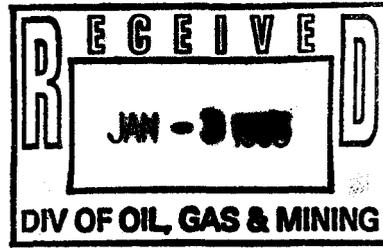


John S. Kirkham (Bar No. 1831)  
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201 South Main, Suite 1100  
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Telephone: (801) 328-3131



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**UNITED STATES DEPARTMENT OF THE INTERIOR  
INTERIOR BOARD OF LAND APPEALS  
OFFICE OF HEARINGS AND APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22203**

PACIFICORP,

Applicant

v.

OFFICE OF SURFACE MINING,  
RECLAMATION & ENFORCEMENT,

Respondent.

NOTICE OF APPEAL

CESSATION ORDER  
NO. 94-020-370-002

HUNTER COAL PREPARATION  
PLANT, EMERY COUNTY,  
UTAH

IBLA No. \_\_\_\_\_

OHA Docket No. DV 94-15-R

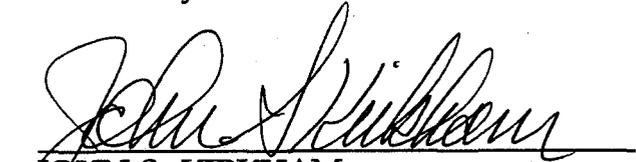
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NOW COMES PacifiCorp as operator of the Hunter Coal Preparation Plant in Emery County, Utah ("Preparation Plant"), who hereby gives Notice of Appeal pursuant to 43 CFR § 4.1271 of the decision by Administrative Law Judge Ramon M. Child in the Office of Hearings and Appeals Docket No. DV 94-15-R dated December 12, 1994 and received by PacifiCorp on December 13, 1994

affirming the Office of Surface Mining, Reclamation and Enforcement ("OSM") Cessation Order No. 94-020-370-002 ("CO") issued to PacifiCorp in connection with its Preparation Plant.

In response to OSM's indication that the CO was effective as of the OHA decision affirming the enforcement action, enforcement of the CO has been stayed pursuant to a preliminary injunction ordered by Judge Dee V. Benson of the United States District Court for the District of Utah until a final decision by the Interior Board of Land Appeals. Judge Benson's Order was recently received and a copy is attached hereto. As a result of the relief granted, PacifiCorp hereby files the Notice of Appeal without a Request for Stay Pending Appeal.

RESPECTFULLY SUBMITTED this 28th day of December, 1994.

  
\_\_\_\_\_  
JOHN S. KIRKHAM  
DAVID J. JORDAN  
STOEL RIVES BOLEY JONES & GREY  
Attorneys for PacifiCorp  
201 South Main Street, Suite 1100  
Salt Lake City, UT 84111-4904

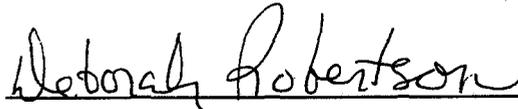
**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of December, 1994, a true and correct copy of the foregoing NOTICE OF APPEAL was mailed by Certified U.S. Mail, return receipt requested, to:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Blvd.  
Arlington, Virginia 22203

Department of the Interior  
Office of Hearings and Appeals  
Hearings Division  
6432 Federal Building  
125 S. State Street  
Salt Lake City, Utah 84138

DeAnn L. Owen, Esq.  
Office of the Field Solicitor  
U.S. Department of the Interior  
Division of Surface Mining, DFC  
P.O. Box 25007, D-105  
Denver, CO 80225-0007

  
\_\_\_\_\_



immediately restrained from enforcing, by sanction or otherwise, the September 15, 1994 Cessation Order. Defendants are also restrained from notifying officers, directors and owners of PacifiCorp and the public of alleged imminent harm to the public safety, health and environment. This injunction shall remain in effect until a decision by the Interior Board of Land Appeals on the merits of PacifiCorp's administrative appeal of Administrative Law Judge Child's decision of December 12, 1994.

DATED this 19th day of December, 1994.

BY THE COURT:



United States District Judge

Approved as to form:



Stephen Roth, AVSA