

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 3. NON-COAL RULES OF PRACTICE AND PROCEDURES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

460:3-1-2. Description of organization [REVOKED]

460:3-1-3. Method of operation [AMENDED]

SUMMARY:

Executive Order (EO) 2020-03, issued on February 3, 2020, requires state agencies to identify at least two (2) existing regulatory restrictions, as defined in EO 2020-03, to be revoked whenever they propose one (1) new regulatory restriction through the permanent rulemaking process. Because the agency recently adopted eight restrictions and revoked three obsolete restrictions, the agency determined that it must identify an additional thirteen (13) regulatory restrictions to be revoked. Among the rules proposed to be revoked in accordance with EO 2020-03 are two (2) rules in Chapter 3 of Title 460 of the Oklahoma Administrative Code (OAC). Each rule identified no longer serves its intended purpose.

Section 460:3-1-2 was determined by the agency to be outdated and ineffective because it gives an outdated description of the Department of Mines, and because it does not belong in Chapter 3, which contains rules governing administrative hearings related to non-coal mining activities and permits.

Section 460:3-1-3 will be amended to revoke all but subsections (c) and (h), which will be renumbered as subsections (a) and (b). The remaining subsections were determined by the agency to be outdated and unnecessary because they contain outdated information or are duplicative with other rules and statutory requirements. For example, the requirements of subsections (e) and (f) are duplicative with the requirements found in the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*, which already provides for the public inspection of all agency records described by the rule.

AUTHORITY:

45 O.S. Section 732.

COMMENT PERIOD:

From May 17, 2021 through June 21, 2021, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARING:

Persons, associations, political subdivisions, and state or federal agencies may request a hearing on these proposed rule amendments to Chapter 3 at any time prior to 5:00 p.m. on June 21, 2021. A request for a hearing must be made in writing and must be delivered by hand, through U.S. Mail or other commercial carrier, or by email to the below-listed contact person.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after May 3, 2021.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after May 17, 2021.

CONTACT PERSON:

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