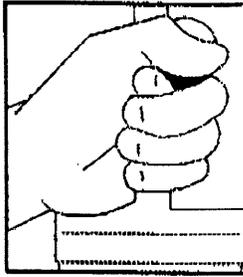


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FAX TRANSMISSION

directly copied to Paul
Copy Paul
ACT/00/012 #5
NOV file

TO: Paul Baker (DOGM) ; Lennis Schwach (NEICO)
FROM: PATRICK COLLINS
DATE: 5/7/99
SUBJECT: NOV. Extension
NO. OF PAGES (including this pg.): 2,



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VIA: FACSIMILE

May 7, 1999

Paul Baker
STATE OF UTAH
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

RE: Request for Abatement Extension of NOV 98-41-5-1
Wellington Plant (ACT/007/012)

Dear Mr. Baker:

The Wellington Preparation Plant received the above-cited NOV for "failure to conduct all mining and reclamation operations only as described in the approved application". The remedial action required to abate the NOV was to: 1) gain approval for the drainage control plan for the coal handling area and fully implement the plan, 2) gain approval for moving the topsoil stockpiles, and 3) prepare and seed areas where the stockpiles were and the expanded stockpile.

Number 3 above has been accomplished. As you know there have been some changes in plans and schedules of the buyer (Andalex Resources). This has caused some delays and the potential for some changes in the course of action (or scheduling) for the post-mining land use change and bond release applications that have been submitted to the Division by NEICO. To date, the amendment to the plan has been somewhat related to abatement of the aforementioned NOV. It is our intention at this time to separate the bond release and post-mining land use amendment from abatement of the NOV. Therefore, *an extension for 30 days* to abate the NOV is hereby requested.

Your patience and consideration continues to be much appreciated.

Sincerely,

Patrick D. Collins, Ph.D.
Resent Agent/Environmental Consultant

cc: Dennis Schwehr (NEICO)