



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



March 15, 1991

In Reply Refer To:

cc h. Buxton
T. Mitchell
PRW
D. Drago

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 965 799 368

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Informal Review of Ten-Day Notices 91-02-244-01 and 91-02-244-02,
Cottonwood/Wilberg and Des-Bee-Dove Mines; Utah Power & Light
Company

Dear Dr. Nielson:

The Albuquerque Field Office (AFO) has received the final determination of the results of the Division of Oil, Gas and Mining's (DOGM) appeal of the above-mentioned Ten-Day Notices (TDN) by the Office of Surface Mining Reclamation and Enforcement's (OSM) Deputy Director, W. Hord Tipton. To briefly reiterate that finding of March 5, 1991, the Deputy Director affirmed the finding by AFO of DOGM's failure to take appropriate action on both TDN's. After rendering that decision, the Deputy Director ordered a Federal reinspection of the permits in violation.

It is AFO's understanding that one of those permits, ACT/015/019 for the Cottonwood/Wilberg Mine, has been transferred, in full in accordance with the required regulatory guidelines, to PacifiCorp on February 15, 1991. That being the case, a reinspection of the permit for compliance will no longer be necessary. The matter of an outstanding TDN will be closed with the record showing that the violation no longer exists.

As to the second TDN, No. 91-02-244-02 for the Des-Bee-Dove Mine permit transfer, it is AFO's understanding that the permit transfer is still pending. This being the case, it will be necessary to reinspect the permit. Your office will be given the opportunity to accompany OSM on

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DIVISION OF
OIL GAS & MINING

Dr. Dianne R. Nielson

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the inspection. Notice of that inspection will be forthcoming. At that time, pending the finding that the violation still exists and should your office decline to take enforcement action, Federal enforcement will be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "R. H. Hagen", with a long horizontal flourish extending to the right.

Robert H. Hagen, Director
Albuquerque Field Office