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	U· S· DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** RECLAMATION AND ENFORCEMENT **DIRECTIVES SYSTEM**	Subject Number: CAA-3-1 Transmittal Number: 634 Date: SEP 11 1990

Subject: Abandoned Mine Land (AML) Fee Collection Procedures

Approval: Jennifer Salisbury | Title: Deputy assistant Secretary LLM

The Abandoned Mine Land (AML) Fee Collection Procedures are changed to reflect a new procedure regarding Solicitor referrals. The new procedure requires the Solicitor's office to return a signed receipt. In addition, page 9-11, paragraph 9.3.3 is changed to remove the requirement for Branch Chief's signature. Replacement pages are attached, with asterisks (*) indicating changed paragraphs.

CHANGE NOTICE

* The first page is a cover memorandum referring the case to the appropriate Field Office Solicitor. This memorandum must include the following language, "Please acknowledge receipt of this referral by signing and dating in the space provided below and returning a copy to me." (See Exhibit 7-1)

The second page sets forth essential information concerning the debtor.

The third page is a detailed listing of the amount owed.

The fourth page contains a statement of the case and should describe:

a. the source of the tonnage figures (whether OSM-1 reports, operator audit, third-party audit, mine survey, secondary source such as other agency records, etc.);

b. past collection efforts and their results;

c. any special problems with the case; and,

d. any defense or objections the operator has raised (e.g., operator-contractor issues, two-acre exemption, 16 2/3 exemption, etc.).

7.4.2 Debtor Information Requirements

The debtor information listed in Section 7.4.2.1 is required for Solicitor referrals. This information can be obtained from the appropriate Secretary of State Office, Tax Office, and/or OSM Field Office.

7.4.2.1 Company Information

(1) Company's current status;

(2) Date of incorporation;

(3) Date of Revocation of Articles of Incorporation;

(4) Names of Corporate Officers and Company's current address; and,

(5) Name of Resident Agent and address.

7.4.2.3 Documentation of Claim

Attached to the referral package must be copies of any documents needed to substantiate the claim; e.g., OSM-1 report, audit report, site survey, ADP print-out or other schedule showing the application of any partial payments. If the operator has raised some defense or objection to the claim, any additional documents needed to evaluate and respond to the defense should be provided; e.g., copies of correspondence between the operator and OSM, copies of leases or contracts, records of telephone conversations, MSHA legal identity forms, etc.

7.5 TRANSMITTAL OF THE REFERRAL PACKAGE

The steps for transmitting a referral package are:

(1) Submit the referral package through appropriate channels to the Chief, Branch of AML Collections, for signature.

* (2) After signature, pull a suspense copy of the transmittal memo and keep in suspense file.

* (3) Transmit the referral package to the Field Office, Office of the Solicitor having responsibility for the State where the mine operation for the referred company is located.

* (4) As the signed receipts are returned from the Solicitor's Offices, match with the suspense copy.

* (5) Make a copy of the returned receipt and provide to the appropriate Section Chief to update the AML and Audit Delinquent Debt Tracking Systems with the date received by the Solicitor.

* (6) Once the signed receipt is received, all coding sheets must be completed, and the information entered on the AML data system and the AML Delinquent Debt Tracking System. A copy of the coding sheet is to be filed in the appropriate case file.

* (7) File a copy of the signed receipt in the appropriate case file.

7.6 SOLICITOR ACTION AND FOLLOW-UP

Upon completion of an investigation, the Field Office Solicitor determines which of the following actions should be pursued:

1. Judgement
2. Payment Agreement
3. Settlement Agreement
4. Bankruptcy Validity
5. Termination of Collection Activity

* The Field Office Solicitor prepares a coding sheet to reflect the final decision on the case and informs the Branch of AML Collections of the decision. All Solicitor coding sheets are sent to the Branch of AML Collections for approval.

Cases referred to the Solicitor's Office are reviewed by the responsible Collection Specialist for necessary follow-up action every 6 months.

Form 121-B has two sections, one to change the bill status and one to terminate an amount owed.

9.3.2.1 Required Fields - Bill Payment/Account Status Changes

The required fields for input of Bill Payment/Account Status Changes are:

Company
Mine ID
Sequence
Type
Year/Quarter
Applicable account status

Account Status Codes
01 - Actively Being Pursued - Bill Sent
02 - Approved Installment Plan - Bill Sent
03 - Approved Installment Plan - Bill Not Sent
04 - Referred to Solicitor
05 - Referred to Collection Agency
06 - Forwarded to Department of Justice (DOJ)
07 - Bill Issued in Error
08 - Bill Paid in Full
09 - Debt in Bankruptcy Court

The Bill Payment and Account Status Change portion of Form 121-B is also used for referrals to a collection contractor or the Solicitor. For either type of referral, enter information on the line provided in the following fields: Company, Mine ID, Sequence and Type. Check Status Change type (04) Solicitor or (05) Collection Contractor on the Account Status Change line.

* NOTE: Referrals to the Solicitor will not be coded until the signed receipt is received. (See Chapter 7, Section 7.5.)

9.3.3 Tonnage Amendments, Tonnage Money Transfers, Mine Status Changes Coding Form OSM 121-C

* Form 121-C is divided into three separate sections to report tonnage, money, and mine status changes.

9.3.3.1 Tonnage Amendments/Corrections

This portion of Form 121-C is completed when an operator/permittee submits an amended "Coal Production and Reclamation Fee Report" (Form OSM-1) because of an error in tonnage and/or fees reported on the original Form OSM-1.

Amendments to Form OSM-1 fall into four major categories:

(1) Change in tonnage reported and fees due.

(2) Redistribution to multiple mines of the original tonnage decreases in total tonnage reported or dollars received.

(3) Redistribution to multiple mines of the original tonnage and payment received, with net increase/decrease in total tonnage reported and fees due.

(4) Change in fee per ton reported.

The top (A) portion of Form 121-C is used to code these changes. Enter the new information as follows:

Amended Tonnage from Audit:	Enter a check mark if new tonnage figure is from auditor's report.
Tonnage Coding Correction:	Enter a check mark if new tonnage figure is from mine operator letter.