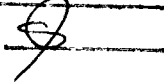


APPROVED

DATE:

7-8-09



MOTION

July 8, 2009

**BNI Coal, Ltd.
Bond Release No. 8, Permit 37
Approval**

Case No. RC-08-697

I move the Commission approve Bond Release No. 8 for Surface Coal Mining Permit No. 37, held by BNI Coal, Ltd. for the Center Mine, to release all remaining reclamation liabilities on 85.5 acres located in Section 23, T142N, R84W, Oliver County. The amount of the bond release is \$71,261.90 and it will become effective August 10, 2009, unless a formal hearing is requested.

SAS & JRD

Caselib\080697\motion.doc