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PUBLIC SERVICE COMMISSION
FAX (701) 794-3125

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PHONE (701) 794-8734



2360 35TH AVENUE SW CENTER, ND 58530-9499
MINING LIGNITE AT THE CENTER MINE SINCE 1970

December 2, 2008

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Bond Release No. 3 to Permit BNCR-9401

Dear Mr. Deutsch,

Enclosed with this letter is a copy of the "Affidavit for Publication" notice from the Center Republican for Bond Release No. 3 to Permit BNCR-9401.

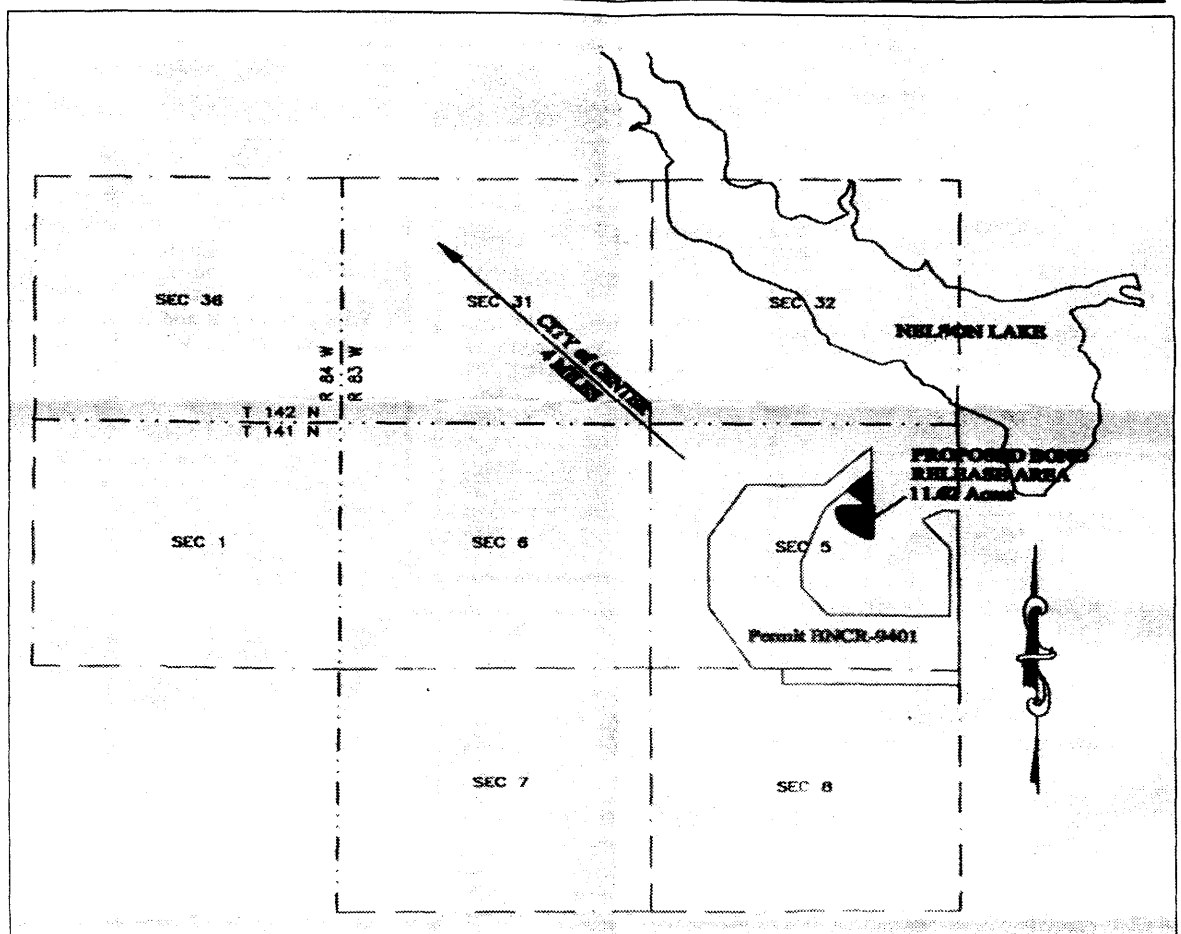
If you have any questions, please contact me at the Center office.

Sincerely,

Karene M. Hall
Permit Coordinator

OND/LEGAL/PC

09/2008
1/23/2008
1/30/2008
106/2008



**LEGAL NOTICE
NOTICE OF APPLICATION TO RE-
LEASE PERFORMANCE BOND**

BNI Coal, Ltd., 2360 35TH Avenue SW, Center, ND 58530-9499 has submitted an application to release one tract consisting of 11.62 acres in a portion of Section 5, T141N, R83W in Oliver County from all remaining reclamation liabilities to the North Dakota Public Service Commission. The bond release tract is currently in permit BNCR-9401 which was approved on August 19th, 1995. No monetary release is requested since the bond amount is based on the worst-case reclamation condition that covers this permit at the Center Mine. The total bond amount for Permit BNCR-9401 is \$628,918.00. The bond release tract is depicted on the attached map.

Final bond release is being requested in accordance with the North Dakota Public Service Commission policy

memorandum No. 15, which establishes the total bond release requirements for industrial land use, long-term solid waste disposal sites:

11.62 acres consisting of industrial land use are located in the NW ¼ of the NE ¼ of Section 5. State and local authorities granted permit SU-030 during the construction of the dewatering ponds. Since September 23, 1980 the ponds have been regulated under special permit SP-030, governed by the North Dakota State Health Department - Division of Waste Management. The dewatering pond was constructed in 1980 to be used for the sedimentation and dewatering of the flue gas desulfurization (FGD) sludge. Until 1997 the pond was used for dewatering purposes and thereafter has been used as temporary bottom ash and other earthen aggregate storage. This tract remains under special permit SP-030. No pre-mine wells or

stock dams were present in this tract.

A copy of the bond release request and supporting documents are on file at the Oliver County Auditors Office, Center, ND 58530, and the Office of the Director of the Reclamation Division, ND Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480. Any person having a valid legal interest which is or may be adversely affected by release of the bond has the right to file written comments or objections, may request an informal conference or public hearing regarding the proposed release from bond with the North Dakota Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480 within thirty (30) days after the last publication of this notice.

(10-09-08-10-16-08-10-23-08-10-30-08-11-6-08)

2, 2008