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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 18, 2010

TO: Internal File

THRU: James D. Smith, Permit Supervisor *JDS 201 Sept 2010*
April Abate, Team Lead *AAA 9-1-2010*

FROM: Angela Nance, Business Analyst *an*

RE: Mid-Term Deficiency Response Review, Hiawatha Coal Company, Inc.,
Hiawatha Mine, C/007/0011, Task #3596

SUMMARY:

On July 21, 2009 the Division commenced the Midterm Review for the Hiawatha Mine. On October 21, 2009, the Division sent a deficiency letter to Hiawatha Coal Company (HCC) regarding the midterm permit review. A response was received from HCC on December 14, 2009 addressing the deficiencies brought forth by the Division. Deficiencies were again sent to HCC on January 25, 2010. On, July 27, 2010, the Division received the latest response. This memo addresses the adequacy of the ownership and control related responses.

The following information was requested to update the Ownership and Control section of the MRP:

R645-301-112.300, The MRP should list a current address and telephone number for the Hiawatha Coal Co. Inc. and Resident Agent, Elliot Finley. • The MRP must include federal identification numbers for each business entity listed: ANR Company Inc. and Hiawatha Coal Company, Inc. (HCCI) and the last four digits of each officer in ANR Company, Inc. and in HCCI. • The application must include a telephone number for ANR Company, Inc. • Current MRP information indicates J.O. Kingston became President and L.A. Miller became Vice President of ANR Company, Inc. on June 30, 1997. However Appendix I-1 contains a document signed by D.O. Kingston as President of the ANR Co. Inc on December 15, 1997. Please verify the start and end dates for D.O. Kingston, President ANR Co., Inc. and the start dates of J.O. Kinston and L.A. Miller. • The application must include notarized, Secretary signature for all changes in corporate officers and their begin and end dates.

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The Permittee provided a current address and telephone number for Hiawatha Coal Company Inc. and for Resident Agent, Elliot Finley. The Permittee also provided the federal identification number for ANR Company, Inc. and Hiawatha Coal Company, Inc. (HCCI).

The following deficiencies still remain:

R645-301-112.300, The MRP must include the last four digits of each officer in ANR Company, Inc. ● The application must include a telephone number for ANR Company, Inc. ● Current MRP information indicates J.O. Kingston became President and L.A. Miller became Vice President of ANR Company, Inc. on June 30, 1997. This information is confirmed with a signed Certificate. However, Appendix I-1 contains a document signed by D.O. Kingston as President of the ANR Co. Inc on December 15, 1997 and the submittal indicates a Begin Date For J.O. Kingston and L.A. Miller of 6/30/1999. Also, AVS shows a Begin Date for J.O. Kingston as 3/21/2002. Please address these discrepancies by verifying the start and end dates for D.O. Kingston, President ANR Co., Inc. and the start dates of J.O. Kinston and L.A. Miller. ●The application must include notarized, Secretary signature for all changes in corporate officers and their begin and end dates, including Lori V. Wright, secretary and treasurer.

RECOMMENDATIONS:

The above-listed discrepancies must be addressed before approval is recommended.