

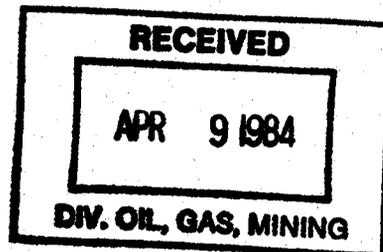
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United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

Mary Boucek
FILE NO. 1007/007 #2
copy to: Steve C.
Mary B.

APR 0 6 1984



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

Dear Dr. Nielson:

The Office of Surface Mining (OSM) Western Technical Center has completed a review of the draft technical analysis (TA) for the Kaiser Steel Corporation Sunnyside mine submitted by the Division on January 31, 1984. As with the previous draft TA's submitted by the Division, the stipulations are worded as remaining deficiencies; therefore, we have confined our remarks to issues which have not been addressed by the stipulations and may not be affected by the applicant's response. OSM is not attempting to conduct an exhaustive review of the TA document. Specific comments are intended to demonstrate OSM's perception of general problem areas. These remarks do not itemize the only points which need to be addressed.

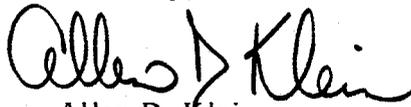
OSM forwarded a copy of the TA on March 23, 1984, to Mary Boucek of the Division, with our comments annotated in the text. Following is a summary of the significant Sunnyside draft TA deficiency issues that the OSM Western Technical Center has identified:

1. Several findings have been made without sufficient data provided in the application and summarized in the TA. A finding cannot be made on a category where related stipulations are intended as deficiencies to which the applicant is expected to respond before the TA is finalized.
2. No mention is made of concurrences from other agencies as required under UMC 761.12. Particularly relevant are concurrences regarding postmining land use (UMC 817.133), coal recovery (UMC 817.59), threatened and endangered species (817.97), and historic places (UMC 784.17).
3. Frequently, details from the permit application are included in the technical analysis without referencing where they can be found in the permit application package. References should cite volume and page number as well as table, figure, or plate numbers where applicable.

4. The draft TA contains conclusionary statements under some Existing Environment and Applicant's Proposal sections. This occurs specifically on pages 24, 29, 32, 33, 46, and 52 of the Sunnyside draft TA. As stated in the OSM review letters concerning the Convulsion Canyon and Gordon Creek TA's, "conclusionary statements and analyses should be included in the Compliance section rather than Applicant's Proposal." When included in the applicant's proposal, it is not clear whether the statement is a result of the Division's analysis or reflects the applicant's position.
5. The Division should clearly state which stipulations must be complied with prior to a permit decision. All permit conditions (stipulations) not intentionally worded as a deficiency must be specific. Many final conditions included in the draft TA are loosely worded with respect to requirements. Conditions should specify time constraints for not only the applicant's submittals but for achieving regulatory approval of the submittals and subsequent compliance in field application. Please note the example condition included in the fourth page of the December 22, 1983, OSM letter to Dianne Nielson, concerning the draft TA for the Convulsion Canyon mine.
6. If the applicant intends to leave certain roads and buildings after site reclamation as stated on pages 43 and 50 of the draft TA, Kaiser Steel Corporation should be reminded of the necessary legal written requests and permission for leaving such structures after mining, as required by UMC 784.15(b) and UMC 817.133(c).

Walter Swain, Senior Project Manager for Utah, and the OSM Project Leaders will continue to work with your staff to minimize confusion as TA documents are developed, and provide any required assistance. If you have any questions, please call Stephen Manger or Walter Swain at (303) 837-3806.

Sincerely,



Allen D. Klein
Administrator
Western Technical Center

cc: Robert Hagen, OSM Albuquerque Field Office
James W. Smith, Jr., DOGM
Mary Boucek, DOGM