



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

File
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 NOV 16 1982

November 9, 1982

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 NOV 15 1982

**DIVISION OF
 OIL, GAS & MINING**

Mr. Gerald T. McPhee
 Manager, Permits & Environmental Compliance
 Sunedco Coal Company
 7410 West Mansfield Avenue, Suite 413
 P.O. Box 35B
 Lakewood, CO 80235

Dear Mr. McPhee:

We have reviewed the Sunoco Energy Development Company (Sunedco) request for transfer of the Eureka Company pending mining and reclamation plan application for the Sage Point-Dugout Canyon Mine. The application, as submitted, was determined complete.

The procedures of 30 CFR 788.18 apply to transfer of an approved permit; however, no regulatory system is provided for transfer of an application. We understand your reluctance to reapply due to possible loss of position in the regulatory authority's mine plan review priority system. Therefore, the following will be adequate to accomplish the transfer of the application in mid-review. Sunedco's May 28, 1982 letter and Attachment II of the application for transfer contain most of the information required.

In the cover letter of your May 28, 1982 Application for Transfer of the Pending Eureka Energy mining and reclamation plan, you have stated that "some adjustments in plans may occur as our engineering staff and other departments more thoroughly review the pending application and we evaluate other, as yet unspecified business considerations." We recognize your need for time to complete your design changes, but you should understand that the less we know about the changes, the more difficult and time consuming it will be to process the application. Whereas, early submission of changes, even if only in concept, will enable more efficient review. The conceptual changes would not affect OSM's prioritization but would allow a determination of the significance the changes might make on the Sage Point-Dugout Canyon mine plan application.

We appreciate your concern regarding effects to wildlife resulting from management practices described in BLM's Price River Grazing Management EIS. Your letter in response is all that can be done at this time. If your permit application is approved, the presence of your operation will be a "given" as the BLM carries out its site specific analysis, and as such would be factored into their considerations.

As you requested I am enclosing a copy of the Technical Analysis prepared by the Utah Division of Oil, Gas and Mining for the C & W No. 1 mine plan application.

Sincerely,

Acting For:
Allen D. Klein

Allen D. Klein
Administrator
Western Technical Center

Enclosure

cc: Jim Smith, UDOGM