



Public Service Commission

State of North Dakota

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September 26, 2008

Dr. Jay Volk
Environmental Services Supervisor
BNI Coal, Ltd.
2360 35th Ave SW
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has reviewed the newspaper notice and notification letters for the application for Bond Release No. 3 to Permit BNCR-9401. The newspaper notice is acceptable as written. Publication of the notice in the Center Republican may begin once a week for four (4) consecutive weeks. Please forward a copy of the affidavit of publication to this office following the last date of publication.

The notification letters may also be sent at this time. Copies of those letters will need to be submitted for inclusion in the bond release application and may be done so with future technical deficiency responses.

The Reclamation Division will now begin a technical review of the bond release application to ensure that all criteria necessary for the bond release have been met. The results of this technical review will be sent to you when it is completed.

As a reminder, the field inspection of the proposed bond release area will be on October 7, 2008 beginning at 10:00 a.m., (CDT). All parties required to be notified by the Reclamation Division will be sent letters informing them of the inspection date and time.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division