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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 25, 2011

TO: Internal File

THRU: Steve Christensen, Team Lead *SJC*

FROM: Angela Nance, Business Analyst *AN*

RE: Midterm Permit Review, Wildcat Loadout, Intermountain Power Agency, C/007/0033, Task ID #3931

SUMMARY:

In accordance with R645-303-211, The Division is required to review each active permit during its term. The Division commenced the Midterm Review for the Wildcat Loadout on September 29, 2011. This Technical Memorandum reviews the ownership and control information to ensure that it is current and correct as compared to the information found in the Applicant Violator System (AVS). The findings in this memo are based on a review of the current Mining and Reclamation Plan (MRP).

The Identification of Interests section of the State of Utah R645-Coal Mining Rules will be handled under a separate Division permitting action. Recently submitted Chapter 1 revisions were received by the Division on October 24th, 2011. In order to avoid redundant review/analysis, the Identification of Interests (Ownership and Control) will be reviewed under Task ID #3943.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The Wildcat Loadout Facility was transferred from Andalex Resources, Inc. to Intermountain Power Agency on June 27, 2011. One of the conditions of the permit was to update Chapter 1 of the MRP to reflect the new ownership and control of the loadout.

Findings:

The Operator submitted updated ownership and control information on October 24, 2011 to reflect the officer and director information for Intermountain Power Agency. This information will be sent to AVS to update the federal database. However, the Operator must also submit a Secretary's Certificate indicating the end dates for all of the previous officers and directors.

RECOMMENDATION:

The Operator should submit a Secretary's Certificate with the end dates of the previous officers and directors so that the AVS can be updated to reflect only the officers and directors of Intermountain Power Agency in accordance with **R645-301-112.330**. The Identification of Interests section of the State of Utah R645-Coal Mining Rules will be handled under a separate Division permitting action. Recently submitted Chapter 1 revisions were received by the Division on October 24th, 2011. In order to avoid redundant review/analysis, the Identification of Interests (Ownership and Control) will be reviewed under Task ID #3943.