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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

March 10, 2005

Honorable Kathleen A. McGinty, Secretary
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17105

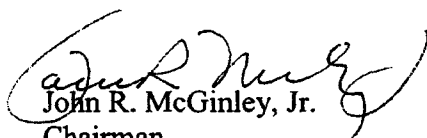
Re: Regulation #7-389 (IRRC #2392)
Coal and Clay Mine Subsidence Insurance Board
Mine Subsidence Fund

Dear Secretary McGinty:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,


John R. McGinley, Jr.
Chairman

Enclosure

cc: Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and Energy Committee
Honorable William F. Adolph, Jr., Majority Chairman, House Environmental Resources and Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources and Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held March 10, 2005

John R. McGinley, Jr., Esq., Chairman
Alvin C. Bush, Vice Chairman
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq., by Phone

Regulation No. 7-389
Coal and Clay Mine Subsidence Insurance Board
Mine Subsidence Fund

On February 25, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Coal and Clay Mine Subsidence Insurance Board (Board). This rulemaking amends 25 Pa. Code Chapter 401. The proposed regulation was published in the March 6, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 4, 2005.

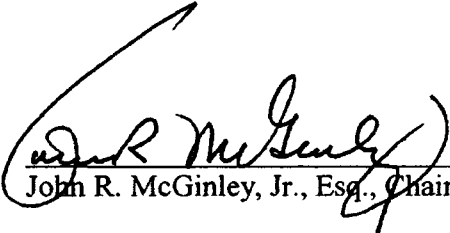
This final-form regulation removes dynamic provisions of an insurance policy, such as coverage limits, premium surcharges and policy durations, from the regulations because those provisions are included in the individual insurance policies. It also adds and amends definitions and revises the effective date of the insurance coverage.

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. § 3219) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.




John R. McGinley, Jr., Esq., Chairman