



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

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

June 4, 1996

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 417

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

Re: Finalized Assessment for State Violations #N95-32-3-2, and
CO95-32-1-2, White Oak Mining and Construction, White Oak
Mine, ACT/007/001, Folder #5, Carbon County, Utah

Dear Mr. Wayment:

The civil penalties for the above-referenced violations have been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalties with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalties must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Joseph C. Helfrich
Assessment Conference Officer

blb
Enclosure
cc: James Fulton, OSM
H:I&E\final

**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE White Oak Mining/ White Oak Mine

NOV # N95-32-3-2

PERMIT# ACT/007/001

VIOLATION 1 OF 2

Assessment Date 06/04/96

Assessment Officer James W. Carter

Date of Termination :08/22/95

Nature of Violation: Failure to comply with the terms and conditions of approved permit.

		<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1)	History/Previous Violations	—	—
(2)	Seriousness		
	(a) Probability of Occurrence	<u>30</u>	<u>30</u>
	Extent of Damage	—	—
	(b) Hindrance to Enforcement	—	—
(3)	Negligence	<u>20</u>	<u>20</u>
(4)	Good Faith	—	—
	Total Points	<u>50</u>	<u>50</u>
	TOTAL ASSESSED FINE		<u>\$1000.00</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Bib
h:i&e/faf

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

COMPANY/MINE White Oak Mining/White Oak Mine CO # 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 1/2

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 6/4/96

Assessment Officer: Joseph C. Helfrich

 Proposed Assessment \$750.00 Final Assessment

blb
H:i&e\cof

orig memo file
NOV

JAN 30 1996

LAW OFFICES OF
VAN COTT, BAGLEY, CORNWALL & MCCARTHY
A PROFESSIONAL CORPORATION
SUITE 1600
50 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84144
TELEPHONE (801) 532-3333
FACSIMILE (801) 534-0058
TELEX 453149

JAN

Direct Dial
(801) 237-0465

DENISE A. DRAGOO

ADDRESS ALL CORRESPONDENCE TO
POST OFFICE BOX 45340
84145-0450

**CONFIRMATION OF
FACSIMILE**

VIA FACSIMILE (801) 359-3940
and
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

January 29, 1996

Ms. Vickie Bailey
UTAH DIVISION OF OIL, GAS & MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

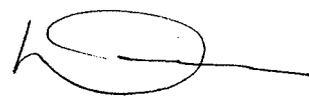
*RE: REQUEST FOR INFORMAL CONFERENCE -- PROPOSED
ASSESSMENT, NOV #95-32-3-2, WHITE OAK MINING &
CONSTRUCTION CO., INC.*

Dear Vickie:

On behalf of White Oak Mining & Construction Co., Inc., we respectfully request an informal conference to review the proposed assessment for NOV #95-32-3-2. If possible, please set this conference in conjunction with the review of CO #C-95-32-1-2.

We appreciate your assistance in this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:95094

cc: Mark Wayment
Steve Tanner