

TO: James F. Stephens, Chief, Surface Mining and Reclamation Division *JFS*

THROUGH: Ellen Carpenter, Chief, Legal Division *EC*

FROM: Mark Waller, Staff Attorney, Legal Division *MWW*

DATE: September 6, 2005

SUBJECT: Analysis of Proposed Changes for Regulation No. 15 Pursuant to Executive Order 05-04

Pursuant to Executive Order No. 05-04, a determination must be made whether or not the proposed rules will affect small business.

The proposed changes for Regulation No. 15 include the following:

- a. New language in the section (Reg.15.302) that provides information on the requirements for a permit based on part of Act 855 of 2005.
- b. A new section (Reg.15.313) that incorporates some of the language directly from Act 855 of 2005 into the regulation.
- c. Correction of a typographical error from the last revision of the regulation.
- d. Change in the overall format and numbering system to conform to the current Commission regulation format.

The regulation changes in themselves will not directly affect small business. There should be a lowering of permit costs for those surface mining activities that will have general permits developed. The individual mining companies will no longer have any public notice requirements; therefore they will not have to pay for publication of the currently required two (2) public notices.

Since the changes above substantially codify existing state law or only correcting typographical errors or just changing the section numbering system of an existing regulation, this rulemaking should be exempt from the analysis required in Sections 3 through 5 of Executive Order 05-04.