



Public Service Commission

State of North Dakota

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May 21, 2009

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

Dear Dr. Volk:

The Reclamation Division has determined that all deficiencies noted in the application for Revision No. 25 to Permit BNCR-9702 have been addressed in a satisfactory manner. The Reclamation Division plans to recommend commission approval of this revision for the June 3, 2009 meeting. However, since additional mining is proposed by this revision, BNI must first update the sections in the permit containing the ownership and control and compliance information required by NDAC 69-05.2-06-01 and 69-05.2-06-02 if any changes have occurred since Revision No. 25 was filed. Please provide any updated information or a statement that no changes have occurred **by May 29, 2009**.

The Reclamation Division also requests that another complete copy of the revision be forwarded to us as soon as possible. In addition to our file copy, we need three fully updated copies to forward to the federal agencies. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

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