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February 7, 1994

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VIA FACSIMILE

Joe Helfrich
Division of Oil, Gas & Mining
2 Triad Center, Suite 350
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Re: Sunnyside Cogeneration Associates ("SCA")
Permit No. ACT/007/035 #5
Notice of Violation No. N93-26-4-1

Dear Joe:

As you know, Notice of Violation No. N93-26-4-1 relating to the payment of Abandoned Mine Land ("AML") fees was issued by the Division of Oil, Gas and Mining ("DOG M") on October 15, 1993 and was extended until Tuesday, February 8, 1994, in accordance with the Utah Admin. Code §R645-400-327.100.

SCA hereby formally requests that the NOV be extended again through April 15, 1994 to allow time for the Office of Surface Mining ("OSM") to determine whether SCA is exempt from payment of AML fees.

I am attaching a letter from Jane T. Gray from OSM to you which states that OSM is reviewing SCA's request for exemption from AML fees and that OSM will not require SCA to report or pay reclamation fees until OSM has ruled on SCA's request. In addition, John Sender from OSM has requested additional information regarding the SCA project, which I will be supplying in the near future. We will keep you informed regarding the progress of this matter.

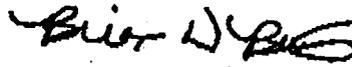
Utah Admin. Code §R645-400-327.100 continues to provide the basis for this extension request because SCA is diligently pursuing approval for the exemption from AML fees, the decision has not or will not be issued within the time frame, and decision is beyond the control of SCA.

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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

BWB/mcm

cc: Lowell Braxton
Pam Grubaugh-Littig
David Pearce
Alane Boyd