

U. S. Department of Labor

Mine Safety and Health Administration
 P O Box 25367
 Denver, Colorado 80225
 Coal Mine Safety and Health
 District 9



October 21, 2003

Mary Ann Wright
 Associate Director, Mining
 State of Utah
 Department of Natural Resources
 Division of Oil, Gas and Mining
 P.O. Box 145801
 Salt Lake City, UT 84114-5801

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RE: Jurisdiction Determination
 Whisky Creek No. 1 Mine, ID No. 42-02315

Dear Ms. Wright:

The Mine Safety and Health Administration (MSHA) has examined the reclamation situation at the Whisky Creek No. 1 Mine, located near Scofield, Carbon County, Utah. William Denning, my Staff Assistant, has spoken with Daron Haddock of your office regarding this matter. It is our understanding that the State of Utah, through your office, has assumed responsibility for the reclamation of this surface mine. This was due to the mine operator's bankruptcy and your "Intent to Forfeit" the reclamation bond. Based on an opinion from the Office of the Solicitor, MSHA has determined that the Occupational Safety and Health Administration through the Occupational Safety and Health Act of 1970 has jurisdiction over this reclamation work.

We appreciate the cooperation of your office in providing us information to make this decision. Please contact me at 303-231-5559 if there are any questions regarding this matter.

Sincerely yours,

Allyn C. Davis

Allyn C. Davis
 District Manager

cc: Gregory J. Baxter, Acting Regional Administrator, USDOL,
 OSHA, P.O. Box 46550, Denver, CO 80201-6550
 Larry Patrick, Administrator, State of Utah, OSHA, Labor
 Commission, P.O. Box 146650, Salt lake City, UT 84114-6650

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