

**JOHN R. CLINE, PLLC**  
*ATTORNEY AT LAW*

**FACSIMILE**

To: Clerk of the Board

Fax: 202-233-0121

From: John Cline

Direct: 804 - 746 -4501

Date: June 24, 2010

Total pages including cover sheet: 3

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U.S. E.P.A.**JOHN R. CLINE, PLLC**  
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ENVIR. APPEALS BOARD

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June 24, 2010

Via Facsimile and U.S. MailEurika 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. 20460-0001Re: Petitioner's Intent to File a Response *In re Peabody Western Coal Company*,  
CAA Appeal No. 10-01

Dear Ms. Durr:

On June 11, 2010 Peabody Western Coal Company ("Peabody" or the "Company") filed with the Environmental Appeals Board a Response to the Navajo Nation EPA's Motion for Voluntary Remand and Memorandum in Support of Motion. By letter dated June 16, 2010, counsel for NNEPA advised your office that NNEPA intended to file a motion for leave to reply to Peabody's Response, together with a proposed reply, by June 25, 2010.

The purpose of this letter is to notify the Board that Peabody intends to file a response in opposition to NNEPA's pending motion for leave to reply or, in the alternative, a motion for leave to file a surreply, accompanied by a proposed surreply. The Company will make that submission to the Board no later than ten (10) days from my receipt of NNEPA's pending motion, unless the Board establishes a different deadline. Peabody respectfully requests the Board to defer any decision on NNEPA's Motion for Voluntary Remand until it considers the Company's response to NNEPA's pending motion for leave to reply.

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 Response *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 24<sup>th</sup> day of June, 2010:

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John R. Cline  
Attorney for Petitioner

Date: June 24, 2010