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*Director*

**STATE OF UTAH**
DEPARTMENT OF NATURAL RESOURCES
**DIVISION OF OIL, GAS, AND MINING**
**1588 West North Temple**
**Salt Lake City, Utah 84116**
**(801) 533-5771**

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September 29, 1981

#0367509
REGISTERED - RETURN RECEIPT REQUESTED

AFI 1007/016

Mr. Dan Guy
Beaver Creek Coal Company
P.O. Box AU
Price, Utah 84501

RE: Assessment Conference Report
and Assessment of Civil Penalty
Violation No. N81-3-7-1

Dear Mr. Guy:

Enclosed please find the Division's Assessment Conference Report concerning violations of the Utah Coal Mining and Reclamation Act, U.C.A., 40-10-1 et seq, at the Gordon Creek #2 Mine, Carbon County, Utah. The civil penalty of $170.00 is hereby assessed by the Board of Oil, Gas and Mining unless you apply for review and public hearing before the Board within 30 days of receipt of this letter and the Assessment Conference Report.

Should you choose not to seek a public hearing concerning this matter, the civil penalty must be paid to the Division within 30 days of receipt of this letter and the Assessment Conference Report.

Please contact the Division if you have any questions or informational needs.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

cc: Inspector
Assessment Officer

Enclosure

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
1588 West North Temple
Salt Lake City, Utah

NOV/CO No. N81-3-7-1

Location of Conference: Salt Lake City, Utah

Date of Conference: September 21, 1981

Company Name/Mine Name: Beaver Creek Coal Company/Gordon Creek #2

| Persons in Attendance | Title |
|---|---|
| Dan Guy, Dave Meyer | Beaver Creek Coal Company |
| Ron Daniels | Division of Oil, Gas and Mining |
| | |

| Violation No. | Amount of Assessment As Revised |
|---|---|
| 1 of 1 | $ 170.00 |
| | |
| | |
| | |
| | |
| | |
| TOTAL | 170.00 |

Approved: [signature] for Date: 9-29-81
(Signature of Conference Officer)
Ronald W. Daniels

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

# ASSESSMENT CONFERENCE REPORT
(continued)

1. **Notice of Violation/Cessation Order No.** N81-3-7-1

**Violation** 1 **of** 1

(a) **Nature of violation:** Failure to divert overland flow.

(b) **Date of termination:** June 18, 1981

| 2. Conference Result | Proposed Assessment | Conference Assessment |
|---|---|---|
| (a) History/Prev. Vio. | - | - |
| (b) Seriousness | | |
| (1) Probability of Occurrence | 12 | 10 |
| Extent of Damage | 16 | 9 |
| (2) Obstr. to Enforcement | - | - |
| (c) Negligence | 15 | 8 |
| (d) Good Faith | - | -10 |
| (e) Acreage | - | - |
| TOTAL | 43 | 17 |

3. **Narrative:**
**(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)**

Good Faith points were awarded for normal compliance. UMWA Strike and miners' vacation at Beaver Creek Coal Company delayed abatement work.