



0050

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

*Please attach
letter to file
Wilberg NOV file
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director*

*and mine files
colatog # 7 and 8
Also to D. Griffin
AFO.*

June 5, 1985

CERTIFIED RETURN RECEIPT REQUESTED
NO. P 402 457 037

Mr. Chris E. Shingleton, Director
Permitting, Compliance and Services
Mining and Exploration
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. *Chris* Shingleton:

Re: NOV N83-5-1-1

Thank you for your letter of May 23, 1985 relative to the above-captioned Notice of Violation (NOV). I have reviewed the chronology of events applicable to this NOV and have made a decision on the course of action available to Utah Power & Light Company.

It appears that both the Division and Utah Power & Light acted in good faith, especially in the early stages of assessing the NOV. The problem, however, lies in the fact that no request for an assessment conference was made after the proposed assessment was computed and sent to your company on January 21, 1983. Utah has no precedent in assigning or accepting assignment of NOV's. It was Utah Power & Light's responsibility to make the initial request for assignment at the assessment conference. I see no avenue, administratively or otherwise, to change the final assessment or grant a "delayed" assessment conference. I am willing to consider your request for a Board review of this NOV, based on our having sent the final assessment to your mine operator's office in Huntington. The final assessment should have been sent to your office in Salt Lake City.

In summary, you may request a Board hearing on this NOV within 15 days of your receipt of this letter and under the conditions set forth in the second paragraph of Mr. Ronald Daniels' letter of March 13, 1985. Naturally, if you choose not to appeal to the Board, the third paragraph of that same letter applies, and the civil penalty must be tendered within 30 days of your receipt of this letter.

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Mr. Chris E. Shingleton
June 5, 1985

Please let me know if I can answer any questions on the status of this NOV. Thank you for your cooperation in this matter.

Best regards,



Dianne R. Nielson
Director

jb
0270Q