

# Dakota Westmoreland Corporation

RECEIVED

Beulah Mine – P.O. Box 39, Beulah, North Dakota 58523-0039  
Phone: (701) 873-4333 • Fax: (701) 873-7784

DEC 31 2008  
31228  
PUBLIC SERVICE COMMISSION

December 31, 2008

FROM DIRECTOR - RECLAMATION DIV.

Mr. James R. Deutsch  
Director, Reclamation Division  
Public Service Commission  
600 E Boulevard Ave., Dept 408  
Bismarck, ND 58505-0480

Date: \_\_\_\_\_

Action: \_\_\_\_\_

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

Dear Mr. Deutsch:

RE: Notice of Violation 0804; Informal Conference Request  
Permit KRSB-8603

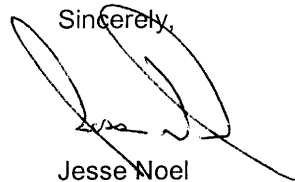
The remedial action required to abate NOV0804 states that, "Dakota Westmoreland must use a siren or other audible warning system that can be heard within a range of one-half mile in any direction of the blast point under normal weather conditions prior to (pre-blast warning) and after each blast (all clear signal) using different signals for each."

The siren currently affixed to the blasting truck at Dakota Westmoreland (DWC) has been used for every blast at the Beulah Mine, and will continue to be used for every blast. After a series of tests performed on the siren under normal weather conditions, DWC feels that the siren effectively meets the requirements of NDAC 69-05.2-17-05(3). Although not covered under your jurisdiction, safety is very important to our company, and DWC has strived to excel in our implementation of the Federal Surface Coal Mine Safety Standards with respect to blasting (specifically 30 CFR 77.1300 through 30 CFR 77.1304).

Because DWC disagrees with your finding of violation with respect to our audible blasting warning system, DWC respectfully requests an informal conference to discuss the issue in detail.

Please contact me if you have any questions or concerns.

Sincerely,



Jesse Noel  
Manager, Engineering and Environmental  
Beulah Mine

C: Jeff Frohlich  
Larry Schnaidt  
Gerry Schatz  
Paula Gores  
Bill Weaver