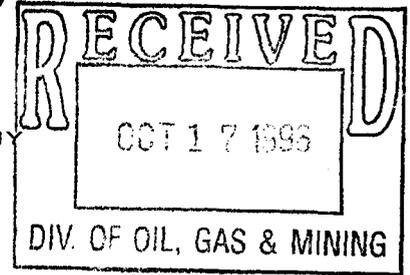


0024

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DENISE A. DRAGOO

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Handwritten notes:
 #2
 FILE: ACT/007/012
 NOV - FILE 95-3992

VIA FACSIMILE & U.S. MAIL

(801) 359-3940

October 15, 1996

**CONFIRMATION OF
FACSIMILE**

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:

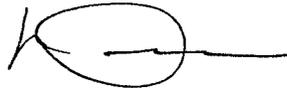
As we have discussed, the Mine Safety and Health Administration ("MSHA") has agreed to reconsider its August 2, 1996 Decision to deny Nevada Electric Investment Company ("NEICO") a variance under 30 C.F.R. § 77.215(h) regarding the Wellington Preparation Plant ("Wellington") refuse pile. MSHA conducted 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.

Mr. Joe Helfrich
October 15, 1996
Page 2

We appreciate your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal line extending to the right.

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)