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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
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May 5, 2004

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:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulation review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director

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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

Comments of the Independent Regulatory Review Commission

on

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

Mine Subsidence Fund

May 5, 2004

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Coal and Clay Mine Subsidence Insurance Board (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on April 5, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 401.13. Coverage limits and premiums for insurance. – Clarity.

The term “agent” is used in this section and other sections of 25 Pa. Code Chapter 401. However, this term is not defined. We understand the term refers to employees of the Department of Environmental Protection working on behalf of the Board. To improve clarity and avoid confusion, the Board should define the term “agent.”

Facsimile Cover Sheet

Kristine M. Shomper
Administrative Officer



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To: Shirley Wright
Agency: Department of Environmental Protection
Phone: 7-2814
Fax: 705-4980
Date: May 5, 2004
Pages: 3

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INDEPENDENT REGULATORY REVIEW COMMISSION
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Comments: We are submitting the Independent Regulatory Review Commission's comments on the Coal and Clay Mine Subsidence Insurance Board's regulation #7-389 (IRRC #2392). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Debra L. Taylor Date: 5/5/04

Shirley is no longer with the Secretary's Office.