



United States Department of the Interior  
 OFFICE OF SURFACE MINING  
 Reclamation and Enforcement  
 BROOKS TOWERS  
 1020 15TH STREET  
 DENVER, COLORADO 80202

7/30/80 file copy  
 UP&L  
 Cottonwood

#2

July 25, 1980

Mr. Ralph L. Jerman  
 Utah Power and Light Company  
 P.O. Box 998  
 Salt Lake City, UT 84110

Re: Cottonwood Portal

Dear Mr. Jerman:

We are in receipt of your letter dated July 17, 1980. In response, at the July 11, 1980 meeting, which was attended by Larry Damrau, Murray Smith and myself from OSM, Lyle Rising from the Department of the Interior's Solicitors Office and R. J. Bruning of the Secretary of Interior's Office, Bill Reese, Don Dewey, and yourself from UP&L, OSM agreed to consider your proposal to reinstate UP&L's application submitted in September 1979 and subsequently withdrawn. OSM agreed to extend the original interim abatement date of July 11, 1980 contained in NOV 80-5-3-11 by one week to allow UP&L to submit your letter describing the proposal. However, you indicate in your letter that OSM agreed to vacate the Notice of Violation (80-5-3-11) upon receipt of acceptable modified plans. OSM did not make any such commitment. OSM explained the three things that could take place regarding a NOV, either vacation, termination, and/or modification, but we made no commitment to do any. As I pointed out to Mr. Dewey and Mr. Reese at the meeting, no decision would be made on the NOV until we receive your proposal and Region V's Director, Donald Crane, has a chance to review it.

Since OSM does not agree with this statement in your letter, we have no choice but to let the NOV stand as is and to enforce it accordingly.

If you would like to discuss this matter further, please call me.

Sincerely,

*Thomas E. Ehmett*

Thomas E. Ehmett  
 Acting Assistant Regional Director  
 Division of Inspection & Enforcement