



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

December 14, 1999

Patrick Collins, Resident Agent
Nevada Electric Investment Co.
Mt. Nebo Scientific
P.O. Box 337
Springville, UT 84663

Re: Five-Year Permit Renewal, Wellington Preparation Facility, Nevada Electric Investment Co., ACT/007/012-99PR, Folder #3, Carbon County, Utah

Patrick
Dear Mr. Collins:

The permit renewal for the Wellington Preparation Facility is approved. Enclosed are two (2) copies of the renewed permanent program permit for the Wellington Preparation Facility with two conditions: 1) "This permit is effective December 10, 1999. If any public comments are received between the time of expiration and the extended public comment period (January 24, 2000), those comments will be given appropriate programmatic consideration," and, 2) "NEICO will submit the water quality data to the Division into the required electronic format (EDI) by first quarter 2000."

These permits need to be signed by the designated signatory authority for NEICO. Please return one signed copy to the Division.

If you have any questions, please call me.

Sincerely,

Lowell

Lowell P. Braxton
Director

Sm

Enclosures

cc: James Fulton, OSM, WRCC
Price Field Office

O:\007012.WEL\Permit99RENEWA.WPD

UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT

For
PERMIT RENEWAL

NEICO
Wellington Preparation Facility
ACT/007/012
Carbon County, Utah

December 10, 1999

CONTENTS

- * Administrative Overview
- * Permitting Chronology
- * Findings
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- * Publication Notice
- * AVS Recommendation, memo dated December 8, 1999

ADMINISTRATIVE OVERVIEW

NEICO
Wellington Preparation Facility
Five Year Permit Renewal
ACT/007/012
Carbon County, Utah

December 10, 1999

BACKGROUND

The Wellington Preparation Facility was a coal loading facility located on privately owned land near Wellington, Utah. This plant was completed in 1958 by United States Steel Corporation. The cleaning plant was located west of the Price River adjacent to the Denver and Rio Grande Western railroad. The primary reject disposal area was located east of the Price River and was connected to the cleaning plant by the refuse pipeline and a clear water pipeline. The refuse material was pumped from the cleaning plant to the refuse disposal area.

The coarse refuse was placed in the refuse waste pile and the fine, high ash coal flowed with the carrying water to the upper refuse pond. The fine material began to drop out in the upper refuse pond. The partially clarified water passed to the lower refuse pond where the balance of the fine coal dropped and clear water passed to the clear water holding pond for the return to the coal cleaning plant on the west side of the Price River.

The initial permanent program permit for this site was issued to United States Steel Corporation on December 10, 1984. The plant was subsequently put into temporary cessation of operations. On February 25, 1986, the permit was transferred to Kaiser Coal Corporation who never activated the plant. Kaiser Coal Corporation went into bankruptcy in February of 1987. Genwal Coal Company purchased the property through the bankruptcy court in August 1989 and the permit was transferred to them on October 10, 1989.

The site was reactivated on approximately December 1, 1989 and was used primarily as a coal loading facility. The permit was subsequently transferred to Castle Valley Resources, Inc. on December 5, 1991 and transferred again on April 18, 1994 to Nevada Electric Investment Company (NEICO.) However, COVOL is removing fines from the slurry pond to process into coal briquettes. The facility has been essentially idle since that date. Most of the buildings and facilities were removed in 1997. Phase I bond release is not currently being pursued by the Permittee.

PERMIT RENEWAL

NEICO made application to the Division of Oil Gas and Mining for a five year permit renewal for the Wellington Preparation Plant on August 10, 1999. This renewal encompasses the same permit area and disturbance as currently approved in the permit.

The renewal application was determined administratively complete on November 4, 1999. Public notice for this permit renewal was published (and is being published) in the Sun Advocate on December 2, 9, 16 and 23 1999.

ANALYSIS

Requisite information for the permit renewal application was made and all notices were (and are being) published as required. A condition is being added to the permit: This permit is effective on December 10, 1999. If any public comments are received between the time of expiration and the extended public comment period (January 24, 2000), those comments will be given appropriate programmatic consideration.”

The bond amount was found adequate in 1998 and does not need adjustment at this time.

RECOMMENDATION

Approval for this permit renewal is recommended with two conditions:(1) “This permit is effective December 10, 1999. If any public comments are received between the time of expiration and the extended public comment period (January 24, 2000), those comments will be given appropriate programmatic consideration, ”and (2)”NEICO will submit the water quality data in the Division’s electronic format (EDI) by the first quarter of 2000.”

PERMITTING CHRONOLOGY

NEICO
Wellington Preparation Facility
Permit Renewal
ACT/007/012
Carbon County, Utah

December 10, 1999

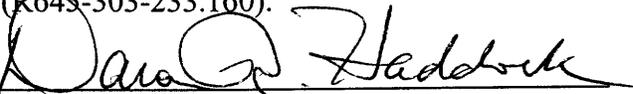
August 10, 1999	NEICO submitted a permit renewal application for the Wellington Preparation Facility.
September 20, 1999	A deficiency in the permit renewal application is identified and sent to NEICO.
November 4, 1999	NEICO responds to permit renewal application deficiency.
November 4, 1999	Determination of Administrative Completeness for this permit renewal application. Permit renewal completeness determination sent to applicable state, federal, and county agencies.
December 2, 9, 16 and 23, 1999	Public notice for permit renewal for the Wellington Preparation Plant published in the <u>Sun Advocate</u> .
December 8, 1999	AVS identifies AML fees are on a payment schedule.
December 10, 1999	Permit Renewal is issued to Wellington Preparation Plant.

PERMIT RENEWAL FINDINGS

NEICO
Wellington Preparation Plant
ACT/007/012
Carbon County, Utah

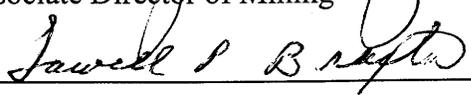
December 10, 1999

1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110). (See existing TA)
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120). (See updated compliance history in Wellington Plan)
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The operator has provided evidence of having liability insurance (Clarendon America Insurance Company - WR-0014533)(R645-303-233.140).
6. The operator has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect. (Surety in the amount of \$4,904,000 is posted by SafeCo Insurance Company - Bond Number 56112986 (R645-303-233.150).
7. The operator has submitted all applicable, revised or updated information as required by the Division at this time. (R645-303-233.160).


Permit Supervisor


Permit Supervisor


Associate Director of Mining


Director

NON-FEDERAL

PERMIT
ACT/007/012

December 10, 1999

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5289

This permit, ACT/007/012, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Nevada Electric Investment Company
6226 West Sahara
Las Vegas, Nevada 89151
(702)-367-5626

for the Wellington Preparation Plant. Nevada Electric Investment Company is the owner of fee owned parcels. A Surety Bond is filed with the Division of Oil, Gas and Mining in the amount of \$4,904,000, payable to the state of Utah, Division of Oil, Gas and Mining. The Division must receive a copy of this permit signed and dated by the Permittee.

- Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.
- Sec. 2 PERMIT AREA** - The Permittee is authorized to conduct coal mining and reclamation operations on the following described land within the permit area at the Wellington Preparation Plant situated in the state of Utah, Carbon County, and located in:

Township 15 South, Range 11, East, SLB & M

- Section 8:** SE1/4 NE1/4, E1/2 SE1/4, W1/2 SE1/4 except portion N of the railroad tracks
- Section 9:** S1/2, portions of S1/2 N1/2
- Section 10:** W1/2 SW1/4
- Section 15:** W1/2 NW1/4
- Section 16:** All
- Section 17:** E1/2 SE1/4, NE1/4

This legal description is for the permit area of the Wellington Preparation Plant. The Permittee is authorized to conduct coal mining and reclamation operations.

- Sec. 3 COMPLIANCE** - The Permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit becomes effective on December 10, 1999 and expires on December 10, 2004.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the written approval of the Division Director, (DOGM). Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13 {e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The Permittee shall allow the authorized representative of the Division of Oil, Gas and Mining, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- A. have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110; and,
 - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The Permittee shall conduct coal mining and reclamation only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the Surety Bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The Permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
 - B. immediate implementation of measures necessary to comply; and
 - C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- Sec. 9 DISPOSAL OF POLLUTANTS** - The Permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program

which prevents violation of any applicable state or federal law.

Sec. 10 CONDUCT OF OPERATIONS - The Permittee shall conduct its operations:

- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- B. utilizing methods specified as conditions of the permit by Division of Oil, Gas and Mining in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 11 EXISTING STRUCTURES - As applicable, the Permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 12 RECLAMATION FEE PAYMENT - The operator shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 13 AUTHORIZED AGENT - The Permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 14 COMPLIANCE WITH OTHER LAWS - The Permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 15 PERMIT RENEWAL - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 16 CULTURAL RESOURCES - If during the course of mining operations, previously unidentified cultural resources are discovered, the Permittee shall ensure that the site(s) is not disturbed and shall notify the Division. After coordination with the Office of Surface Mining, the Division shall inform the Permittee of necessary actions required. The Permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.

Sec. 17 APPEALS - The Permittee shall have the right to appeal as provided for under R645-300.

Sec. 18 SPECIAL CONDITIONS - There is a special condition associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the Permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the Permittee to comply with the terms of this permit and the lease. The Permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the Permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the Permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

Lowell P. Braxton
Lowell P. Braxton, Director

Date: 12/15/99

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A

STIPULATIONS

Permit Renewal

Nevada Electric Investment Company

Wellington Preparation Plant

December 14, 1999

1. This permit is effective December 10, 1999. If any public comments are received between the time of expiration and the extended public comment period (January 24, 2000), those comments will be given appropriate programmatic consideration.
2. NEICO will submit water quality data in the Division's the electronic format (EDI) by the first quarter of 2000.

BONNA MARIE BARFUS, Respondent

Published in the Sun Advocate December 9, 14, 16 and 21, 1999.

PUBLIC NOTICE

Notice is hereby given that Nevada Electric Investment Company ("NEICO"), permittee and operator of the Wellington Preparation Plant (Permit No. ACT/007/012), is submitting applications for permit renewal to the State of Utah, Division of Oil, Gas & Mining. The application for permit renewal is being sought under the provisions of R645-303-230. The permittee's mailing address is given below.

NEICO
5450 West Sahara Ave.
Las Vegas, Nevada, 89146

The permit area is located at 6000 Wash Plant Road, City of Wellington, Carbon County, Utah. A total of 1573.5 acres are current in the permit area. A property description of the permit area is given below.

Township 15 South, Range 11 East, Salt Lake Base and Meridian:

- Section 8 E1/2SE1/4 (portions s. of Ridge Road), W1/2 SE1/4 (portions s. of Ridge Road; excl. portion n. of railroad tracks)
- Section 9 S1/2, portions of S1/2N1/2,
- Section 10 W1/2 SW1/4
- Section 15 W1/2 NW1/4
- Section 16 All
- Section 17 E1/2 SE1/4, NE1/4

The Mining and Reclamation Plan (MRP) can be reviewed at the address given below. Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days to the address below.

STATE OF UTAH
Department of Natural Resources
Division of Oil, Gas & Mining
Published in the Sun Advocate December 2, 9, 16, and 23, 1999.

AMENDED NOTICE OF TRUSTEE'S SALE

The following described property will be sold at public auction to the highest bidder, payable in lawful money of the United States, at the East Main Entrance, Courts Complex, Carbon County Courthouse, 149 East 100 South, Price, Utah, on January 6, 2000, at 12:00 noon, for the purpose of foreclosing a Trust Deed dated August 1, 1997 and executed by Henry M. Oneida and Bertha M. Oneida in favor of Bank of Utah, covering the following real property located in Carbon County:

All of Lot 6, Block 10, STERLING ADDITION, to the City of Price, according to the official plat thereof.

Together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property.

The address of the property is purported to be 661 South 200 East, Price, UT 84501. The undersigned disclaims liability for any error in the address. The present owners are reported to be Henry M. Oneida and Bertha M. Oneida.

Bidders must be prepared to tender to the trustee \$5,000.00 at the sale and the balance of the purchase price by 12:00 noon the day following the sale. Both payments must be in the form of a cashier's check or certified funds. "Official" checks and cash are not acceptable.

DATED: December 6, 1999.

Scott Lundberg, Trustee
(801)263-3400x250
L&A Case No. 14844
Loan No. H1164693-2

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

and conduct an annual audit
... organization, they must have a voluntary board
... Emergency Food and Shelter funds previously with
... government participating. The agency was responsible
... needy in Carbon County.
... program may be obtained by contacting Ernest Bentley
... by Food and Shelter Board at 375 South Carbon Ave.,
... dated until December 17, 1999.
... December 9, 14 and 16, 1999.

**TO CREDITORS
and
AGENT OF APPOINTMENT
No. 993700056E1**

COURT OF CARBON COUNTY STATE OF UTAH

Timothy, Deceased

Against the above estate are to take notice that Lionel has been appointed personal representative of the above and is to present their claims to said personal representative within the next thirty (30) days after the date of first publication of this notice, or

Craig M. Bunnell, Attorney for
Personal Representative
90 West 100 North
Price, UT 84501
(435)637-1245

Published December 9, 14 and 16, 1999.

TRUSTEE'S SALE

Property will be sold at public auction to the highest bidder, payable in lawful money of the United States, at the East Main Entrance, Courts Complex, Carbon County Courthouse, 149 East 100 South, Price, Utah, on December 29, 1999, at 12:00 noon, for the purpose of foreclosing a Trust Deed dated March 16, 1999 and executed by William Rowsell and his successors and/or assigns, covering the following real property located in Carbon County:

All of Lot 1, Wellington Townsite Survey, as per the official plat on file with the County Recorder, Carbon County, State of Utah, located 32 feet East of the Northwest corner of Lot 3, Block 1, Wellington Addition, to the City of Price, Utah, according to the official plat thereof, and thence South 88.76 feet; thence East 75 feet; thence North 100 feet.

Together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property.

The address of the property is purported to be 90 North 200 East, Wellington, UT 84501. The undersigned disclaims liability for any error in the address. The present owner is reported to be William Rowsell.

Bidders must be prepared to tender to the trustee \$5,000.00 at the sale and the balance of the purchase price by 12:00 noon the day following the sale. Both payments must be in the form of a cashier's check or certified funds. "Official" checks and cash are not acceptable.

THE COURT has appointed the undersigned as the agent of appointment for the above named property and that the undersigned is hereby ordered to publish this notice of the above named property in the Sun Advocate at least once a week for four (4) weeks.

Published in the Sun Advocate

State timber for sale: South of Highway 84532, Jump Creek Timber Sale, Carbon County.

This is a sale of Douglas-fir timber on the above site. Actual volume will be determined by a professional forester. Successful purchase price will be accompanied by a check for the full amount.

Sealed bids must be provided to the undersigned on or before December 22, 1999. A down payment of \$10,000.00 is required at the time of the bid. A \$10,000.00 performance bond is required before the contract is awarded.

The right to reject any and all bids and the submission of bids is subject to the terms and conditions of the contract. The right to reject any and all bids and the submission of bids is subject to the terms and conditions of the contract.

NOTICE

The following described property will be sold at public auction to the highest bidder, payable in lawful money of the United States, at the East Main Entrance, Courts Complex, Carbon County Courthouse, 149 East 100 South, Price, Utah, on January 6, 2000, at 12:00 noon, for the purpose of foreclosing a Trust Deed dated August 1, 1997 and executed by Henry M. Oneida and Bertha M. Oneida in favor of Bank of Utah, covering the following real property located in Carbon County:

All of Lot 16, Block 10, STERLING ADDITION, to the City of Price, according to the official plat thereof, recorded in the County Recorder's Office.

Together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property.

The address of the property is purported to be 661 South 200 East, Price, UT 84501. The undersigned disclaims liability for any error in the address. The present owners are reported to be Henry M. Oneida and Bertha M. Oneida.

Bidders must be prepared to tender to the trustee \$5,000.00 at the sale and the balance of the purchase price by 12:00 noon the day following the sale. Both payments must be in the form of a cashier's check or certified funds. "Official" checks and cash are not acceptable.

Notice is hereby given that Nevada Electric Investment Company ("NEICO"), permittee and operator of the Wellington Preparation Plant (Permit No. ACT/007/012), is submitting applications for permit renewal to the State of Utah, Division of Oil, Gas & Mining. The application for permit renewal is being sought under the provisions of R645-303-230. The permittee's mailing address is given below.

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5450 West Sahara Ave
Las Vegas, Nevada, 89146

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Township 15 South, Range 11 East, Salt Lake Base and Meridian:

Section 8 E1/2 SE1/4 (portions s. of Ridge Road),
W1/2 SE1/4 (portions s. of Ridge Road;
excl. portion n. of railroad tracks)

Section 9 S1/2, portions of S1/2 N1/2.

Section 10 W1/2 SW1/4

Section 15 W1/2 NW1/4

Section 16 All

Section 17 E1/2 SE1/4, NE1/4

The Mining and Reclamation Plan (MRP) can be reviewed at the address given below. Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days to the address below.

STATE OF UTAH
Department of Natural Resources
Division of Oil, Gas & Mining
1594 West No. Temple, Suite 1210
Salt Lake City, Utah 84114-5801



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
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1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

December 8, 1999

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *PGL*

RE: 510 (c) Recommendation for Nevada Electric Investment Co, Wellington Preparation Plant, ACT/007/012-99PR, Folder #3, Carbon County, Utah

As of this writing of this memo, there are no NOVs or COs which are not corrected or in the process of being corrected for the Wellington Preparation Plant. There are no finalized civil penalties which are outstanding and overdue in the name of Nevada Electric Investment Co, (NEICO). NEICO does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is the OSM quality check from the Applicant Violator System. The outstanding AML fees are on a payment plan and are current (see attached.)

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Attachment
O:\007012.WEL\AVS.WPD

State : UT Permit No : ACT007012 Appl No : ACT007012
 Applicant : 120552 (NEVADA ELECTRIC INVESTMENT CORP) Seqno : 4

The AVS office provided a quality check on this application 12/05/1996
 Records retrieved: 2

ST	PERMIT	SEQ	RP ID	VTYPE	VIOLNO	VIOLDATE
UT	ACT007012	4	144791	AUD	990209003	04/01/1997
UT	ACT007012	4	120552	STCO	C97-41-4-1	06/24/1997

EVRPT(F7) PERMIT/APPL(F8) REPORTS(F9)
 PRV_SCR(F3) VIOL(F4) EVOFT(F5) VOFT(F6) CHOICES(F10)

Application Evaluation Report Applicant Violator System 07-Dec-1999 08:17:11

State : UT Permit No : ACT007012 Appl No : ACT007012
 Permittee : 120552 (NEVADA ELECTRIC INVESTMENT CORP) Seqno : 4
 Applicant : 120552 (NEVADA ELECTRIC INVESTMENT CORP)

OSMRE: Comments/Analysis: Date : 07-Dec-1999 Mode : UPDATE
 All violations are discussed as follows: The State CO of the applicant is coded "C", indicating a payment plan or a pending challenge. The audit debt of Covol Tech. is coded 03, indicating a payment plan. Both violations are on permit UT ACT007012. be

SRA: Comments/Analysis: Date : Mode : VIEW

SAVE(F5) DELETE(F8)
 PRV_SCR(F3) QUIT(F4) CHOICES(F10)