



JAN GRAHAM
ATTORNEY GENERAL

CAROL CLAWSON
Solicitor General

REED RICHARDS
Chief Deputy Attorney General

PALMER DEPAULIS
Director of Public Policy & Communications

Orig: Muc file
J. Helfrich
S. Denczok
LPB
ACT/007/001
B
5-5-94

May 4, 1994

Denise A. Dragoo
Fabian & Clendenin
215 South State
P.O. Box 510210
Salt Lake City, Utah 84145

Re: White Oak NOV N94-39-2-1 Request for Temporary Relief

Dear Denise:

Based upon our conversation of this date, we have reached the following agreement on behalf of our clients:

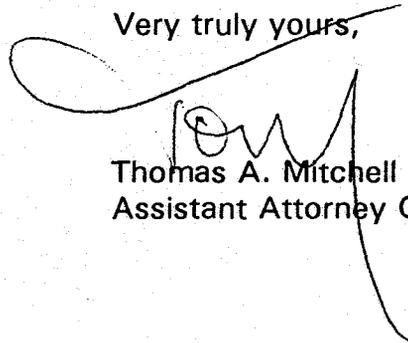
1. The temporary abatement measures contained in the April 28, 1994 letter from White Oak to DOGM are acceptable to the Division and will be incorporated into the Findings, Conclusions and Order in Cause ACT/007/001 dated May 3, 1994 ("May 3, 1994 Findings").
2. The May 3, 1994 Findings will be withdrawn and reissued consistent with paragraph 1 above, as well as incorporating additional changes the Division finds necessary.
3. White Oak will comply with the temporary abatement measures referenced in paragraph 1 above until such time as the May 3, 1994 Findings are revised and superseded.
4. Because the May 3, 1994 Findings are withdrawn, and the temporary abatement measures referenced in paragraph 1 above are agreed to by both parties, there is no bases for the parties to dispute the underlying NOV or request temporary relief from the withdrawn Findings. White

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Oak does not waive its rights to appeal the underlying NOV at such time as the revised Findings are issued.

Based upon our agreement, I have informed the Secretary of the Board that the requested relief is withdrawn. Please contact me immediately concerning any questions or concerns regarding my recitation of our agreement.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tom Mitchell', with a long horizontal flourish extending to the left and a vertical line extending downwards to the right.

Thomas A. Mitchell
Assistant Attorney General

lsj
cc: Jim Carter
Lowell Braxton
Jan Brown
Price Field Office