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CONFIRMATION OF
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October 15, 1996

(801) 359-3940

Mr. Joe Helfrich
State of Utah, Department of Natural Resources
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

RE: NOTICE OF VIOLATION NO. N95-39-2-2 -- WELLINGTON
PREPARATION PLANT, ACT/007/012

Dear Joe:

As we have discussed, the Mine Safety and Health Administration ("MSHA") has agreed to reconsider its August 2, 1996 Decision to deny Nevada Electric Investment Company ("NEICO") a variance under 30 C.F.R. § 77.215(h) regarding the Wellington Preparation Plant ("Wellington") refuse pile. MSHA conducted a site inspection of Wellington on October 3, 1996. Steve Dmytriw and Ronald Poletta attended the inspection on behalf of MSHA. Stephen J. Demczak represented the Utah Division of Oil, Gas & Mining (the "Division"), and Greg Poole and Ric Collins attended the inspection on behalf of NEICO. Since the date of the inspection, MSHA has not notified NEICO regarding its decision concerning NEICO's variance request. On behalf of NEICO, we respectfully request an additional thirty days in which to confirm MSHA's position regarding NEICO's request for variance.

In addition, under separate cover, we have notified the Division of NEICO's intent to designate a new operator. NEICO is proposing to meet with the Division to introduce the new operator on Monday, October 21, 1996. The requested extension of time to abate the NOV will enable the Division an opportunity to meet with the new operator who will be responsible for the abatement.

VAN COTT, BAGLEY, CORNWALL & McCARTHY

Mr. Joe Helfrich
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We appreciate your consideration in this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:87672

Enclosure

cc: Mary Ann Wright (via facsimile)
Stephen Demczak (via facsimile)
Richard Hinckley, Esq. (via facsimile)
Dennis Schwehr (via facsimile)
Patrick Collins (via facsimile)

*see 39-2-2
for conf. copies*

VAN COTT, BAGLEY, CORNWALL & McCARTHY

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NAME: Denise A. Drago
CITY/STATE: Salt Lake City, Utah
RE: CONFIRMATION OF REQUEST FOR EXTENSION OF TIME TO ABATE
COMMENT: NOV N95-39-2-2, WELLINGTON PREPARATION PLANT
TOTAL NUMBER OF PAGES: 5 (INCLUDING COVER LETTER)
DATE: October 21, 1996
TIME: 5:30 p.m.

ORIGINAL WILL NOT FOLLOW

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE**PHONE: (801) 532-3333, Ext. 495, Julie McKenzie**

Client Name: NEICO

Client No.: 25904

Matter No.: 55710

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