

## Press Release

### For Immediate Release

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### Court Ruling Provides Greater Certainty for Mining

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*National Mining Association (NMA) President & CEO Hal Quinn released the following statement regarding today's denial by the United States District Court for the District of Columbia to remand and vacate the Stream Buffer Zone rule published December 12, 2008:*

Washington, D.C. "The court's denial of the Department of the Interior's (DOI) motion to remand and vacate the Stream Buffer Zone rule provides greater certainty for the tens of thousands of U.S. mining employees who have been subjected to regulatory limbo over the last several months. In determining that the federal government cannot arbitrarily strike down a regulation, the court has preserved an open and transparent regulatory process that provides for notice and protects the rights of all interested parties to comment.

"This is an important ruling. Judge Henry Kennedy clearly stated in the court's opinion and order that, 'Moreover, the NMA has the better argument that granting the Federal defendants' motion would wrongfully permit the Federal defendants to bypass established statutory procedures for repealing an agency rule. The APA [Administrative Procedures Act] requires government agencies to follow certain procedures, including providing for notice and comment, before enacting or amending a rule. . . . An agency must follow the same procedure in order to repeal a rule.'

"NMA believes this decision has application across a broader range of ongoing regulatory activities affecting U.S. businesses, and we are pleased the court has clearly outlined the obligations of government to operate within the scope of duly promulgated regulations and administrative procedures."

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The National Mining Association (NMA) is the voice of the American mining industry in Washington, D.C. Membership includes more than 325 corporations involved in all aspects of coal and solid minerals production including coal, metal and industrial mineral producers, mineral processors, equipment manufacturers, state mining associations, bulk transporters, engineering firms, consultants, financial institutions and other companies that supply goods and services to the mining industry.