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October 6, 1993

RECEIVED
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DIVISION OF
OIL, GAS & MINING

Ms. Vickie Bailey
UTAH DIVISION OF OIL, GAS & MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-2303

RE: *Request for Assessment Conference -- NOV 93-40-5-9, 1-9*

Dear Ms. Bailey:

As you are aware, Sunnyside Coal Company ("SCC"), has filed a petition with the Board of Oil, Gas & Mining ("Board") to review the fact of violation of Notice of Violation No. NOV 93-40-5-9, 1-9. This matter is set before the Board on Wednesday, December 1, 1993. In addition, SCC has requested the Division to vacate this NOV. In the event that the Division and Board uphold any or all of these violations, SCC requests an informal conference to review the Division's proposed assessment. SCC received the proposed assessment for NOV 93-40-5-9 on September 20, 1993. It is our understanding that, as a condition to Board review of the fact of violation, SCC will be required to pay the proposed penalty into escrow. Payment of this penalty will be made under protest with the understanding that, if the NOV is not vacated by the Board, the Division will review the amount of the penalty at the assessment conference.

Thank you for your assistance in this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:20810

cc: Robert M. Burnham
Joe Fielder
Gary Gray
James M. Carter, Esq.
Thomas A. Mitchell, Esq.