



*General File*  
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## Interstate Mining Compact Commission

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**JUN 20 2008**  
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### EXECUTIVE DIRECTOR

GREGORY E. CONRAD

June 16, 2008

Dear State Representatives:

I am enclosing a CD that contains OSM-related decisions from Interior's Office of Hearings and Appeals (OHA). Included are the results of cases appealed from the Administrative Law Judges (ALJs) to the Appeal Board from June 1978 through January 2008. The material was produced using Microsoft WORD.

[Note: The formal name of the Appeal Board changed its name from the Interior Board of Surface Mining Appeals (IBSMA) to Interior Board of Land Appeals (IBLA) in 1981.]

Each year's decisions are a separate folder. The decisions issued that year are listed alphabetically; each decision is a separate file. Each year has its own Index.

#### CD Table of Contents

1978 IBSMAs

1979 IBSMAs

1980 IBSMAs

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1982 IBLAs

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2007 IBLAs

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INDEX OF IBLA DECISIONS

#### 1988 IBLAs Table of Contents

1988 Index

Alabama By-Products v OSM

Alpine Construction v OSM

Alternate Fuels v OSM

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Coal Energy v OSM (Aug 1988)

Coal Energy v OSM (Nov 1988)

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All of the yearly Indices were merged into one file; the case names were annotated to include the following information:

The State(s) where the issues arose.

*Sections:* SMCRA, CFR and other sections cited in each decision.

*Issues:* The issues litigated (I standardized these as much as I could).

*Cites:* Administrative, State and Federal decisions cited in each decision.

*ALSO SEE:* Lists prior and subsequent related decisions.

**EXAMPLE:**

**BLACKWOOD FUEL CO., INC.;** 2 IBSMA 359 (November 24, 1980) {KY & VA}

Sections: SMCRA Sec. 502(a); 30 CFR 700.11, 710.11, 715.11

Issues: Applicability of State regulations; 2-acre exemption

Cites: James Moore, 1 IBSMA 216 (1979)

Dennis R. Patrick, 1 IBSMA 158 (1979)

ALSO SEE: Blackwood Fuel Co., Inc., 2 IBSMA 233 (September 10, 1980)

Using the "FIND" feature of WORD, The INDEX OF IBLA DECISIONS can be searched in a number of ways:

To FIND other decisions involving the same SMCRA or CFR section:

"701(28)"

"843.11"

To FIND other decisions involving the same issue:

"citizen's complaint"

"appropriate action"

"water quality standards"

To FIND other decisions that cite the same case:

"James Moore"

"1 IBSMA 216"

The INDEX is alphabetical; if there are multiple cases involving the same party, these are listed with the earliest case first. This will enable you to see cases involving the same party that were decided in different calendar years.

**EXAMPLE:**

**DAVID EXCAVATING CO., INC. v. OSM;** 3 IBSMA 163 (May 29, 1981)

Sections: SMCRA Sec. 518(b); 43 CFR 4.1152, 4.1270

Issues: Pre-payment of proposed civil penalty assessment

ALSO SEE: David Excavating Co., Inc., 3 IBSMA 215 (1981)

**DAVID EXCAVATING CO., INC. v. OSM;** 3 IBSMA 215 (July 23, 1981) {IN}

Sections: SMCRA Sec. 521(c); 30 CFR 722.1343 CFR 4.1152, 4.1160 - 4.1171

Issues: Petition for review; pre-payment of proposed civil penalty assessment;  
proper forum for determining constitutionality of SMCRA and its regulations

Cites: Keister Coal Co., 2 IBSMA 59 (1980)

C & K Coal Co., 1 IBSMA 118 (1979)

Badger Coal Co., 2 IBSMA 147 (1980)

Big Delta Minerals, Inc. 2 IBSMA 32 (1980)

ALSO SEE: David Excavating Co., Inc., 3 IBSMA 163 (1981)

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**DAVID EXCAVATING CO., INC. v. OSM; 4 IBSMA 2 (January 20, 1982)**

Sections: 43 CFR 4.1152, 4.1270

Issues: Petition for review denied: pre-payment of proposed civil penalty assessment

Cites: C. & K. Coal Co., 1 IBSMA 118 (1979)

Amanda Coal Co., 2 IBSMA 395 (1980)

This CD will be particularly valuable to your State attorneys. Although the attorneys may have access to these decisions through LexisNexis, Westlaw or BNA, they will not find all of the decisions from 1978-2008 in one place, nor will they find them as well annotated and cross-referenced.

The decisions on the CD were downloaded from the COALEX Library, the publicly available material in LexisNexis relating to SMCRA, which was originally created for OSM and continues to be maintained by OSM funding. Please make as many copies of the CD as are needed.

If you have any questions or comments regarding this material, or need additional CDs, you may contact me directly:

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E-mail: [jzscall@aol.com](mailto:jzscall@aol.com)

Sincerely,

*Joyce Zueben Scall*

COALEX Researcher

Encl.

CC: OSM