

APPROVED

DATE: 12-10-09
[Signature]

MOTION

December 10, 2009

**BNI Coal, Ltd.
Bond Release No. 11, Permit BNLS-8109
Approval**

Case No. RC-09-63

I move the Commission approve Bond Release No. 11 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 22.49 acres located in Sections 9 and 16, T162N, R94W, Burke County. The amount of the bond release is \$5,287.00 and it will become effective January 11, 2010, unless a formal hearing is requested.

SAS & JRD

Caselib\090063\motion