

0028



Norman H. Bangerter
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

February 25, 1991

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 714 127

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: TDL 91-02-246-1, No. 2 of 2, Hidden Valley Mine, ACT/015/007, Hidden Valley Coal Company, Emery County, Utah

In accordance with the provisions of 30 CFR 842.11(b)(1)(iii)(A), the following constitutes a request for an informal review of OSM's findings dated January 17, 1991, and received by certified mail February 19, 1991, that the Division's response to the above-cited Ten-Day Letter (TDL) was arbitrary and capricious with respect to issue no. 1.

The Division has asked Cal Mat to provide information that the Division believes will resolve the issue raised in the above-referenced TDL. The AFO has found the response to be arbitrary prior to reviewing the data submitted by Cal Mat. This is clearly inappropriate. Secondly, the Division ordered Cal Mat to provide the requisite data by a specific date March 15, 1991. The Division is following the requirements of the program and R614-303-212 (Division authority to order permit changes).

Clearly, the Division believes the reclamation completed at Hidden Valley was conducted appropriately, but that additional information is required to support this position in the permit. I do not intend to take additional action on this alleged violation until the we have reviewed the materials required in the Division Order. Enforcement activity by OSM prior to review of these data could be an abuse of discretion on the

Page 2
Mr. Robert H. Hagen
February 25, 1991

part of the AFO. I ask that no further action be taken on this TDL until the Division has reviewed the requisite materials.

Best regards,

A handwritten signature in cursive script, appearing to read "Dianne".

Dianne R. Nielson
Director

vb
cc: L. Braxton
MI54/18&19

P 540 714 127

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL

(See Reverse)

ROBERT H HAGEN DIR AFO-OSM-R&E	
STE 310 SILVER SQ 625 SILVER AVE SW	
P.O. State and ZIP Code ALBUQUERQUE NM 87102	
Postage	\$ 2.9
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	1.35
TOTAL Postage and Fees	\$ 2.64
Postmark or Date	

DOGM VB TDL 91-02-246-1 ACT/015/007

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: ROBERT H HAGEN DIR ALBUQUERQUE FIELD OFFICE OFFICE OF SURFACE MINING R&E STE 310 SILVER SQ 625 SILVER AVE SW ALBUQUERQUE NM 87102	4. Article Number P 540 714 127
5. Signature - Addressee X	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X <i>James D. Mallard</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery <i>3/19/89</i>	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989

U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

Print Sender's name, address, and ZIP Code in the space below.

NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

TO RETURN

SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
MAR 06 1991
DIVISION OF OIL, GAS & MINING
PENALTY FOR PRIVATE USE, \$300



STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

- If you want this receipt postmarked, stick the gummed strip to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your retail carrier. (no extra charge)
- If you do not want this receipt postmarked, stick the gummed strip to the right of the return address of the article; date, detach and retain the receipt and return the article.
- If you want a return receipt, write the carrier's name and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse top of article: **RETURN RECEIPT REQUESTED**
- If you want delivery restricted to the addressee, print an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
- Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable box(es) in Form 3811.
- Save this receipt and present it to your retail carrier.

U.S.G.P.O. 1989-234-355

U.S.G.P.O. 1989-234-355