

0008



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

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

September 9, 1994

Mine file

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 714 014

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

Re: Ten-Day Notice X94-020-179-002 TV1, Mountain Coal Company, Gordon Creek #3 & 6 Mines, Folder #5, ACT/007/017, Carbon County, Utah

Dear Mr. Kay:

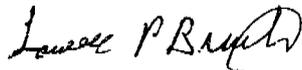
By letter dated August 29, 1994, the Utah Division of Oil, Gas and Mining Director, James Carter, asked for an Informal Review of the above-referenced Ten-Day Notice ("TDN").

While I believe much of the basis for that appeal, including reliance on correspondence from the Office of Surface Mining ("OSM") management's commitment not to revisit sites that have undergone Phase I bond release for oversight issues attendant to highwall elimination and Approximate Original Contour ("AOC"), needs to be considered, conversations with Tom Ehmett of the Albuquerque Field Office ("AFO") on September 7, 1994, have encouraged me to write you requesting Utah be allowed to submit additional information regarding availability of excess spoil at this mine. I have asked two of my staff (one of whom is an experienced mining engineer) to give me an appraisal of reasonably available spoil remaining at Gordon Creek 3 & 6 by the end of next week (September 16). I am requesting you stay review of Utah's Informal Appeal pending acquisition of these field data, and request another week for Utah to assimilate these data and make a finding regarding whether reasonably available spoil exists that might enhance

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Ed Kay, Deputy Director
September 12, 1994

additional reclamation efforts at Gordon Creek 3 & 6. I would propose to fax Utah's conclusions in this regard to your office no later than close of business September 26, 1994.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: T. Ehmett, AFO
J. Carter
D. Haddock
J. Helfrich
W. Malencik

EKAY

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P 540 714 014

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