



Canyon Fuel Company, LLC
Soldier Canyon Mine
P.O. Box 1029
Wellington, Utah 84542
(435) 637-6360 Fax: (435) 637-0108

January 13, 2005

Ms. Pamela Grubaugh-Littig
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple
Suite 1210
Salt Lake City, UT 84114-5801

RE: Amendment to Address Confidential and Protected Information in M&RP, Canyon Fuel Company, LLC, Banning Loadout, C/007/034

Dear Ms. Grubaugh-Littig:

Enclosed please find four copies of information pertaining to Confidential and Protected Information in M&RP. Only one replacement binder for Banning Loadout has been provided, if you need additional binders please let us know.

Please contact Vicky Miller at (435) 636-2869, if there are any questions concerning this submittal and if you would like assistance with incorporating this information into the M&RP and Confidential Folder.

Sincerely yours,

Vicky S. Miller

Cc:

Dave Spillman (enclosures)
Price Field Office (enclosures)

RECEIVED
JAN 13 2005
DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Canyon Fuel Company, LLC

Mine: Banning Loadout

Permit Number: C/007/034

Title: Submittal to Address Confidential and Protected Information in M&RP

Description, Include reason for application and timing required to implement:

Letter dated December 8, 2004, Mark Mesch, Acting Associate Director, Mining

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?

Explain: _____

- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

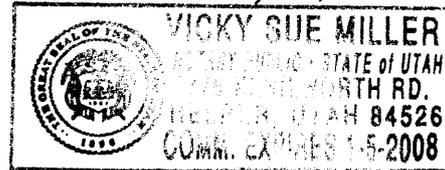
David Spillman
Print Name

David Spillman, Engineering Manager
Sign Name, Position, Date

Subscribed and sworn to before me this 12 day of JANUARY, 2005

Vicky Sue Miller
Notary Public

My commission Expires: 1-5, 2008
Attest: State of UTAH } ss:
County of CARBON



<p>For Office Use Only:</p>	<p>Assigned Tracking Number:</p>	<p>Received by Oil, Gas & Mining</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">RECEIVED</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">JAN 13 2005</p> <p style="text-align: center;">DIV. OF OIL, GAS & MINING</p>
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Banning Loadout
C/007/034

CHAPTER 4

Appendix 4-2
Appendix 4-3
Appendix 4-4

Moved to Confidential Binder - December 2004

Per Letter December 8, 2004, Mark Mesch, Acting Associate Director, Mining
Utah Division of Oil, Gas and Mining



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Oil, Gas & Mining

MARY ANN WRIGHT
Acting Division Director

OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

December 8, 2004

DEC 13 2004

Rick Olsen, General Manager
Canyon Fuel Company, LLC
P.O. Box 1029
Wellington, Utah 84542

Re: Confidential and Protected Information in MRP, Outgoing File

Dear Mr. Olsen:

The requirements for Confidentiality in the Utah Coal Program are outlined in R645-301-124.300. Confidential information is limited to:

- 124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.
- 124.320. Information required under section 40-10-10 of the Act that is authorized by that section to be held confidential and is not on public file pursuant to Utah law and that the applicant has request in writing to be held confidential; and
- 124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P.L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

Additionally, according to the Government Records Access Management Act (GRAMA), the location of "historic, cultural or biological resources" must be "protected". The locations of raptors and threatened and endangered species must be "protected". Personal information is identified as a "private record" according to GRAMA (i.e. ownership information that contains social security numbers).

Therefore, we are requesting that confidential, protected and private information as identified above be removed from the currently approved MRP. A page clearly identifying what information was removed would be inserted into the MRP noting that the archeological information, for example, is in the Confidential MRP for that mine.

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov

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Page 2
Confidential Information in MRP
December 8, 2004

All of the confidential, protected and private information should be organized in the "Confidential" MRP volume (binder) by pages where it would be found in the approved MRP.

Please handle this administrative action by February 1, 2005. If you have any questions, please call Pamela Grubaugh-Littig (801) 538-5268 or Wayne Hedberg (801) 538-5286.

Sincerely,

Mark Mesch
Acting Associate Director, Mining