

0003

Mine file (#5) 207/611
L PB
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



In Reply Refer To:

4480
SFP

MAY 05 1989

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

RECEIVED
MAY 08 1989

Re: Ten-Day Notice 88-02-116-03

DIVISION OF
OIL, GAS & MINING

Dear Mr. Braxton:

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-referenced Ten-Day Notice (TDN).

On August 18, 1988, the Albuquerque Field Office (AFO) conducted a random sample inspection of the Hiawatha mine. The inspection resulted in the issuance of the TDN referenced above for the alleged failure to pass disturbed area drainage through a pond for a number of areas within the permit. DOGM identified the problem as a permit defect and indicated the operator would be required to submit a permit revision within 90 days.

DOGM's response to this TDN and others issued in August 1988 were under review by AFO and Western Field Operations-Denver (WFO-D) regarding the issue of what constituted a "reasonable time" to correct permit deficiencies in accordance with OSMRE Directive INE-27. An agreement was ultimately reached between all parties that DOGM would complete its review of revisions submitted to correct permit deficiencies and render a decision on the submittal 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.

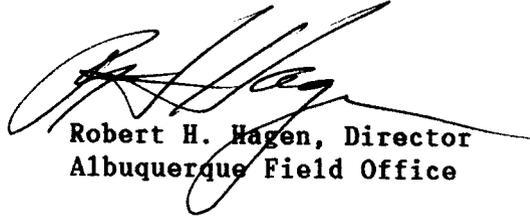
Mr. Lowell P. Braxton

2

On March 14, 1989, DOGM approved Small Area Exceptions for the areas identified in the TDN. AFO, therefore, finds DOGM's response to TDN 88-02-116-03 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 questions concerning this matter, please contact Stephen Rathbun at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office