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**CASTLE
GATE
COAL COMPANY**

A Subsidiary of
AMAX Coal Industries, Inc.

CERTIFIED P 078 522 141

May 8, 1989

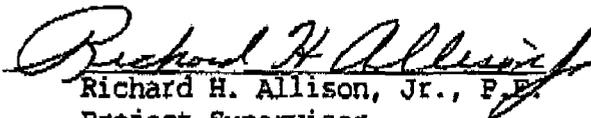
Ms. Dianne Nielson, Director
Division Oil, Gas and Mining
335 West North Temple
III Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Dear Dr. Nielson:

I have just received your letter dated 4 May, 1989, denying Castle Gate Coal Company's request for administratively vacating NOV-89-31-1-2. During the period Castle Gate was waiting for your decision, the notice was abated by cleaning the Sediment Pond 12B and reconstructing the berm around the thickener overflow pond. However, Castle Gate Coal Co. was waiting for your decision before submitting the survey of the sediment pond.

It is the opinion of Castle Gate Coal Co. that the abatement procedure requiring a survey of the pond demonstrating that the sediment volume did not exceed 60% of the designed sediment storage is a question of whether a violation occurred not an issue of abatement. Castle Gate believes that this is an issue for the hearing officer to decide. Therefore, Castle Gate Coal Co. requests an extension of the abatement period for the surveying until the date of the hearing. Castle Gate Coal will submit the survey results to the hearing officer at that time as part of the hearing record.

Sincerely,


Richard H. Allison, Jr., P.E.
Project Supervisor

RHA:dbw

cc: Bob Evans DOGM File
Tom McKenna Chrono
Steve Youngbauer

rha/0508



CASTLE GATE COAL COMPANY
P.O. Box 449
Helper, Utah 84526

TELECOPY TRANSMITTAL

Addressee: Dianne Nielsen
Company: DOGMA
Telephone Number: _____
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From: Rich Allison
Date: 5/8
Time: 3:05 pm

Number of pages including cover page: 2

If you have any problems with the transmission of this telecopy, please contact Larry at (801) 472-8661, Ext. 314.