

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Liability Period Variance, Permit NAFK-8705
Approval

Case No. RC-08-224

VARIANCE TO THE PERFORMANCE BOND LIABILITY
PERIOD OF A SURFACE COAL MINING PERMIT

July 30, 2008

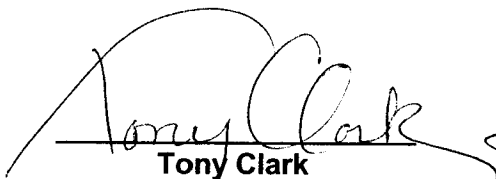
Based on the application received on May 12, 2008, a variance to the Performance Bond Liability Period is hereby granted to the Falkirk Mining Company to combine the liability period for a reclaimed pond and diversion in Permit NAFK-8705 with that of the surrounding reclamation tract on the following acreage:

Approximately 12 acres in Section 1, T145N, R83W, McLean County.

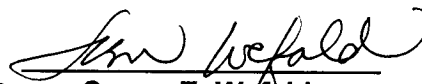
Based on the application for the variance for the area in Permit NAFK-8705, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The Falkirk Mining Company has affirmatively demonstrated that reclamation of the facilities will provide equal or greater protection to the environment and to public health and safety;
2. The Commission has determined that all areas are reclaimed and vegetation is being established as required by the approved reclamation plan; and
3. The Falkirk Mining Company must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Susan E. Wefald
President



Kevin Cramer
Commissioner