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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

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355 West North Temple

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Salt Lake City, Utah 84180-1203

801-538-5340

mine f.

February 13, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 651

Mr. Ken Payne, Manager
Southern Utah Fuel Company
P. O. Box P
Salina, Utah 84654

Dear Mr. Payne:

Re: Finalized Assessment for State Violation No. N89-28-10-1, ACT/041/002, Folder #5, Sevier 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 have escrowed 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, appearing to read 'Barbara W. Roberts'.

Barbara W. Roberts
Assessment Conference Officer

jb

cc: John C. Kathmann, OSM, AFO
MN37/34

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

COMPANY/MINE Southern Utah Fuel Co./Convulsion Canyon NOV #N89-28-10-1

PERMIT #ACT/041/002 VIOLATION 1 OF 1

Assessment Date 2/6/90 Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain required records at the mine site and submit required reports to the Division.

Date of Termination: 12/07/89

| | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-------------------------------|--------------------------------|-----------------------------|
| (1) History/Prev. Violations | <u>0</u> | <u>0</u> |
| (2) Seriousness | | |
| (a) Probability of Occurrence | <u> </u> | <u> </u> |
| Extent of Damage | <u> </u> | <u> </u> |
| (b) Hindrance to Enforcement | <u>8</u> | <u>4</u> |
| (3) Negligence | <u>8</u> | <u>8</u> |
| (4) Good Faith | <u>- 0</u> | <u>- 12</u> |
| TOTAL | <u>16</u> | <u>4</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.)

Hindrance points reduced since the information contained in the missing reports was available at the minesite at the time of inspection, thereby mitigating the hindrance. Good faith points awarded for immediate compliance with an easy abatement situation.