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ENVIR. APPEALS BOARD

To: Clerk of the Board
EPA Environmental Appeals Board

Fax: 202-233-0121

From: John Cline

Direct: 804 - 746 - 4501

Re: *In re Peabody Western Coal Company*
CAA Appeal No. 10-01

Date: June 2, 2010

Total pages including cover sheet: 2

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June 2, 2010

Via Facsimile

Eurika Durr, Clerk of the Board
Environmental Appeals Board
U. S. Environmental Protection Agency
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

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

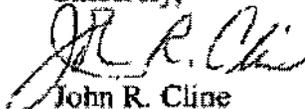
Dear Ms. Durr:

On May 28, 2010, the Navajo Nation Environmental Protection Agency ("NNEPA") filed with the Environmental Appeals Board a MOTION OF THE NAVAJO NATION EPA FOR VOLUNTARY REMAND AND MEMORANDUM IN SUPPORT OF MOTION in the above-referenced matter. The undersigned attorney for Peabody Western Coal Company ("Peabody" or the "Company") received a copy of that Motion today, June 2. The purpose of this letter is to notify the Board that Peabody intends to file a response to the subject Motion.

For permit proceedings under 40 C.F.R. part 70, such as the above-referenced matter, there are no regulatory requirements for filing motions. However, in permit proceedings under 40 C.F.R. part 124, the Board generally requires any response to a motion to be filed within 15 days after service of the motion. Environmental Appeals Board, *Practice Manual*, 38-9 (June 2004). In keeping with that Board practice, Peabody will file its response to the subject Motion on or before June 17, 2010 unless the Board establishes a different deadline for responses to that Motion. Peabody respectfully requests that the Board consider the Company's response before rendering its decision on the subject Motion.

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

Sincerely,


John R. Cline