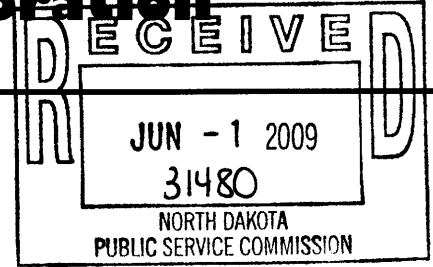


Dakota Westmoreland Corporation



Beulah Mine – P.O. Box 39, Beulah, North Dakota 58523-0039
Phone: (701) 873-4333 • Fax: (701) 873-7784

FROM DIRECTOR - RECLAMATION DIV.

May 28, 2009

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: Notice of Violation 0902,
Permit KRSB-8603

Dakota Westmoreland Corporation acknowledges receipt of the proposed penalty of \$2750 for NOV 0902 and withdraws its request for an informal conference.

Should you need additional information, please contact Paula Gores at extension 226 or me at extension 229.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Noel".

Jesse Noel, P.E.
Manager
Engineering and Environment

plg

Enclosure: \$2750 check