



Public Service Commission

State of North Dakota

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February 6, 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 January 13, 2009, regarding the remedial actions required by NOV-0804, PSC Case No. RC-08-927. You indicated that DWC installed a second siren and that all blast warnings are now broadcast over channel 6 which overrides all other channels on your mine radios. The implementation of these measures was reviewed during the January 27, 2009 inspection of the Beulah Mine.

During that inspection it was noted that access to the blast area was restricted and that the blast warning was broadcast over the mine radios. However, the sound of the warning sirens on the truck that was located in the mine pit was barely audible about one-half mile in a downwind direction from the blast site and it was not audible at a location about one-half mile upwind from the blast site. It was estimated that the wind speed was from 15 to 20 miles per hour at that time. While adding the second siren helps make the warning signal more audible, we believe a warning siren needs to be located out of the pit to be audible for the one-half mile distance as required by subsection 3 of NDAC 69-05.2-17-05. Since the sirens were not audible upwind of the blast site during the January 27th inspection, NOV-0804 is not being terminated at this time. This matter can be discussed at the February 10th informal conference.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

