



U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

DIRECTIVES SYSTEM

Subject Code:
INE-42

Transmittal Number:
951

Date:
OCT 8 2008

Subject: Verification of Federal Permittee Ownership and Control Information After Site Disturbance

Approval: Brent Wahlquist

Title: Director

CHANGE NOTICE-RESCISSION

- Purpose.** The purpose of this Change Notice is to rescind Directive INE-42, Verification of Federal Permittee Ownership and Control Information After Site Disturbance. The Directive was based upon a Settlement Agreement between Save Our Cumberland Mountains, Inc. (SOCM), et al., and the Secretary of the Interior, et al. Directive INE-42 addressed Office of Surface Mining Reclamation and Enforcement guidance, procedures, and responsibilities concerning reviews of ownership and control information in application and permit information that would be conducted two months after the initial site disturbance on a permit and annually thereafter, or whenever there was reason to believe that a change in the ownership or control of a permittee or operator had occurred.
- 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 As a result, the terms and conditions specified in the agreement are no longer applicable. In addition, Directive INE-42 relies upon a regulatory scheme that has been significantly revised as a result of additional litigation and new rulemaking. New rules, promulgated subsequent to the issuance of Directive INE-42, have modified key definitions and concepts upon which this directive was based. Furthermore, the revised regulations do not include provisions for the verification of ownership and control information within two months of an initial site disturbance or thereafter on an annual basis. Therefore, Directive INE-42 is inconsistent with the current regulatory scheme of the Federal program and is rescinded.
- Effects on Other Documents.** This rescission notice applies to all editions of Directive INE-42.
- Effective Date.** Upon issuance
- Distribution.** By electronic format

Contact: Appalachian Region, Applicant/Violator System Office