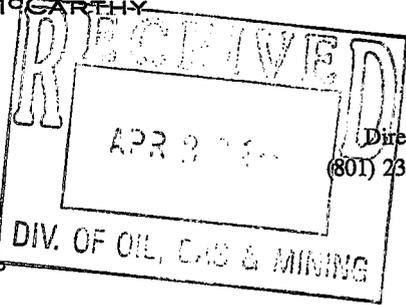


0053

LAW OFFICES OF
 VAN COTT, BAGLEY, CORNWALL & MCGARTHY
 A PROFESSIONAL CORPORATION
 SUITE 1600
 50 SOUTH MAIN STREET
 SALT LAKE CITY, UTAH 84144
 TELEPHONE (801) 532-3333
 FACSIMILE (801) 534-0058
 TELEX 453149

ADDRESS ALL CORRESPONDENCE TO
 POST OFFICE BOX 45340
 84145-0450



Direct Dial
 (801) 237-0465

Orig file
 to: LPB
 JWC
 4/30/96
 BN

DENISE A. DRAGOO

VIA FACSIMILE and CERTIFIED MAIL

April 25, 1996

(801) 359-3940

James Carter, Director
 UTAH DIVISION OF OIL, GAS & MINING
 3 Triad Center, Suite 350
 355 West North Temple
 Salt Lake City, Utah 84180-1203

**RE: NOV 95-39-2-2, WELLINGTON PREPARATION PLANT, PERMIT NO. ACT/007/012,
 REQUEST FOR EXTENSION OF TIME BEYOND NINETY DAYS # 5**

Dear Jim:

On behalf of Nevada Electric Investment Company ("NEICO"), and in accordance with R645-327.100, we request an indefinite extension of time to abate NOV 95-39-2-2 ("NOV"). This NOV requires NEICO to submit MSHA's written approval to allow a slope in excess of 2h:1v at the coarse refuse pile.

Enclosed is a letter dated April 19, 1996, from Stephen W. Dmytriw, Mine Safety & Health Administration ("MSHA"). Mr. Dmytriw indicates that MSHA will not be able to review the Wellington Refuse Pile design submittal until sometime this summer. Accordingly, NEICO seeks an indefinite extension until MSHA has considered its request for a variance in slope design. This request is consistent with R645-327.100 which allows an indefinite extension where the permittee has applied for approval of designs or plans but approval will not issue within ninety days.

Thank you for your consideration of this matter.

Very truly yours,

Denise A. Dragoo

DAD:jmc:87672

Enclosure

cc: Joseph Helfrich
 Stephen J. Demczak
 Richard L. Hinckley, Esq.
 Dennis Schwehr
 Patrick Collins

U.S. Department of Labor

Mine Safety and Health Administration
Pittsburgh Safety & Health Technology Center
P.O. Box 18233
Pittsburgh, PA 15236



April 19, 1996

(Rec'd 4/20/96)

Patrick D. Collins, Ph.D.
Resident Agent/Environmental Consultant
MT NEBO SCIENTIFIC, INC.
330 East 400 South, Suite 6
P.O. Box 337
Springville, Utah 84663

Dear Mr. Collins:

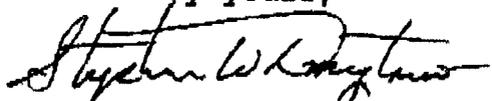
Regarding our telephone conversation of April 19, 1996, I regret to inform you the Wellington Refuse Pile design submittal will not be reviewed until sometime this summer. The Mine Waste and Geotechnical Division - Denver Office's (MWGED - DO) April 1, 1996, monthly backlog report shows there are 31 design submittals (mostly dam designs) in the system. Further examination of the backlog report shows the Wellington Refuse Pile is seeded sixteenth. The report does not show, however, that there are only three engineers currently on staff in the Denver Office to evaluate these plans and that several of the design submittals are quite complicated and will take an extended period to review.

Although the MWGED - DO scope of responsibility regarding mine waste problems has diminished over the past year, the geographic area is still formidable. Currently the Denver Office is charged with evaluating dam designs, or an occasional refuse pile, and issuing a technical report pertaining to the integrity of the structure. An evaluation normally includes, but is not limited, to the examination of design drawings, engineering documentation, subsurface information, laboratory data, and specifications. Some of the more sophisticated analysis include subsidence and liquefaction studies. The geographic area consist of MSHA Coal Mine Safety and Health enforcement Districts 6, 7, 9, and 10. Districts 6, 7, and 10 include all of Kentucky and most of Tennessee whereas District 9 is essentially all coal mine properties west of the Mississippi River.

Regarding your situation, I can happily report that District 7 is currently being transferred to the Pittsburgh Office and that three of the backlog plans are being evaluated. As such, the Wellington plan is only ten slots away from reaching an engineers desk. I have included the April 1996 backlog report for your information.

Please call or write if you have any additional questions regarding this matter.

Cordially yours,



Stephen W. Dmytriw, P.E.
Civil Engineer

enclosures:

cc: K. Wu
K. Howard