



COALEX STATE INQUIRY REPORT - 179

June 1991

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TOPIC: INSPECTABLE UNITS LIST (IUL)

INQUIRY: Please locate any OSM Directives which describe when an inspectable unit may be removed from the IUL. In particular, can we remove a site from the IUL if the bond has been forfeited and surety is bankrupt?

SEARCH RESULTS: Using the COALEX Library in LEXIS, three OSM Directives were identified which discuss "inspectable units". The relevant portions of the Directives are quoted below. Copies of the complete Directives are attached.

1. OSM DIRECTIVE: Subject No. INE-29, Transmittal No. 365, Subject: "Inspectable Units Inventory" (Issued: August 25, 1987).

Procedures

"(3) inspectable units shall be removed from the IUL when jurisdiction under the regulatory program is terminated, such as after final bond release, after the bond has been forfeited and collected, or after an alternative enforcement case is closed under the applicable regulatory program."

2. OSM DIRECTIVE: Subject No. INE-20, Transmittal No. 395, Subject: "Random Sample Oversight Inspections" (Issued: November 6, 1987).

Definitions: Random Sampling Inspectable Unit.

"Random sampling inspectable units do not include the following types of operations: 1) coal exploration, 2) final bond release, 3) permitted but not commenced, 4) abandoned or in the process of bond forfeiture, and 5) unpermitted (wildcat)."

3. OSM TEMPORARY DIRECTIVE: Subject No. 88-6, Transmittal No. 442, Subject: "Fiscal Year 1988 Procedures or the Evaluation of State Regulatory Programs" (Issued: May 6, 1988).



Procedures for Table 3

"When tabulating inspectable units in this table, include only those inspectable units on State, Federal or Indian lands for which the State has an inspection obligation. All abandoned and bond forfeiture sites should also be included (except where the bond has been collected). For the purposes of Tables 3 and 5, bond forfeiture sites are those for which the regulatory authority is in the process of forfeiting the bond and should include any sites for which the regulatory authority would have completed the forfeiture process but could not because the bond monies are unavailable due to surety insolvency. In accordance with INE-29, bond forfeiture sites should remain on the inspectable unit list until the regulatory authority has collected the bond."

Also see the following (attached) documents which discuss inspection of abandoned mine sites:

NATIONAL WILDLIFE FEDERATION et al. v LUJAN, No. 88-3345, (D DC August 30, 1990).

56 FR 25036 (JUNE 3, 1991). Notice of suspension.

ATTACHMENTS

- A. OSM DIRECTIVE: Subject No. INE-29, Transmittal No. 365, Subject: "Inspectable Units Inventory" (Issued: 8/25/87).
- B. OSM DIRECTIVE: Subject No. INE-20, Transmittal No. 395, Subject: "Random Sample Oversight Inspections" (Issued: November 6, 1987).
- C. OSM TEMPORARY DIRECTIVE: Subject No. 88-6, Transmittal No. 442, Subject: "Fiscal Year 1988 Procedures or the Evaluation of State Regulatory Programs" (Issued: May 6, 1988).
- D. NATIONAL WILDLIFE FEDERATION et al. v LUJAN, No. 88-3345, (D DC August 30, 1990).
- E. 56 FR 25036 (JUNE 3, 1991). Notice of suspension.