



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor

Ted Stewart
 Executive Director

James W. Carter
 Division Director

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January 18, 1996

CERTIFIED RETURN RECEIPT
 P 074 979 430

Mark Wayment
 Mine Manager
 White Oak Mining & Construction Inc.
 Scofield Route
 Helper, Utah 84526

Re: Proposed Assessment for State Violation No. C-95-32-1-2, White Oak Mining & Construction Inc., White Oak Mine, ACT/007/001, Folder #5, Carbon County, Utah

Dear Mr. Wayment:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under **R645-401**.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Henry Sauer on July 26, 1995. Rule R645-401-600 et. Sec., has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of a penalty.

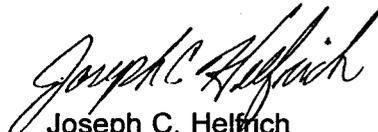
Under **R645-401-700**, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph one, the Assessment Conference will be scheduled immediately following that review.

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If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,


Joseph C. Helfrich
Assessment Officer

mt
Enclosure
cc: James Fulton, OSM
a:007001.wcm

**WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE White Oak Mining & Construction Inc. / White Oak Mine **CO #** C-95-32-1-2

PERMIT # ACT/007/001

VIOLATION 1 OF 2

Nature of the Cessation Order:

Failure to abate Violation N95-32-3-2 / Number 1 of 2

Date of Abatement of Cessation Order: July 26, 1995

Date of Receipt of Cessation Order: July 26, 1995 via fax

List the days of Failure to Abate: July 26, 1995

Number of Days x \$750.00/day = TOTAL ASSESSED FINE: \$750.00

Assessment Date: January 11, 1996

Assessment Officer: Joseph C. Helfrich

Proposed Assessment \$750.00

Final Assessment \$750.00