	0	0	0	1	0	0	9
Abandoned Mine Lands												
Acreage Reclaimed	180.41	1	105	47.3	561	203.1	47	48.1	990.5	0	48	56

TABLE 6 Continued
STATE PROGRAM STATISTICS
1992 (July 1, 1991 - June 30, 1992)

	Montana	New Mexico	North Dakota	Ohio	Oklahoma	Pennsylvania	Texas	Utah	Virginia	West Virginia	Wyoming
State Staffing (FTE's 6/30/92)											
Regulatory Program	20.9	15	9.7	106.81	42.35	310	47	21.5	99	130	29.81
AML Program	6.5	7	5.8	43.7	5	142	17	8.75	18	60.6	11
Permits											
New Permits Issued	0	0	4	112	9	166	1	0	48	127	0
Inspections											
Inspectable Units (6/30/92)	20	14	45	918	147	3,350	30	32	953	3,401	41
Complete Inspections	72	55	197	3,494	916	12,091	139	137	4,053	1,932	187
Partial Inspections	144	114	641	5,781	1,008	9,999	335	214	4,458	1,585	369
Citations Issued											
Notices of Violations (Actions)	11	16	2	596	90	2,356	23	71	460	2,944	17
Failure-to-Abate Cessation Orders	2	1	0	117	15	118	0	3	23	371	1
Imminent Harm Cessation Orders	1	0	0	20	1	1	3	2	15	29	0
Bonds											
Forfeitures	0	0	0	43	0	16	0	0	27	122	0
Abandoned Mine Lands											
Acreage Reclaimed	166	0	264	184	48	897	163	24.6	60.5	528.4	2,477

GRANTS TO STATES

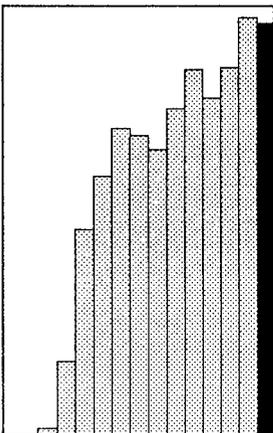
PROGRAM DEVELOPMENT GRANTS



Program Development Grants 1978-92

Section 201 of SMCRA authorizes OSM to assist the state regulatory authorities in developing or revising surface mining regulatory programs. In 1992 no program development grants were awarded.

REGULATORY GRANTS



Permanent Program Regulatory Grants 1978-92

Section 705 of SMCRA authorizes OSM to provide grants to states with approved regulatory programs in amounts not exceeding 50 percent of annual state program costs.

In addition, when a state elects to administer an approved program on federal lands through a cooperative agreement, the state becomes eligible for financial assistance of up to 100 percent of the amount the federal government would have expended in regulating coal mining on those lands.

Table 7 shows grant amounts provided to states during 1992 to administer and enforce regulatory programs.

FEDERAL PROGRAMS FOR STATES

Section 504(a) of SMCRA requires OSM to regulate surface coal mining and reclamation activities on non-federal and non-Indian lands in the state if:

- the state's proposal for a permanent program is not approved by the Secretary;
- the state does not submit its own permanent regulatory program; or
- the state does not implement, enforce, or maintain its approved state program.

Although OSM encourages and supports state primacy in the regulation of surface coal mining and reclamation

operations, certain states with coal reserves elected not to submit or maintain regulatory programs. Thus, these states became federal program states, with surface coal mining and reclamation operations regulated by OSM. Full federal programs are in effect in eleven states: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. Of the federal program states, only California, Tennessee, and Washington have active coal mining. Table 8 summarizes OSM's regulatory actions in those three states during 1992.

FEDERAL OVERSIGHT OF STATE REGULATORY PROGRAMS

SMCRA Section 517(a) states that OSM shall make such inspections as are necessary to evaluate the administration of approved state programs. In meeting this requirement, OSM reviews permits, conducts oversight inspections of mine sites, and undertakes oversight review on topics of concern in the 24 states with approved primacy programs. Oversight inspections are conducted on a random-sample basis and in response to citizen complaints. If OSM has reason to believe a violation of the state program exists, OSM must notify the state (except in the case of imminent danger to the public or the environment, in which case OSM must immediately inspect the site and issue a cessation order when a state has not taken appropriate action). OSM notifies the state of a possible violation by issuing a "Ten-Day Notice." Once notified of a possible violation, the state then has 10 days in which to take appropriation action to cause the violation to be corrected, or to show good cause for not doing so. In the relatively few instances where OSM determines that a state has not taken appropriate action or shown good cause, a federal inspection is conducted, and, if a violation is found to exist, a federal Notice of Violation or a Cessation Order is issued.

Since 1989, changes have been implemented in the manner in which OSM conducts oversight of state programs. These changes include revised requirements for the field office director's report on each state program, an emphasis on oversight tailored to specific areas under each state program (based on perceived need or to follow up on prior problems), and the use of action plans developed jointly between field office directors and states to resolve problems when they occur. Field offices are also required to ensure that data needed to assess state progress in monitoring on-the-ground conditions are included in their annual reports. Table 9 summarizes OSM's oversight inspection and enforcement activities during 1992.

**TABLE 7
REGULATORY GRANT FUNDING
1992 OBLIGATIONS**

State	Federal Lands	Non-Federal Lands (Federal Share)	Total Federal Funding*
Alabama	\$19,422	\$1,024,471	1,089,483
Alaska	0	206,985	206,985
Arkansas	0	160,512	160,512
Colorado	906,650	237,467	1,138,117
Illinois	91,500	1,951,761	2,077,965
Indiana	0	2,054,118	2,078,328
Iowa	0	135,000	135,000
Kansas	0	106,046	106,046
Kentucky	0	12,807,887	13,422,892
Louisiana	0	192,725	192,725
Maryland	0	462,208	517,336
Mississippi	0	58,169	58,769
Missouri	0	324,931	324,931
Montana	620,081	243,169	863,250
New Mexico	259,984	344,290	604,274
North Dakota	278,655	163,559	442,214
Ohio	0	3,009,767	3,091,707
Oklahoma	22,066	909,385	931,451
Pennsylvania	0	9,942,065	10,124,334
Texas	0	1,130,910	1,130,910
Utah	1,335,766	271,386	1,607,152
Virginia	5,885	2,953,103	3,115,006
West Virginia	0	4,712,761	5,224,696
Wyoming	1,312,601	264,459	1,577,060
Crow Tribe	0	0	0
Hopi Tribe	0	0	0
Navajo Tribe	0	0	0
Total	\$116,807	\$38,976,910	\$50,221,144

* Included obligation for AVS, TIPS, Kentucky Settlement, and other Title V cooperative agreements.

REGULATION OF SURFACE MINING ON FEDERAL AND INDIAN LANDS

FEDERAL LANDS PROGRAMS

Section 523(a) of SMCRA requires the Secretary of the Interior to establish and implement a federal regulatory program applicable to all surface coal mining and reclamation operations taking place on federal lands. OSM promulgated the current federal lands program on February 16, 1983.

The federal lands program is important because the federal government owns significant coal reserves, primarily in the West. The development of these reserves is governed by the Federal Coal Management Program of the U.S. Department of the Interior's Bureau of Land Management. Of the 234 billion tons of identified coal reserves in the western U.S., 60 percent is federally owned.

Through cooperative agreements, the administration of most surface coal mining requirements for the federal lands program may be delegated by the Secretary to

states with approved regulatory programs. By the end of 1992, the Secretary had entered into such cooperative agreements with Alabama, Colorado, Illinois, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Virginia, West Virginia, and Wyoming.

Under SMCRA, once the Secretary and the state have signed a cooperative agreement, the state regulatory authority assumes permitting, inspection, and enforcement responsibilities for surface coal mining activities on federal lands in that state. OSM maintains an oversight function to ensure that the regulatory authority fully exercises its delegated responsibility under the cooperative agreement. In states without cooperative agreements, the required permitting, inspection, and enforcement activities under SMCRA are carried out by OSM. During 1992, 15 permitting actions were completed by OSM on federal lands in Kentucky.

For all states with leased federal coal, OSM prepares Mining Plan Decision Documents required by the Mineral Leasing Act, as amended, and documentation for other non-delegable authorities for approval by the Secretary. During 1992, 10 mining plan actions were prepared and approved for mines on federal land.

**TABLE 8
FEDERAL REGULATORY PROGRAMS
STATE WITH ACTIVE MINING
1992 (July 1, 1991 - June 30, 1992)**

	Tennessee	Washington	California
Permits			
Existing and New Permit Applications	51	3	3
New Permits Issued	6	0	0
Permit Revisions and Renewals Issued	208	21	3
Permits Suspended or Revoked	5	0	0
Total Acres Permitted	1,831	14,834	26
Inspections			
Inspectable Units	577	4	4
Complete Inspections	2,374	14	15
Partial Inspections	4,421	24	30
Citations Issued			
Notices of Violations	266	0	2
Failure-to-Abate Cessation Orders	46	0	0
Imminent Harm Cessation Orders	4	0	1
Bonds*			
Final Bonds Released	13	0	0
Forfeitures Initiated	15	0	0
Bonds Collected	8	0	0
Default Sites Reclaimed	3	0	0
Designation of Lands Unsuitable for Mining			
Petitions Received	0	0	0
Acres Designated Unsuitable	0	0	0

*Permanent Program Sites only.

INDIAN LANDS PROGRAM

Pursuant to Section 710 of SMCRA, OSM regulates coal mining and reclamation on Indian lands. In the Southwest, mines on the Navajo and Hopi reservations and a portion of a coal haul road on the Ute Mountain Ute reservation are permitted under the permanent Indian lands program. In addition, OSM, in cooperation with the Bureau of Indian Affairs (BIA) and the Navajo Nation, is overseeing the final reclamation of three mines on the Navajo reservation regulated under the interim program.

On the Crow Ceded Area in Montana, OSM and the Montana Department of State Lands continue to administer applicable surface mining requirements pursuant to a Memorandum of Understanding that includes both permitting and inspection functions. Table 10 provides statistics on regulatory activities on Indian lands during 1992.

HEARINGS AND APPEALS

SMCRA requires the Secretary of the Interior to provide administrative review of OSM actions, including the opportunity for hearings governed by the Administrative Procedure Act. The Secretary has delegated this administrative review function to the Department's Office of Hearings and Appeals (OHA), which is not part of OSM but which handles all the administrative review responsibilities of the Department of the Interior.

OHA consists of a Hearings Division -- staffed by administrative law judges who hold hearings under the Administrative Procedure Act -- and several appeals boards established to review appeals arising from decisions of certain program bureaus within the Department of the Interior. The appellate functions of the Secretary under SMCRA have been delegated to the Interior Board of Land Appeals (IBLA). Under SMCRA, a person adversely

TABLE 9
FEDERAL OVERSIGHT OF STATE PROGRAMS
1992 (July 1, 1991 - June 30, 1992)

State	Number of OSM Inspections		Violations Cited in OSM Enforcement Actions	
	Random	Other	NOV's*	CO's**
Alabama	162	34	0	0
Alaska	3	0	0	0
Arkansas	15	11	0	0
Colorado	20	7	0	0
Illinois	56	45	0	0
Indiana	158	39	1	0
Iowa	12	0	0	0
Kansas	13	5	0	1
Kentucky	430	1,197	0	0
Louisiana	1	4	0	0
Maryland	56	34	1	0
Missouri	33	7	0	0
Montana	9	8	0	0
New Mexico	7	2	1	0
North Dakota	25	0	0	0
Ohio	267	56	1	1
Oklahoma	71	81	1	2
Pennsylvania	348	416	7	0
Texas	14	1	0	0
Utah	16	3	4	0
Virginia	275	88	4	1
West Virginia	343	662	10	8
Wyoming	18	7	3	0

*Notices of Violation.

**Imminent Harm or Failure-to-Abate Cessation Orders.

affected by a written decision of the Director of OSM, or by a delegate of the Director, may appeal directly to IBLA if the decision specifically grants the right to appeal. Administrative review under SMCRA presented the administrative law judges and IBLA with a variety of issues for resolution. In 1992, IBLA issued decisions in 23 SMCRA cases.

PENNSYLVANIA ANTHRACITE REGULATORY PROGRAM

Section 529 of SMCRA provides an exemption from federal performance standards for anthracite coal mining operations, provided the state law governing these operations was in effect on August 3, 1977. Pennsylvania is the only state with an established regulatory program qualifying for the exemption, and thus regulates anthracite mining independent of SMCRA permanent program standards.

The Pennsylvania anthracite coal region is located in the northeast quarter of the state and covers approximately 3,300 square miles. More than 20 different coal beds vary in thickness from a few inches to 50 or 60 feet. The anthracite region is characterized by steeply pitching seams, some with dips steeper than 60 degrees. Such strata require highly specialized mining techniques and present unique challenges to ensure that highwalls are eliminated and the area is restored to productive post-mining land use. The long history of mining in the anthracite region has produced a legacy of abandoned mine land problems. However, because most current mining operations affect previously disturbed land, a large percentage of abandoned mine land is eventually restored to productive use.

In 1992 Pennsylvania anthracite mining produced 4.8 million tons, approximately 7.0 percent of Pennsylvania's annual coal production. The Pennsylvania anthracite program covers 439 inspectable units permitting over 102,000 acres, and includes 113 underground mines, 252 surface mines, 20 preparation plants, and 54 combination operations. Production of anthracite coal continues to reflect the increased mining of anthracite culm banks to fuel the eight cogeneration plants in the region. Anthracite operators mined approximately 2.0 million tons from culm banks, 2.4 million tons from strip mines, and 0.4 million tons from underground mines in 1992.

Pennsylvania's Department of Environmental Resources continues to carry out the provisions of the anthracite program successfully. Only 16 interim permits remain in the anthracite region. The hiring and training of a full complement of inspectors has effectively eliminated a staffing shortfall that previously affected attainment of mandated inspection requirements. One area emphasized in the anthracite program over the past year has been enhanced consistency in enforcement, accomplished through additional training and increased supervisory monitoring and review of violation citation activity.

EXCELLENCE IN SURFACE COAL MINING AND RECLAMATION AWARDS PROGRAM

To give well-earned public recognition to the people responsible for the nation's most outstanding achievement in environmentally sound Title V mining and land reclamation, OSM initiated the annual awards program in 1986. Since then, 56 awards for exemplary performance

**TABLE 10
REGULATORY ACTIVITIES ON INDIAN LANDS
1992**

	Number
Indian Lands in Arizona and New Mexico	
Total Permits	8
Total Acres Permitted	94,635
Permitting Actions	43
Inspectable units (All lands)	10
Total Inspections (Partial and Complete)	91
Enforcement Actions (Notice of Violations issued)	0
Indian Lands in Montana	
Total Permits	1
Total Acres Permitted	3,250
Permitting Actions	0
Inspectable Units (All lands)	1
Total Inspections (Partial and Complete)	16
Enforcement Actions (Notice of Violations issued)	0

under SMCRA have been presented. The 1991 awards, presented by Deputy Secretary Frank Bracken and OSM Director Harry Snyder at the American Mining Congress's Coal Convention 1992 in Cincinnati, Ohio, were::

THE DIRECTOR'S AWARD

- The Central Ohio Coal Company and its parent companies, Ohio Power and American Electric Power, for exemplary reclamation resulting in recreation as a post-mining land use at its Muskingham Mine, near Cumberland, Ohio.

EXCELLENCE IN SURFACE COAL MINING AND RECLAMATION AWARDS

- The Aluminum Company of America (ALCOA), for reclamation which resulted in new pasture lands and wildlife habitat at ALCOA's Sandow Mine, near Austin, Texas.
- Boich Mining Company, for exemplary re-mining and reclamation of the 850-acre Betsy Mine, near Bloomingdale, Ohio. Boich created a recreation area for hunting and fishing.
- Coal-Mac, Inc., and its contract operator, the Rifle Coal Company, for innovative re-mining and reclamation at a mine site near Debord, Kentucky. Rifle Coal reclaimed the mountainous terrain at the site into a series of terraces, eliminating the flat-top landscape typical of a mountaintop removal operation.
- Drummond Company for its Morris Mines near Morris, Alabama. Outstanding reclamation by Drummond resulted in the right-of-way for a section of Interstate 65, an airport for a remote-control model airplane club, rerouting and improving county roads, and enriching the soil with municipal sludge.
- Foertsch Construction Company, for outstanding reclamation at the Little Sandy Mine, near Montgomery, Indiana. Foertsch restored more than 99 percent of the mine site to prime farmland conditions even though regulations did not require so high a level of reclamation.
- KEM Coal Company, a subsidiary of Acecoal, for its reclamation at the Shop Hollow Mine, near Hazard, Kentucky. KEM reclaimed the 600-acre mountain-top removal operation and constructed a regional airport, including a 3,500-foot runway and a terminal building.
- Patriot Mining Company, for exemplary reclamation and drainage control at its mine near Steyer, Maryland.

- R & F Coal Company, a subsidiary of Shell Mining, for reclaiming the abandoned Phillips Mine area, near Barnesville, Ohio. R & F turned the site into productive agricultural land and natural wildlife habitat.

- Savitski Brothers Coal Sales, the first anthracite operator to win an OSM reclamation award, for exemplary reclamation by a small coal mine operator.

- Solar Sources, Inc., for exemplary reclamation of pre-existing abandoned mine problems at its Elberfeld and Perry Mines, near Lynnville and Petersburg, Indiana.

Nominations for the 1992 award program were due November 30, 1992, and winners will be selected in the spring of 1993. Information materials, which have been distributed to encourage participation in the program and communicate reclamation information to mining companies throughout the U.S., included a video program describing winning reclamation, a flyer, and journal articles illustrating specific attributes of the winning reclamation projects.