



United States Department of the Interior  
 OFFICE OF SURFACE MINING  
 Reclamation and Enforcement  
 BROOKS TOWERS  
 1020 15TH STREET  
 DENVER, COLORADO 80202

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AUG 13 1984

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Dianne Nielson, Director  
 Division of Oil, Gas, and Mining  
 4241 State Office Building  
 Salt Lake City, Utah 84114

DIVISION OF OIL  
 GAS & MINING

Dear Dr. Nielson:

The Office of Surface Mining (OSM), Western Technical Center, has received your letter of August 3, 1984, concerning operation and maintenance plan approvals for the "Manshaft area" at Kaiser Steel Corporation's Sunnyside Mine. Both the July 18, 1984, and August 3, 1984, letters concerning the approvals reflect the Division's increasing awareness of the need to support mining regulatory actions on sound interpretation of the Utah regulatory program. I expect to see a continuing development of such supporting interpretation of the Utah program as the basis for each permitting or permit revision decision as your staff becomes more comfortable in the regulatory role. This will contribute to more efficient processing of proposed actions submitted by the coal mining industry in Utah.

Unfortunately, neither letter made mention of the fact that the proposed approval areas are either fully constructed or in the process of construction without written approval. This situation came to light when OSM Inspection and Enforcement staff visited the site and issued a 10-day notice on construction without approval. This appears to render the entire classification issue of the construction activities moot.

The matter has now become an Inspection and Enforcement issue, based upon the issuance of the 10-day notice. There are no apparent provisions in the Utah program to abate violations through the permitting process. Any attempt to do so might conflict with enforcement efforts, and would be outside the scope of the approved program.

Therefore, OSM will not provide a concurrence opinion on the Manshaft area facility construction plan approval until all of the associated enforcement issues have been resolved.

If you have any questions, please contact either Louis Hamm or Walter Swain at (303) 844-3806.

Sincerely,

*Richard E. Dawes*

Allen D. Klein  
 Administrator  
 Western Technical Center

cc: Robert Hagen, OSM - Albuquerque  
 Mary Boucek, DOGM