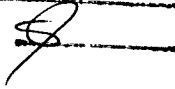


APPROVED

DATE: 12-10-09



MOTION

December 10, 2009

**BNI Coal, Ltd.
Bond Release No. 12, Permit BNLS-8109
Approval**

Case No. RC-09-64

I move the Commission approve Bond Release No. 12 for Surface Coal Mining Permit No. BNLS-8109, held by BNI Coal, Ltd. for the Larson Mine, to release all remaining reclamation liabilities on 80.0 acres located in Section 16, T162N, R94W, Burke County. The amount of the bond release is \$44,249.00 and it will become effective January 11, 2010, unless a formal hearing is requested.

SAS & JRD

Caselib\090064\motion