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June 21, 1989

TO: Dianne Nielson, Director

FROM: Lowell P. Braxton, Administrator *L P B*

RE: Pattern of Violations Review for the FTA/CO #89-27-2-1, Summit Coal Company, Boyer Mine, Act/043/008, Summit County, Utah

Pursuant to the Patterns of Violation Procedure of May 1, 1986, the following memo addresses step 5, Review of Violations for Unwarranted or Willful Failure to Comply.

On June 16, 1989, Joe Helfrich provided the Associate Director of Mining with a memo substantiating three same or similar violations in a twelve month period, the violations having been finalized (Steps 1-4 of the POV Policy)(attached, dated 6/7/89).

At this time, I believe the history and facts enumerated in the attached memo are sound.

I believe that given 3 same or similar violations in a twelve month period, 2 of which suggest an unwarranted failure to comply, that the potential for a pattern may not exist. Should you support this position, no further action would be required in accordance with the Pattern of Violation Procedure step 5d.

jb
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