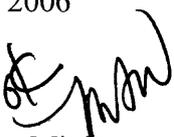
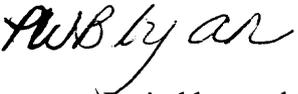


October 6, 2006

TO: Mary Ann Wright, Associate Director Mining 

THRU: Wayne Hedberg, Permit Supervisor 

FROM: Priscilla Burton 

RE: Extension of Abatement Period beyond 90 days for N-06-37-1-1, Nevada Electric Investment Company, Wellington Preparation Plant, Permit # C007/0012

SUMMARY:

N-06-37-1-1 was written for "Failure to operate Dryer pond in accordance with the approved plan," and "Failure to adequately close or manage water well during the Price River Pumphouse reclamation which occurred during the fall of 2004," on July 7, 2006 as part of a complete inspection at the site. On October 5, 2006, ninety days elapsed since issuance of this Notice. More time is requested for the abatement of N-06-37-1-1 beyond the 90 days allowed by R645-400-322, because the Division held the initial submittal under review for 11 calendar days and the second submittal for 3 calendar days, as noted in the following chronology.

July 7, 2006, the N-06-37-1-1 was written.

August 7, 2006. Interim abatement steps 1 – 3 were received.

August 7 to August 21, 2006. Division review of information (11 working days).

August 21, 2006. The Permittee requests additional abatement time for all interim steps. The Division granted the request.

August 29, 2006. Partial inspection at the site to discuss further information for interim abatement of steps 1 – 3.

September 1, 2006. Division received request for Informal Conference regarding the Fact of the Violation and Proposed Assessment.

TECHNICAL MEMO

October 2, 2006. No further information was received from the Permittee with regard to interim steps 1 – 3, but information relating to interim steps 4 – 8 was received

October 2 – 5, 2006. Division reviewed the above information and found that it was not accompanied by a C1C2 form and was not written in the format for insertion into the MRP.

The Utah Coal Mining Rule R645-400-327 outlines the circumstances which may qualify a coal mining and reclamation operation for an abatement period of more than 90 days. This situation seems to fall under the first circumstance (R645-400-327.100) wherein the Permittee has provided information, but has not yet received approval of that information.

A phone call to the Permittee on October 6, 2006 relayed the requirements of R645-400-328.200 that the Permittee officially make a request for an extension of time.

This memo fulfills the requirements of R645-400-328.300 that the Division's authorized representative (the Inspector) document the relevant written or oral information from the Permittee.

Both the above rules require the Director or designee of the Director (Associate Director) to review the Permittee's request and the Inspector's documentation to grant an abatement period exceeding 90 days.

RECOMMENDATIONS:

I suggest that the abatement period for NO6-37-1-1 be extended for another two weeks to allow for the 14 days that the Division held the information under review. I hope that these two weeks will allow the Permittee to provide the information in a format that is acceptable for insertion into the plan. Once received in that format, the violation can be terminated and the information will be reviewed for technical adequacy by Division staff.

Please authorize the extension of time request by affixing your initials to this memo and sending to file.