

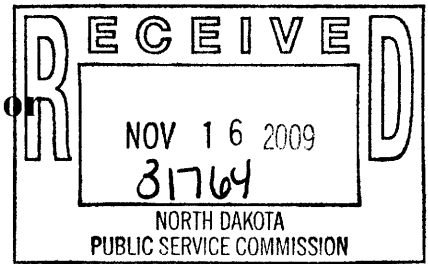


IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
Casper Field Office
150 East "B" Street, Rm 1018
Casper, Wyoming 82601



FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

November 12, 2009

Jim Deutsch, Director
Reclamation Division
State of North Dakota
Public Service Commission
600 E. Boulevard Ave. Dept. 0408
Bismarck, North Dakota 58505-0408

RE: Partial Bond Release No. 3, Falkirk Mining Company, Falkirk Mine, Permit NAFK-9601

Dear Mr. Deutsch:

Casper Field Office has received Bond Release Application No. 3 for surface coal mining Permit NAFK-9601 at the Falkirk Company's Falkirk Mine. This bond release application includes Federal Lands, therefore, Office of Surface Mining (OSM) concurrence is needed.

The Reclamation Division inspected the requested bond release area on June 16, 2009. The Casper Field Office inspected the requested bond release area on June 16th. The Reclamation Division has completed its review of the application for bond release and has documented that all required items have been addressed.

The CFO reviewed the bond release application and has determined there are no unfulfilled requirements that would preclude the release of bond. OSM concurs with the recommendation for approval of the bond release application.

If you have any questions or wish to discuss anything in this document, please contact me or John Sieving at (307) 261-6541.

Sincerely,

Jeffery Fleischman, Director
Casper Field Office