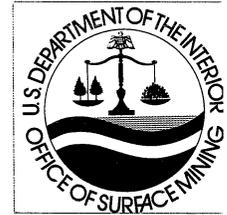


# *Applicant/Violator System Office System Advisory Memorandum*



**SAM # 8**    **DATE: February 4, 2013**

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**Subject: JURISDICTION for DECIDING CHALLENGES to OWNERSHIP or CONTROL LISTINGS and FINDINGS**

This System Advisory Memorandum provides guidance concerning jurisdiction for challenges to ownership or control listings in the Applicant/Violator System (AVS) and regulatory findings of ownership or control. This SAM replaces previous SAM # 8, "Jurisdiction for Deciding Challenges to Ownership or Control Listings and Findings" dated October 22, 2009.

## **Jurisdiction Responsible for Deciding Challenges**

Challengers with a pending application must challenge an ownership and control listing or finding in writing before the regulatory authority with jurisdiction over the application. If the Challenger has pending applications in more than one jurisdiction, the Challenger must challenge the listing or finding in writing in each jurisdiction where there is a pending application.

Challengers who are not seeking a permit should submit their challenge of ownership or control in writing to the regulatory authority with jurisdiction over the subject surface coal mining operation.

In accordance with 30 CFR 773.28, the regulatory authority shall review and investigate the challenge and issue a decision in writing within 60 days of receipt of the challenge. The decision will include a determination regarding ownership or control of the relevant mine permit for the specified time period.

Decisions made under this section shall be entered into the AVS, in accordance with 30 CFR 773.28(d). For further information regarding the challenge process including jurisdictional explanations, please see 30 CFR 773.25 through 30 CFR 773.28.

**Assistance in Making Decisions**

Under our current regulations, States may no longer defer the subsequent decision related to findings of control to the AVS Office. However, the AVS Office is equipped to offer investigative assistance to State regulatory authorities. States desiring assistance in developing and analyzing evidence concerning challenges may contact us at any time. If you have questions regarding jurisdiction in challenges to ownership or control listings and findings, please contact your User Assistance Liaison at 1.800.643.9748. If you wish to request investigative assistance, please contact Stephanie Varvell, Program Support Team Leader, AVS Office.

**Signed:**   

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**Debra J. Feheley, Chief**  
**Applicant/Violator System Office**