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COPY

February 26, 1981

Donald Crane, Regional Director  
Region V, Office of Surface Mining  
1823 Stout Street  
Denver, Colorado 80202

Re: Sage Point-Dugout Canyon  
Mine and Reclamation Plan

Dear Mr. Crane:

In your January 14, 1981 letter, you informed us that certain information marked "confidential" in our SMCRA permit application does not meet the requirements for confidentiality set forth in the Surface Mining Control and Reclamation Act. In response, we would like to point out that all of the information marked "confidential" is of a proprietary nature. Public disclosure of this information could be harmful to any financial negotiations we may take part in regarding the project.

30 CFR 741.19(a)(2) states that "information... which is exempt from disclosure by the Freedom on Information Act (5 U.S.C. 552(b)) shall be held in confidence... according to 43 CFR 2." 43 CFR 2.13(c) states, "The Act (Freedom on Information Act) provides that disclosure is not required of matters that are... trade secrets and commercial or financial information obtained from a person and privileged and confidential."

Accordingly, we feel that the status of most information marked "confidential" in our application comes under 43 CFR 2.13(c) and should not be changed. We agree that the overburden maps should not be considered "confidential" anymore.

By copy of this letter, we are advising Jim Smith of DOGM of this matter. We are trying to work through DOGM and the Interior pursuant to the June 11, 1979 Cooperative Agreement between the State of Utah and the U. S. Department of the Interior. So it would be helpful if further correspondence or discussion on this subject could be coordinated with that agency.

Sincerely,

NICOLAS K. TEMNIKOV  
Regulatory Coordinator

NKT:dmh

bcc: CJParr P-Benzler DWHess  
P-Anderson/CASlaboszewicz  
ATStillo/JADavis

cc: ✓ Jim Smith (DOGM - Salt Lake City)  
RFGoudge (Eureka - Price, Utah)