



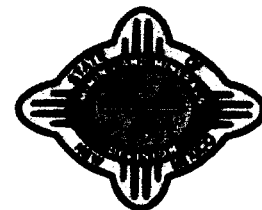
New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson
Governor

Jim Noel
Cabinet Secretary

Karen Garcia
Deputy Cabinet Secretary

Bill Brancard
Division Director
Mining and Minerals



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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 16, 2010

Tim E. Eastep, Manager
Environment, Land & Water
Freeport-McMoRan Tyrone, Inc.
P.O. Drawer 571
Tyrone, NM 88065

Subject: Waiver Modification Application for the Tyrone Mine, Administratively Incomplete, Freeport –McMoRan Tyrone, Inc., Permit No. GR010RE

Dear Mr. Eastep:

Pursuant to 19.10.5.506 NMAC, the New Mexico Mining and Minerals Division (MMD) has determined that your application received by this office on July 29, 2010, requesting a modification of the Tyrone Mine Waiver, is administratively incomplete. MMD considers the waiver application to be a revision to the closeout plan for the Tyrone Mine.

Pursuant to 19.10.5.505 NMAC, MMD considers the application to modify the waiver, a significant revision to the closeout plan; hence the application will be processed as a revision, addressing the requirements of 19.10.5.505 and 506 NMAC. Some of the steps necessary for preliminary processing, of the application, have not been met by Freeport-McMoRan Tyrone, Inc. (FMTI). Processing the application will require that FMTI post public notice pursuant to 19.10.9 NMAC. Additionally, a permit application fee of \$5,000.00 must be provided to MMD for the application to be considered complete.

Please submit the required public notice information and the permit revision application fee to MMD.

If you have any questions, please contact me directly at 505-476-3437 or, David Otori of my staff at 505-476-3432.

Sincerely,

Holland Shepherd
Program Manager
Mining Act Reclamation Program (MARP)

cc: Charles Thomas, Executive Manager, Mine Reclamation Bureau
David Otori, Permit Lead, MARP
Mine File (GR010RE)

