

Dakota Westmoreland Corporation

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Beulah Mine – P.O. Box 39, Beulah, North Dakota 58523-0039
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PUBLIC SERVICE COMMISSION

February 20, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

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

Dear Mr. Deutsch:

Re: NOV0804, Proposed Remedial Action

As a follow-up to our February 19, 2009 phone conversation, DWC is proposing the following remedial action to terminate NOV0804.

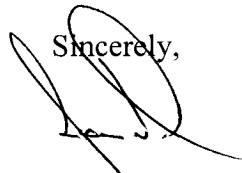
DWC is proposing to purchase an additional 110dB, portable siren. This siren will be used by the blasting supervisor to supplement the sirens located on the blasting truck. The blasting supervisor, or an assigned individual, will locate himself/herself in a location, out of the pit, to best suit the environmental conditions at the time of the blast. For instance, the supervisor will locate himself/herself upwind of the blast if windy conditions exist at the time of the blast.

Pursuant to NDCC 38-14.1-19(4), DWC requests an electronic or stenographic copy of the informal hearing proceedings. DWC is in the process of determining whether we will file a request for a formal hearing with the PSC over the ruling issued by the Office of Administrative Hearings. The remedial action listed above does not constitute an understanding of fault; but rather, the action listed above is proposed to satisfy the PSC's recommendation presented in your February 6 correspondence.

If DWC chooses not to file for a formal hearing; the remedial action taken will become normal operating procedure at the Beulah Mine. Upon installation of the siren, DWC will notify the PSC.

If you have any questions, please contact this office.

Sincerely,



Jesse Noel, P.E.
Manager
Engineering and Environmental

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