



United States Department of the Interior
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
Western Regional Coordinating Center

(Bank Letterhead)
IRREVOCABLE LETTER OF CREDIT

Beneficiary: _____ Issuing Bank: _____
(Name)
United States Office of Surface Mining _____
Reclamation and Enforcement (OSM) _____
1999 Broadway, Suite 3320 _____
Denver, Colorado 80202-5733 _____
(Address)

(City, State, Zip)

Permit Number: _____ (Telephone) _____

L/C Number: _____ Amount: \$ _____

Date of Issue: _____ Date of Expiry: _____

Ladies/Gentlemen:

On behalf of _____,
(Permittee/Applicant for L/C) (Address)

we (Bank) hereby establish our Irrevocable Letter of Credit (L/C) in your (OSM) favor payable in part or full to the United States Office of Surface Mining Reclamation and Enforcement, available by your draft(s) in an amount not to exceed _____ (\$ _____), upon receipt of a written demand by the Office of Surface Mining Reclamation and Enforcement (OSM) pursuant to 30 CFR §800.50, because of any violation by the permittee of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. §1201 *et seq.*, the regulatory program, the permit and the reclamation plan.

This Letter of Credit is effective _____ (Date) _____, _____ (Year) _____, and will expire at the close of business on _____ (Date) _____, _____ (Year) _____; however, this credit will automatically be extended for periods of _____ year(s) from any scheduled expiration date (as originally scheduled or automatically extended) unless ninety (90) days prior to such date we notify you in writing by certified mail, return receipt requested, that we elect not to renew this Letter of Credit for such additional period.

Upon receipt by you of such notice, you may draw on us at sight for the amount of this Letter of Credit beginning thirty (30) days or less prior to the then applicable expiration date, accompanied

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by a statement signed by the OSM Western Regional Coordinating Center Bond Approving Officer or his/her designee certifying that the amount of the drawing represents funds due the United States Office of Surface Mining Reclamation and Enforcement because the permittee has failed to replace this Letter of Credit by other suitable bond or letter of credit pursuant to 30 CFR §800.21(b)(2) and 30 CFR §800.30.

We certify that the amount of the credit herein established will not be reduced for any reason during the period of this instrument without the written consent of OSM.

Pursuant to 30 CFR §800.16(e)(1) we will give prompt notice to the permittee and to the OSM Western Regional Coordinating Center Bond Approving Officer of any notice received or action filed alleging the insolvency or bankruptcy of the Bank, or alleging any violations of regulatory requirements which could result in suspension or revocation of the Bank's charter or license to do business.

In the event the Bank becomes unable to fulfill our obligations under this Letter of Credit for any reason, we shall give immediate notice to the permittee and to the OSM Western Regional Coordinating Center Bond Approving Officer.

IN WITNESS WHEREOF, the Bank has hereunto set its signature and seal
this _____ day of _____, _____.

(Issuing Bank)

(Authorized Officer's Printed Name and Title)

(Authorized Officer's Signature)

ACKNOWLEDGMENT

On this ___ day of ___, ___, before me, a Notary Public in and for the County of _____, in the State of _____ appeared _____ to me personally known who, being by me duly sworn, did say that he/she is _____ of _____, the Bank named in and which executed the within instrument, and that the seal affixed to said instrument is the seal of said Bank, and that said instrument was signed, sealed and delivered on behalf of said Bank by authority of its Board of Directors, and he/she, as such officer, acknowledged said instrument to be the free act and deed of said Bank for the uses and purpose of said instrument as therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month and year aforesaid.

My Commission Expires:

Notary Public in and for said County and State

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