

RioTinto

**Kennecott Eagle Minerals**

Jonathan C. Cherry, P.E  
General Manager  
504 Spruce Street  
Ishpeming, Michigan 49849  
(906) 486-1257

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September 30, 2009

Mr. Harold R. Fitch, Chief  
Office of Geological Survey  
Michigan Department of Environmental Quality  
Post Office Box 30256  
Lansing, Michigan 48909-7756

Dear Mr. Fitch:

**Subject: Additional Waiver of Permit Processing Time**

In a letter dated September 15, 2009 Kennecott Eagle Minerals Company ("Kennecott") waived the deadline set forth in Section 5(7) of Part 632 for the making of a proposed decision on Kennecott's Humboldt Mill non-ferrous metallic minerals permit under Part 632 of the Michigan Natural Resources Environmental Protection Act ("NREPA") submitted on December 26, 2009 until September 30, 2009. The waiver was provided to allow the Michigan Department of Environmental Quality ("Department") to coordinate their review of the Part 632 permit application with the review of Kennecott's Part 31 (discharges to surface water), Part 55 (air emissions) and Part 301 (fill) permits in conjunction with the project as allowed under Section 5(15) of Part 632.

We are informed that the Department will need additional time beyond September 30, 2009 to allow the Department to review and evaluate Kennecott's response to the requests for clarification submitted by the Department to Kennecott between February and September. With this letter Kennecott waives the deadline set forth in Section 5(7) of Part 632 for the making of a proposed decision on the Humboldt Part 632 permit application until October 7, 2009.

In accordance with Section 5(15) of Part 632, this waiver will provide sufficient time to facilitate the Department's coordinated review of the Part 31, Part 55 and Part 301 permit applications and Kennecott's answers to all the Department's questions. Once the proposed decision on the mine permit is made, the Department may process the permit from that date forward in accordance with the deadline specified in Section 5(8) and 5(9) of Part 632. This waiver does not extend the review time beyond October 7, 2009.

Mr Hal Fitch  
Michigan Department of Environmental Quality  
September 30, 2009  
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Should you have any questions about this waiver please don't hesitate to contact Vicky Peacey or me at 906-486-1257.

Sincerely,



Jon Cherry  
General Manager

cc: Joe Maki, MDEQ  
Dennis Donohue, Warner Norcross and Judd  
Steve Donohue, Foth Infrastructure & Environment  
Alicia Duex, Kennecott Eagle Minerals Company

File: EC-Humboldt-MPA-Corres to MDEQ

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