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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Mine file

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October 3, 1994

VIA FACSIMILE

Ed Kay, Deputy Director
Department of the Interior
Office of Surface Mining
1951 Constitution Ave, N.W.
Washington, D.C. 20240

Re: Ten-Day Notice X94-020-179-200 TV1, Mountain Coal Company, Gordon Creek
3 & 6 Mines, ACT/007/017, Folder #5, Carbon County, Utah

Dear Mr. Kay:

I have been informed that a meeting was held in the Office of Surface Mining's ("OSM") Washington offices on September 29 or 30, and that persons representing Mountain Coal Company, ("MCC") discussed the above-referenced Ten-Day Notice ("TDN") with OSM management. I was told that OSM does not intend to pursue additional action with regard to this TDN until OSM management have visited the site. I understand that this visit is anticipated for late October, 1994.

On this basis, I propose that we put Utah's informal appeal on hold, pending this site visit. I am very interested in preserving Utah's informal appeal rights, but unless I hear differently from you, I will not be submitting the additional information on spoil that was the subject of my September 27 fax.

I feel comfortable in making this proposal since the Phase II bond release inspection that precipitated the TDN, and subsequent inspections by the Division of Oil, Gas and Mining ("DOGM") verify the stability of the reclamation at this site. There is no imminent harm associated with the issues in the TDN, and Utah DOGM will continue to inspect the site at the mandated frequency.

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I believe a site visit to the Gordon Creek 3 & 6 mine site will help resolve the issues raised in the TDN. This visit also will provide an opportunity to give OSM management an overview of some of the active coal mines in the Wasatch Plateau Coal Field. As you formulate plans for this trip, please let me or Jim Carter know what the anticipated dates will be. The Board Oil, Gas and Mining will be holding hearings October 25 and 26, and it would be difficult for Jim or I to break free for the field trip on either of these days.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: P. Bevell, MCC
T. Ehmett, AFO, OSM
EKAY930.