



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TDD 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

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 27<sup>th</sup> inspection, NOV-0804 is not being terminated at this time. This matter can be discussed at the February 10<sup>th</sup> informal conference.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division