

Applicant/Violator System Office System Advisory Memorandum



SAM # 8 DATE: July 21, 2016

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 February 4, 2013.

Jurisdiction Responsible for Deciding Challenges

If the challenge concerns a pending application the written explanation of the basis of the challenge must be sent to the Regulatory Authority with authority over the pending application.

All other Ownership and Control Challenges must be submitted in the 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

Regulatory authorities may not defer the subsequent decision related to findings of control to the AVS Office. However, the AVS Office is equipped to offer investigative assistance to regulatory authorities. Regulatory authorities 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 the AVS Office Chief.

Signed: Stephanie L. Varvell
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