



# Public Service Commission

## State of North Dakota

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January 7, 2009

Mr. Jesse Noel, P.E.  
Manager, Engineering & Environment  
Dakota Westmoreland Corporation  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039

Dear Mr. Noel:

The Reclamation Division has reviewed your letter, dated December 31, 2008, regarding the remedial action associated with NOV-0804 and the request for an informal conference. With regard to the remedial action, you indicate that DWC does not plan to make any changes to blast warning system currently in use. We feel that is unacceptable as that would indicate that no corrective actions needed to be taken.

As noted in the NOV, the pre-blast and all clear warnings were not heard at the time of the inspection even though the inspector was well within the ½ mile limit. We believe that some sort of modification or change needs to be implemented and suggest the following items be further investigated and implemented if necessary. It appears that a one-directional siren is being used by DWC. This would certainly affect the range of effectiveness of the siren. At a minimum, we recommend the use of a bi-directional siren be used to ensure a wider range of coverage of the siren. Also, the location of the siren should be investigated. If the siren is located in the pit or ramp at the time of the blast, its effectiveness will also be limited. In summary, changes to the current blast warning system are needed to address the required remedial action in the NOV.

With regard to the request for an informal conference, the informal conference will be scheduled at the next Commission meeting. However, we plan to hold the informal conference at 2:30 p.m. (CSD) on February 10<sup>th</sup> in the Commission Hearing Room.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division