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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 15, 1993

CERTIFIED RETURN RECEIPT REQUESTED
P 879 596 408

Mr. Richard H. Allison, Jr., P.E.
Amax Coal Company, Belle Ayr Mine
2273 Bishop Road
P.O. Box 3005
Gillette, Wyoming 82717-3005

Rich
Dear Mr. Allison:

Re: Finalized Assessment for State Violation #N92-39-7-1, Amax Coal Company, Castle Gate Mine, ACT/007/004, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has 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 penalty 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 penalty 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,

A handwritten signature in cursive script that reads "Ron Daniels".

Ronald W. Daniels
Assessment Conference Officer

jbe

Enclosure

cc: Bernie Freeman, OSM, AFO

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

COMPANY/MINE Amax Coal Company/Castle Gate Mine NOV #N92-39-7-1

PERMIT # ACT/007/004 VIOLATION 1 of 1

Assessment Date 1/14/93 Assessment Officer Ronald W. Daniels

Nature of Violation: Failure to maintain diversions.

Date of Termination: Pending, due to weather constraints.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>6</u>	<u>6</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>12</u>	<u>4</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
Total Points	<u>38</u>	<u>30</u>
TOTAL ASSESSED FINE		<u>\$ 400.00</u>

NARRATIVE:

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

Negligence points are reduced due to an evaluation of the fault of the operator revealing that his fault was less. Plans had been submitted prior to NOV issuance but actual construction could not be carried out without Division approval. Construction is a part of the abatement process.