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Norman H. Bangerter
Governor
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Executive Director
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Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

mine f.

February 23, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 654

Mr. David R. Smaldone, Director
Utah Power and Light Company
324 South State Street
P. O. Box 26128
Salt Lake City, Utah 84126-0128

Dear Mr. Smaldone:

Re: Finalized Assessment for State Violation No. N89-20-1-1, ACT/015/018, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. Please note that the NOV has been vacated, therefore no fine has been assessed. 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. Failure to comply with this requirement will result in a waiver of your right of further recourse.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara W. Roberts', written over a large, stylized flourish.

Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/36

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

COMPANY/MINE Utah Power & Light/Deer Creek

NOV # N89-20-1-1

PERMIT # ACT/015/018

VIOLATION 1 OF 1

Assessment Date 2/23/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to operate in accordance with the approved plan.
Conducting mining activities without prior approval from the Division.

Date of Termination: 1/8/90

Vacation Date: 2/23/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>n/a</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>n/a</u>
Extent of Damage	<u>20</u>	<u>n/a</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>15</u>	<u>n/a</u>
(4) Good Faith	<u>- 0</u>	<u>-n/a</u>
TOTAL	<u>55</u>	<u>n/a</u>
TOTAL ASSESSED FINE		<u>\$ - 0 -</u>

3. Narrative:

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

This NOV is vacated because this road is a county-owned public road that OSM determined need not be included within the permit boundary. If, by reason of changed circumstances or modification of law, the Division determines that the subject road should be included within the permit boundary, this should be accomplished through a permitting action rather than through enforcement.