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

DIRECTIVES SYSTEM

Subject Number: REG-15

Transmittal Number: 696

Date: NOV 21 1991

Subject: Policy and Procedures for Maintaining Confidentiality of Permit Application Information

Approval: [signature] **Title:** Director

1. Purpose. This directive establishes policy and procedures concerning the review and handling of information submitted as a part of an application for an exploration permit, a mining permit, permit revision or permit renewal, or an exemption for coal extraction incidental to the extraction of other minerals and designated as confidential in writing by the applicant that may be protected under the applicable confidentiality provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and its implementing regulations. This directive applies to all Office of Surface Mining Reclamation and Enforcement (OSM) employees processing these applications for operations on Indian lands, Federal lands in non-cooperative agreement States, Federal lands where the State has not been delegated full permitting authority pursuant to a cooperative agreement, and in States where OSM has instituted a Federal program.

2. Summary. This directive includes changes to OSM Directive REG-15 dated June 14, 1989 to clarify policy and procedures and to include confidentiality requirements for applications for exemptions from the requirements of SMCRA for coal extraction incidental to the extraction of other minerals pursuant to 30 CFR Part 702.

3. Definitions.

a. Application. The documents and other information filed with the regulatory authority under 30 CFR Chapter VII for the issuance of permits, revisions, renewals, and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations, for coal exploration, or for exemptions from the requirements of SMCRA for coal extraction incidental to the extraction of other minerals.

b. Confidential Information. In the context of this directive --

(1) For mining permits, revisions, and renewals, confidential information is defined as, and limited to, the information that has been clearly identified as confidential by the applicant and submitted separately from the remainder of the application, and pertains only to the analysis of the chemical and physical properties of the coal to be mined, except

information on components of such coal which are potentially toxic in the environment, or is required under section 508 of SMCRA, but is not on public file pursuant to State law.

(2) For exploration permits, confidential information is defined as, and limited to, information concerning trade secrets or privileged commercial or financial information relating to the competitive rights of the persons intending to conduct coal exploration, that the applicant has requested in writing be kept confidential.

(3) For applications for exemptions from the requirements of SMCRA for coal extraction incidental to the extraction of other minerals, confidential information is defined as and limited to, information concerning trade secrets or privileged commercial or financial information of the persons intending to conduct extraction of other minerals, that the applicant has requested in writing be kept confidential

Description of requested information: _____

I agree to the above terms and conditions and to safely return the requested information as soon as it is no longer needed.

_____
Requesting Official

_____
Requesting Agency

_____
Date