



Public Service Commission

State of North Dakota

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February 25, 2009

Dr. Jay Volk
Environmental Services Supervisor
BNI Coal, Ltd.
2360 35th Ave. SW
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division hereby acknowledges the receipt of applications for Final Bond Release Numbers 11 and 12 for Permit BNLS-8109 at the Larson Mine. Due to the winter submittal of these applications, the Reclamation Division will not perform a field inspection until weather and field conditions are suitable for the review as stated under NDAC 69-05.2-12-12(2). Because of the delay, we request that BNI also postpone publishing the newspaper advertisement and sending the notification letters out until the first part of May.

During this delay period, the Reclamation Division will review the draft newspaper advertisement and notification letters to ensure that they meet all regulatory requirements. In addition, as time allows between now and early May, we will try to conduct a technical review of the application and let you know if any deficiencies are noted. However, a final review will not be completed until the required field inspection is conducted.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch
Director
Reclamation Division

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