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December 10, 1993

FILE ACT/007/035
FOLDER #5

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TO CALL WRITER DIRECT

RECEIVED

DEC 10 1993

DIVISION OF
OIL, GAS & MINING

HAND DELIVERED

Joseph C. Helfrich
Assessment Officer
Division of Oil, Gas & Mining
State of Utah
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Sunnyside Cogeneration Associates' Permit No. ACT\007\035
Proposed Assessments for State Violation No. N93-26-3-1, and
and State Violation No. N93-26-4-1

Dear Joe:

Pursuant to your letters and proposed assessments in the matters set forth above, dated November 8, 1993, and November 24, 1993, Sunnyside Cogeneration Associates ("SCA") hereby informally appeals the fact of the above violations and/or the proposed penalty assessments for those violations pursuant to Utah Admin. Code R645-401-700. As you may know, SCA previously requested an informal hearing on these alleged violations by letter dated October 27, 1993, a copy of which is attached hereto and incorporated by reference herein.

SCA states as follows:

SCA has requested that the Office of Surface Mining ("OSM") determine that SCA is not required to pay abandoned mine land ("AML") fees on the waste coal utilized from SCA's permit area. This letter was sent to OSM on November 8, 1993, a copy was previously provided to the Division of Oil, Gas and Mining ("DOGMA"). A copy of the letter to OSM without the exhibits is attached hereto and incorporated by reference herein. OSM has received SCA's request and responded with a letter dated November 26, 1993 stated that OSM is reviewing the matter, a copy of which is attached hereto and incorporated by reference herein.

Joseph C. Helfrich
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SCA does not believe that it should pay AML fees. If OSM agrees with SCA regarding the AML fee issue, violations regarding this issue will be void.

DOGM terminated Violation No. N93-26-3-1 on November 18, 1993, a copy of which is attached hereto and incorporated by reference herein.

Pursuant to the above information, SCA requests an informal conference and/or assessment conference regarding the above issues. Thank you for your cooperation in this regard. If you have any questions, please feel free to contact me.

Very truly yours,

CALLISTER, DUNCAN & NEBEKER



Brian W. Burnett
Attorneys for Sunnyside Cogeneration
Associates

cc: David Pearce
Alane Boyd