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United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
WASHINGTON, D.C. 20240



NOV 26 1993

Mr. Brian W. Burnett
Calister, Duncan & Nebeker
Attorneys at Law
Suite 800, Kennecott Building
Salt Lake City, Utah 84133

Dear Mr. Burnett:

Thank you for your letter of November 8, 1993, to Mr. W. Hord Tipton, in which you requested that the Office of Surface Mining Reclamation and Enforcement (OSM) provide a determination with regard to an exemption for reclamation fee payment on coal mine waste that is contained in the Sunnyside Refuse Pile, Sunnyside, Utah, and used by Sunnyside Cogeneration Associates.

OSM is reviewing your request, together with the supporting documentation you provided. Upon completion of our review, we will notify you of our determination.

Sincerely,

Ed Kay
Acting Deputy Director