

September 7, 2010

Mr. Lynn Keene  
Harold Keene Coal Company.  
P. O. Box 929  
Honaker, Virginia 24260

Certified Mail Return  
Receipt No. 7009 2250 0003 2393 3914

Re: **Assessment Conference Decision** - Penalty Determination of NOV RYH0006991, Permit #1101878

Dear Mr. Keene:

An Assessment Conference (§4VAC25-130-845.18(a) VCSMRR) was held on August 12, 2010, to review the civil penalty determination(s) of NOV# RYH0006991, violation 1 of 1. Based upon the attached opinion James D. Meacham, the **civil penalty determination is affirmed to \$480.00**.

Please be advised that you may request a formal public hearing under §4VAC25-130-845.19(a) of the regulations to contest the penalty determination(s) and the fact of issuance of NOV# RYH0006991, violation 1 of 1. Your written request must be submitted with payment of the civil penalty to this office within 30 days from your receipt of this decision. The penalty payment would be placed in escrow pending final administrative/judicial review.

Regardless of whether you wish to contest the civil penalty determination or fact of issuance of the notice or order, the penalty amount will be due and payable within 30 days from your receipt of this decision. Should a timely appeal result in the vacation or reduction of the penalty, the Division would refund the applicable amount with accrued interest (calculated from date of payment).

Please submit payment of the penalty in the form of cash, money order, or check. A money order or check (company, cashier's, or certified) must be made payable to the "Treasurer of Virginia". To expedite our receipting of the penalty payment, please note the violation and permit numbers with your payment.

Should you have any questions concerning the formal hearing or payment processes, please call me at (276) 523-8271.

Respectfully,

Harve A Mooney  
Legal Services Officer