

Date: \_\_\_\_\_

Name of Issuing Bank: \_\_\_\_\_

Address: \_\_\_\_\_

**IRREVOCABLE STANDBY LETTER OF CREDIT NO.:** \_\_\_\_\_

TO: RAILROAD COMMISSION OF TEXAS  
Attention: Surface Mining and Reclamation Division  
P. O. Box 12967  
Austin, Texas 78711-2967

This letter of credit covers surface mining and reclamation operations conducted by \_\_\_\_\_ (Permittee) in the area covered by Surface Mining and Reclamation Permit No. \_\_\_\_\_, as now or hereafter amended, revised, renewed, or replaced (hereinafter referred to as Permit).

We hereby represent to the Railroad Commission of Texas that we are a bank (we may be hereinafter referred to as the "Bank") authorized to do business in the United States of America.

We hereby issue in favor of the Railroad Commission of Texas, Austin, Texas, our irrevocable standby letter of credit at the request of and in lieu of a surety bond for Permittee for an amount or amounts not to exceed in the aggregate \_\_\_\_\_ United States dollars (\$ \_\_\_\_\_ U.S.), available by your drafts at sight on the Bank, effective \_\_\_\_\_ and expiring on the date we are provided with a letter from you stating that the Permittee has fully and faithfully performed all its obligations under the Permit and the Texas Surface Coal Mining and Reclamation Act, Texas Natural Resources Code, § 134.001 *et seq.*, (the Act) and regulations adopted under the Act, 16 TAC § 12.001 *et seq.* (hereinafter referred to as the "Coal Mining Regulations"). The Bank and Permittee further agree that the letter of credit shall be irrevocable during its term.

The documents specified below must be presented at sight on or before the expiry date in accordance with the terms and conditions of this letter of credit:

- A. This Irrevocable Standby Letter of Credit or a copy thereof; and
- B. A copy of the written findings required under 16 TAC §12.314.

We engage with you that drafts drawn under and in conformity with the terms of this credit will be duly honored on presentation if presented to us at our office at the address shown above on or before the expiry date.

Bank \_\_\_\_\_  
Irrevocable Standby Letter of Credit No. \_\_\_\_\_

This credit is subject to the Uniform Customs and Practice of Documentary Credits (1993 revision in force as of January 1, 1994), International Chamber of Commerce–Publication 500.

Documentation from the Bank establishing the authority of the signatories to this letter to bind the Bank is attached. Also, a copy of the bank charter or other evidence of the bank’s authority to do business in the U.S. is attached.

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AUTHORIZED COUNTERSIGNATURE

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AUTHORIZED SIGNATURE

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Typed Name

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Typed Name