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December 28, 2012

By E-mail [jwalker@ndep.nv.gov] & U.S. Mail

Nevada State Environmental Commission
 c/o John B. Walker, Executive Secretary
 901 S. Stewart St., Suite 4001
 Carson City, NV 89701

Re: Appeal of Water Pollution Control Permit NEV2008106

Dear Commissioners:

We are writing on behalf of our client, Eureka Moly, LLC ("Eureka Moly"), regarding Appellant Carolyn Bailey's request to waive the 20-day period in which to hold an appeal hearing in the above-referenced appeal. Eureka Moly has filed a Petition to Intervene which has not been decided. However, Eureka Moly expects that it will be allowed to intervene and participate in any briefing and hearings related to this Appeal.

With regard to Appellant's request to waive the 20-day period, Eureka Moly does not object to that request because (i) Eureka Moly agrees with the Nevada Division of Environmental Protection ("NDEP") that briefing is required to limit the issues for the hearing, and (ii) the 20-day period includes both the Christmas and New Year's holidays. However, Eureka Moly, as the permit holder, is anxious that the appeal be addressed expeditiously and would request an expedited briefing schedule followed closely by the hearing. Because Appellant knows the issues that will be raised in the appeal, she should not require a lengthy period to file an opening brief. Eureka Moly is committed to responding to that opening brief quickly.

Accordingly, and subject to input from NDEP, Eureka Moly suggests the following briefing schedule and respectfully requests that the Commission order the parties to file their briefs and serve them by email as follows:

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|---|-------------------|
| Appellant's Opening Brief: | January 8, 2013. |
| NDEP and Eureka Moly's Response Briefs: | January 22, 2013. |
| Appellant's Reply Brief: | January 29, 2013. |

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Lastly, Eureka Moly joins NDEP's request regarding the disclosure of witnesses and exhibits, and requests that the SEC contact the parties to schedule a hearing to follow closely after the briefing is completed.

Please contact me should you have any questions or comments.

Very truly yours,

PARSONS BEHLE & LATIMER



John R. Zimmerman

JRZ/rls

Copy [by e-mail] to:

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