

**ADMINISTRATIVE COMPLETENESS REVIEW OF
Ownership and Control**

1. COMPANY: BHP Navajo Coal Company

2. MINE/OPERATION: Navajo Mine, Permit NM-0003F

3. TRACKING SYSTEM INFORMATION

A. Mine Information Project Planning System (MIPPS):

B. Workload Assignment Tracking System (WATS):

C. Administrative Records Management System (ARMS): 13-05-06-01 & 13-05-13-01

D. Letterhead date of submittal: May 3, 2013 & May 10, 2013

4. TYPE OF APPLICATION/DOCUMENT REVIEWED:

Permit transfer, assignment, or rights sale application

5. Evaluation:

A. Review Criteria:

30 CFR 778.9 Certifying and updating existing permit application information

30 CFR 778.11 Providing applicant and operator information.

30 CFR 778.12 Providing permit history information.

30 CFR 778.13 Providing property interest information.

30 CFR 778.14 Providing violation information

B. Materials Reviewed:

May 3, 2012 package, including Appendices A, B, C & D

Replacement package dated May 10, 2013 with renamed Attachments (formerly Appendices) A, B, C & D

C. No Omissions.

Discussion:

BHP Billiton Navajo Coal Company (BNCC) current owner and operator of Navajo Mine provided documentation for the transfer of permit ownership ultimately to Navajo Transitional Energy Company (NTEC), LLC (a domestic Limited Liability Company formed under the Navajo Nation Limited Liability Act.)

In each of the Attachments, the entity holding the permit and the entity purchasing the permit and mine are identified by legal organizational type. Specifically in Attachment A, BHP Navajo Coal Company (BNCC), a Delaware Corporation, will change its name to Navajo Mine Coal Company (NMCC), a Delaware Corporation. In Attachment B, NMCC Inc. will convert to

Navajo Mine Coal Company, LLC (a Delaware Limited Liability Company). In Attachment C, Navajo Mine Coal Company, LLC will be acquired by Navajo Transitional Energy Company, LLC (a Navajo Nation Limited Liability Company) as part of a stock sale. In Attachment D, Navajo Mine Coal Company, LLC will merge with Navajo Transitional Energy Company, LLC with the surviving entity being Navajo Transitional Energy Company, LLC.

Note that this is an administratively complete review, which only verifies that information addressing each statutory requirement is received by OSM. At this stage of the review technical issues will not be identified due to the permit fee rules.

Each permittee has included a signed and notarized statement of accuracy and completeness in each Attachment. This information administratively complies with 30 CFR 778.9.

The permittee has provided Ownership and Control information within each Attachment, in Appendix 1-A or 1-A-B which includes information required for reporting in the Applicant Violator System. Attachments A, B, C and D administratively comply with the requirements of 30 CFR 778.11 and 778.12.

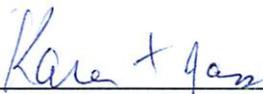
30 CFR 778.13 has been addressed by Section 1.1 of Attachment D of the text. This section include information about the proposed new mine owner, the Navajo Nation's NTEC, LLC, along with ownership information about BHP the current owner and all its related companies.

Information to address 30 CFR 778.14 has been included in Attachment D's Appendix 1-B-B.

D. ASSIGNEE SIGNATURE/SURNAMES:

The parts of the Navajo Mine permit application addressing companies involved in the name changes and permit transfer comply with their respective review criteria as shown in Part A.

A. Primary Reviewer:



Karen Jass, Mining Engineer

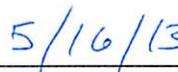


Date

B. Peer Reviewer:



Matthew Hulbert, Civil Engineer



Date

NOTE: AT THIS STAGE OF THE REVIEW TECHNICAL ISSUES WILL NOT BE IDENTIFIED DUE TO THE PERMIT FEE RULES AND THE THREE STAGES OF REVIEW FOR WHICH OSM IS AUTHORIZED TO COLLECT FEES.