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Route to L. P. Bruffin
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TAKE PRIDE IN AMERICA
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United States Department of the Interior

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

In Reply Refer To:

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DIVISION OF
OIL, GAS & MINING

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: Ten-Day Notice 88-02-250-1, Crandall Canyon Mine Genwal Coal Company

Dear Dr. Nielson:

On June 28, 1988, the Division of Oil, Gas and Mining (DOGM) approved an amendment to the Crandall Canyon Mine allowing for the temporary (6-month) crushing and screening of coal at a loadout facility located a significant distance from the Crandall Canyon permit area. By February 1989, all of the crushing and screening equipment had been removed and the site returned to an active loadout operated by the Genwal Coal Company.

In September 1988, the Albuquerque Field Office (AFO) issued a Ten-Day Notice (TDN) to DOGM addressing an alleged failure to obtain a valid permit for the crushing and screening operation being conducted at the loadout site. The major area of concern revolved around the Utah regulations at UMC 788.12(d), which require that extensions to an approved permit area, other than incidental boundary changes, must be processed and approved through application for a new permit and shall not be approved as a revision/amendment. DOGM has agreed, in its response to the TDN, that the approval mechanism utilized in this case does not exist within Utah's approved program.

As stated above, the facility has been dismantled, the area has been returned to an active loadout, and the amendment has been terminated.

Dr. Dianne R. Nielson

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Given these facts, AFO believes further pursuit of this issue, using established enforcement procedures, would be futile. AFO, therefore, is withdrawing the TDN. The permitting concerns will be reviewed as a programmatic issue.

If you have any questions concerning this matter, please contact me at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office