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cc L Braxton
J Helfrich
D. Haddock
PFO

United States Department of the Interior

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

TAKE PRIDE IN AMERICA [redacted]

In Reply Refer To:

July 19, 1990

RECEIVED
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DIVISION OF
OIL, GAS & MINING

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#2
[redacted]

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Belina Mine, TDN 90-02-107-9

Dear Dr. Nielson:

The following is a written finding in accordance with 30 CFR 842.11 regarding the Division of Oil, Gas and Mining's (DOGM) response to the above Ten-Day Notice (TDN).

The TDN was issued for the operator's alleged "failure to conduct coal mining and reclamation operations only on those lands that are specifically designated as the permit area * * *." The TDN cites the truck approach small area exemption (SAE) at the Val-Cam Loadout.

The TDN was issued by certified mail from the Albuquerque Field Office (AFO). DOGM received the TDN on July 2, 1990, thereby setting the response due date at July 13, 1990.

AFO received a faxed copy of DOGM's July 12, 1990, response on July 16, 1990. DOGM representative Rick Sommers communicated an oral response to Rade Orell (AFO) during a telephone conversation on July 9, 1990. On July 18, 1990, AFO received the original response that DOGM mailed certified on July 16, 1990.

DOGM's response indicates that the area in question was noted as a deficiency in the permit renewal and that the issue was adequately addressed. The response also indicates that the renewed permit was issued effective July 5, 1990. DOGM has also included appropriate documentation which demonstrates that the area in question has been incorporated in the permit boundary. The DOGM response states that the TDN is unwarranted and should be withdrawn because the area was adequately addressed during the permitting process.

AFO finds DOGM's response to the TDN appropriate on the basis that the Division took action to cause the violation to be corrected within the TDN response period.

In regard to DOGM's statement that the TDN is unwarranted and should be withdrawn, the renewed permit was not approved at the time of the random sample inspection on June 20, 1990; hence, the SAE was located outside the then approved permit boundary. Therefore, the TDN was appropriately issued and will not be withdrawn.

If you wish to discuss this matter further, please contact John C. Kathmann or me at (505) 766-1486.

Sincerely,

Acting for
Robert H. Hagen, Director
Albuquerque Field Office