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Adam S. Affleck

September 19, 1990
DIVISION OF
OIL, GAS & MINING

FAX/HAND-DELIVER

Mr. Joe Helfrich, Compliance Officer
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Extension of Abatement on NOV 90-28-6-1

Dear Mr. Helfrich:

As you are aware, abatement of NOV 90-28-6-1 requiring written consent from Jack Otani ("Otani") for a variation from approximate original contour at the Blazon No. 1 Mine site will be difficult if not impossible to obtain at this time as demonstrated by the fact that Otani is currently petitioning the Board to have NAE's reclamation plan declared void and has demanded total reclamation of the site. It is clear that if total reclamation were ordered pursuant to Otani's petition, the violation for failure to get consent for something other than total reclamation would be moot. NAE therefore requests that abatement of NOV 90-28-6-1 be extended to thirty (30) days after final administrative and judicial review of Otani's petition.

If this extension is not "approvable", NAE requests a forty-five day extension so that it may have the violation formally reviewed by the Board in September or October and not be required to commence an action for Temporary Relief.

Since the abatement period is set for September 25, 1990, I request that you please contact me with your response as soon as possible. If abatement is not extended, NAE will have to prepare and submit an application for Temporary Relief before this Friday.

Sincerely,

Adam S. Affleck

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