



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

May 17, 1989

RECEIVED
MAY 19 1989

DIVISION OF
OIL, GAS & MINING

Mr. Lowell P. Braxton, Administrator
Mineral Resources Development and Reclamation Program
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Notice 88-02-107-8

Dear Mr. Braxton:

The following is a written finding, in accordance with 30 CFR 842.11, regarding the above-referenced Ten-Day Notice (TDN).

The Albuquerque Field Office (AFO) conducted a random sample inspection of the Belina Mine on July 27, 1988. The inspection resulted in the issuance of the TDN referenced above for the operator's failure to pass disturbed area drainage through a sedimentation pond for a number of areas. The Division of Oil, Gas and Mining (DOGM) identified the problem as a permit defect and indicated the operator would be required to submit plans for all the areas within 90 days.

DOGM's response to this TDN as well as to others has been included in the "reasonable time" review conducted by AFO and Western Field Operations-Denver. The review was directed at what constitutes "reasonable time" to correct a permit deficiency as described by OSMRE Directive INE-27. An agreement was ultimately reached by all parties that DOGM would complete its review and render a decision of revisions submitted to correct permit deficiencies within 90 days of the identification of the deficiency. Limited circumstances for which more than 90 days may be required to render a decision have been incorporated in the policy document.

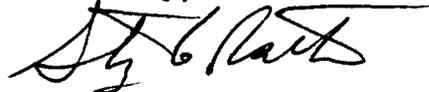
Mr. Lowell P. Braxton

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On May 8, 1989, AFO received a May 3, 1989, letter from DOGM, enclosing final approved plans for permit application package amendments for the Belina Mine Complex. The letter describes certain amendments among which small area exemptions for the areas cited in the TDN are included. AFO, therefore, finds DOGM's response to TDN 88-02-107-8 to be appropriate. However, now that the "reasonable time" policy is in place, AFO expects DOGM to process revisions of this nature in a more timely manner.

If you have any questions concerning this matter, please contact Stephen Rathbun or me at (505) 766-1486.

Sincerely,



ACTING FOR
Robert H. Hagen, Director
Albuquerque Field Office