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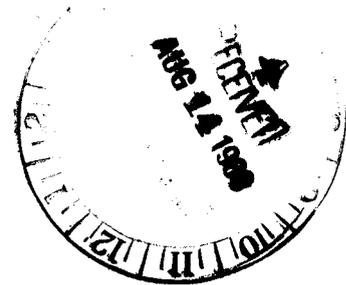
# UTAH POWER & LIGHT COMPANY

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SALT LAKE CITY, UTAH 84110  
801 - 535-4269

August 5, 1980

WILLIAM D. REESE  
ADMINISTRATIVE ASSISTANT

To: Jim  
R  
Route & File  
ACT/015/27  
TAS JWS



Mr. Donald Crane  
Regional Director  
Office of Surface Mining  
Brooks Tower  
1020 - 15th Street  
Denver, CO 80202

Re: Proposed Cottonwood Portal Violation  
(Notice of Violation 80-5-3-11)

Dear Mr. Crane:

I have just had a conversation with Mr. Thomas Ehmett concerning our July 17, 1980, letter to you from Ralph Jerman. In accordance with that conversation, I request that you disregard the July 17 letter entirely and instead consider this letter for your further action. I will repeat much of what was said in that letter, but will include the changes which were discussed with Mr. Ehmett.

On Friday, July 11, 1980, Mr. Jerman, Mr. Dewey and myself met with representatives of your office, the Department of Interior and the Solicitor's office to discuss the above matter. At that time, we advised your representatives that Utah Power did not intend to abandon the project and, in fact as pointed out in our letter requesting withdrawal, has plans to construct a ventilation portal and fan in the near future, and at a later time possibly a bathhouse, at the Cottonwood Portal site. This being so, even though we have cancelled our plans to add an additional portal for the removal and processing of coal. It was explained by Mr. Damrau and other members of your staff that the above violation was issued because of the withdrawal of our application.

We all agreed that rather than withdraw its application submitted in September, 1979, Utah Power would request that the application be modified to allow the construction of the ventilation portal and fan. (If a bathhouse becomes necessary, we will submit a separate application for it at a later date.)

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We explained that plans for these facilities are not yet available except in a conceptual stage. Thus, it was agreed that we would write this letter to request that our original application be filed, subject to modification, based upon detailed plans which will be forwarded to you within ninety from the date hereof.

O.S.M. agreed that following receipt of this letter, the Notice of Violation would be held in abeyance for the ninety-day period and then terminated upon receipt of acceptable modified plans. Our modified application will then be processed in the usual manner.

We had suggested that O.S.M. vacate the Notice of Violation, rather than terminate it, since termination would mean that the Notice of Violation would remain on our record and vacating the notice would wipe the slate clean. Inasmuch as the Notice of Violation came about largely because of procedural errors and inadequate communications, I now request that you consider vacating the Notice of Violation. It is our hope that in the future we can communicate openly so as to seek solutions to such problems as this. In the meantime, we would appreciate your erasing from the record a charge which comes about because of misunderstandings rather than a purposeful violation of your rules.

Utah Power agreed at the meeting that it will proceed immediately, upon your concurrence with the above, to restore the disturbed area in the manner which we verbally outlined; that is, remove large rocks and loose materials from face of slope, clear debris from culvert at base of slope to permit proper drainage, seed and water slope surface as necessary to assure revegetation, cut cross trench if needed to eliminate erosion and test to be sure of soil stability.

Accordingly, we herein initiate the action discussed at that meeting. It is our intention to proceed immediately to prepare a complete modified application, which Mr. Ehmett advises will be treated as a minor modification, that will be forwarded to you within the ninety-day period.

Please let me know as soon as possible whether the foregoing meets with your understanding so that we can proceed as outlined. Thank you for your cooperation.

Very truly yours,

William D. Reese

WDR:p