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Norman H. Bangertter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

Mime File

July 17, 1989

**CERTIFIED RETURN RECEIPT REQUESTED**  
No. P 075 063 248

Mr. Robert H. Hagen, Director  
Albuquerque Field Office  
Office of Surface Mining  
Reclamation and Enforcement  
Suite 310, Silver Square  
625 Silver Avenue, S.W.  
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X89-02-107-4 TV-2, Banning Siding Loadout, Soldier Creek Coal Company,  
ACT/007/034, Folder No. 5, Emery County, Utah

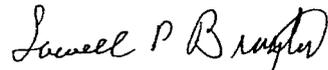
Pursuant to my telephone calls with your staff regarding my response of July 5, 1989 to the above referenced TDN, please be advised that the Division will approve the Incidental Boundary Change for test plots referenced in that letter (on or before July 21, 1989). The materials for this IBC were received from the operator at the Division's Price Field Office on July 3, 1989, and were not available for processing by the Salt Lake Office until after the holiday of July 4th.

Your staff also wanted a commitment to a response date for the interim response portion of my July 5, 1989 letter. I have had three telephone conversations with members of your staff attempting to establish the specific areas adjacent to the permit and/or disturbed area that the "coal fines" portion of No. 2 of 2 referenced. I have also asked for clarification of the Utah regulation that your inspector feels was violated, and clarification of the federal regulations dealing with wind erosion. Tom Ehmett indicated we would be provided with this information. On this basis, I do not feel that I can provide your staff with an interim response date until your staff has responded. For this reason, I can not uphold my verbal commitment made to Steve Rathbun to meet

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a response date of 10 days after our July 13th telephone conversation. I apologize for any inconvenience this causes.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

vb  
cc: T. Paluso, Soldier Creek Coal Co.  
S. Linner  
J. Helfrich  
Price Field Office  
MI69/18-19