

CONCLUSION OF CONFERENCE

1-17-85

Date

Re: Assessment Conference for:

Bennett Leasing Co (Utah coal and Energy)
O/O Mr James L Christensen, Att.
Suite 770

Salt Lake City, Utah 84101
Violations Nos. 1 of Notice of Violation 84-2-31-1(!)
Violations Nos. _____ of Cessation Order No. _____

This letter formally concludes the conference relating to the above violations.

After reviewing all of the information supplied to me at the conference and all other information available to me concerning the above violations, pursuant to 30 CFR Part 723 I am revising/affirming the assessments for the above-mentioned violation(s), as shown on the attached Assessment Conference Report.

The Assessment Conference Report shows the dollar amount of the civil penalty associated with each violation for which the conference was held and reflects changes, if any, resulting from the conference. It also shows the point values assigned for the proposed assessment and the point values assigned as a result of the conference.

If you wish a formal hearing to contest the revised or affirmed assessment(s), you must submit a petition for review within 15 days after the date you receive this letter to:

Office of Hearings and Appeals
Hearings Division
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

In your petition, you may include a request for a formal hearing on the fact of the violation if you have not previously been granted or denied such a hearing.

Your petition must be accompanied by a check or money order payable to "Assessment Office--OSM" in an amount equal to the total of the revised or affirmed assessment(s) for which you are requesting a hearing. If you fail to submit the check or money order with your petition, or if the check is returned for nonpayment, or if the check or money order is written for an amount less than the proposed assessment(s), you may forfeit your right to a hearing. To assure proper credit for your payment, you must note on your check or money order the violations for which the contested assessments are being made.

The proceeds of your check or money order will be held in escrow and if, after administrative or judicial review, it is found that there was no violation or that the proposed penalty was too high, the balance will be refunded to you with interest at the rate of 6 percent or at the prevailing Department of the Treasury rate, whichever is greater.

If you do not make a timely request for a hearing with respect to a violation, the proposed assessment for that violation will become final and will be due and payable within 30 days from the receipt of this letter. Payments should be made by check or money order payable to "Assessment Office--OSM" and sent to:

Assessment Office
Office of Surface Mining
U.S. Department of the Interior
Washington, D.C. 20240

To assure proper credit of your payment, you must note on the check or money order the violations for which payment is being made.

Please read this letter carefully. If you have a question which is not answered by this letter, you may call me at

~~(816) 374-5431~~
505 760 8079

Sincerely,



Assessment Conference Officer

Enclosure

ASSESSMENT CONFERENCE REPORT

Page 1 of 2

~~FIELD~~ FIELD OFFICE

NOV/CO
xx

84-2-31-1(1)

Type of Conference (check one) in person telephone letter

Date of Conference 12-18-84

Company Name Bennett Leasing Co (Utah Coal and Energy

Persons in Attendance

Title

Frank Atencio

OSM Inspector

WD Oliver

Conf. Officer

James I. christensen

Att. for Bennett Leasing

Amount of Assessment

If you do not request a revision within 30 days of the date of this report, the amount of assessment will become final and will be due 30 days from the receipt of this report. Payment should be made by check or money order payable to "Assessment Office--OSM" and sent to:

Violation No.

As Revised

84-2-31-1(1)

\$ 800.00

\$ 800.00

Approved:

(Signature of Conference Officer)

Date: 1-17-85

If the assessment for the case (entire NOV or CO) is revised by \$500 or more and 25 percent of the proposed assessment or more, it must be approved by the Assessment Office (202/343-3130) prior to concluding the conference.

Sam Bae

(Where approval of Assessment Branch is necessary, identify assessor number and date approved.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. 84-2-31-1(1)

Violation 1 of 1

(a) Nature of violation failure to pass drainage through sed pond

(b) Date of termination Oct 1, 1984

(2) Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio. (30)	<u>0</u>	<u>0</u>
(b) Seriousness (30)		
(1) Probability of Occurrence (15)	<u>14</u>	<u>14</u>
Extent of Damage (15)	<u>8</u>	<u>8</u>
(2) Obstr. to Enforcement (15)		
(c) Negligence (25)	<u>12</u>	<u>6</u>
(d) Good Faith (-10)	<u>0</u>	<u>0</u>
Total	<u>34</u>	<u>28</u>

3. Narrative:

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

Bennett Leasing acquired their interest in the operation through a foreclosure on a stock pledge so their participation in the mining activity is low. For this reason the neg. points were lowered. The Assessment Office is not lowering the points for good faith as the abatement was completed on Oct 1, 1984 and the deadline was Sept. 28th.