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Environmental Appeals Board

MC-11038

received

July 2, 2010

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To: Clerk of the Board

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From: John Cline

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Date: July 2, 2010

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July 2, 2010

Via Facsimile and U.S. Mail

Eurika Durr, Clerk of the Board
Environmental Appeals Board (1103B)
U. S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

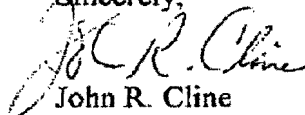
Re: *In re Peabody Western Coal Company*, CAA Appeal No. 10-01;
Petitioner's Intent to File a Motion for Leave to File a Surreply
and a Motion for Leave to File a Response

Dear Ms. Durr:

Earlier today the Board issued an ORDER GRANTING EXTENSION OF TIME FOR NNEPA TO FILE RESPONSE, GRANTING NNEPA'S MOTION TO FILE REPLY TO OPPOSITION TO MOTION FOR VOLUNTARY REMAND AND GRANTING EPA REGION 9'S MOTION TO FILE AMICUS BRIEF in the above-captioned matter. In view of the Board's action today and counter to my letter of June 29, 2010, I write to notify the Board that Peabody Western Coal Company ("Peabody") intends to file a motion seeking leave to file a surreply to the above-referenced Navajo Nation EPA Reply, together with a proposed surreply. Furthermore, in view of the Board's action today, I write to notify the Board that Peabody intends to file a motion seeking leave to respond to the above-referenced *amicus* brief from EPA Region 9, together with a proposed response. All of those pending documents from Peabody will be filed no later than next Friday, July 9, 2010, unless the Board should establish a different date.

Please do not hesitate to contact me at (804) 746-4501 if you have any questions.

Sincerely,


John R. Cline

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing letter regarding Petitioner's Intent to File a Motion for Leave to File a Surreply and a Motion for Leave to File a Response in the matter of *In re Peabody Western Coal Company*, CAA Appeal No. 10-01, was served by United States First Class Mail, postage prepaid, on each of the following persons this 2nd day of July, 2010:

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John R. Cline
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Date: July 2, 2010