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United States Department of the Interior

TAKE PRIDE IN AMERICA

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Applicant/Violator System Office
1300 New Circle Road, NE
Lexington, KY 40505-4215

September 28, 1994

File ACT/007/005 #5
ACT/007/018 #5
ACT/007/034 #5
ACT/041/002 #5
Copy Pam

Pam Grubaugh-Littig
Utah Department of Natural Resources
and Energy
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180

Dear Ms Grubaugh-Littig:

In response to your facimile request of September 15, 1994, we reviewed all the available information concerning Utah Fuel Companys' "rebuttable presumption" language contained in Item 4, and its response, of their letter to your office of August 30, 1994. Upon completion of our review, it is our opinion that all presumed ownership/control relationships should be disclosed in all permit applications regardless of the language in the settlement agreement.

The settlement agreements referred to in the response to Item 4 is an agreement which concerns only the violation issue and does not adress the "presumption of control". Disclosure of any association with a violation through a presumption of ownership/control is required on any/all applications for permits. If a violation has been settled, this will allow for issuance of a permit, but full disclosure of the association is still required.

If the applicant or its owners/controllers wish to rebut the presumption of control concerning the two bond forfeitures in Virginia and the bond forfeiture in Kentucky, they should call or write the following individuals:

Bob Herron
Virginia Department of Mines, Minerals and Energy
Division of Mined Land Reclamation
P.O. Drawer 900
Big Stone Gap, Virginia 24219
(703) 523-8202

Earl Bandy
Office of Surface Mining
Applicant/Violator System Office
1300 New Circle Road, N.E.
Lexington, Kentucky 40505-4215
(606) 233-2796

The Kentucky bond forfeiture violation should be addressed by Mr. Bandy of AVS because the AVS Field Investigations Branch entered the ownership and control information related to the violation into the AVS.

If you have any questions or need further assistance in this matter, please call me at (606) 233-2861.

Sincerely,

Keith Harrison

Keith Harrison
Program Analyst
Program Support Branch