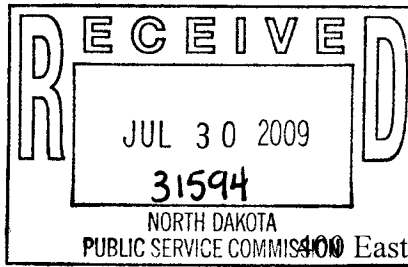


SCANNED

Date 8.3.09 (31594)

File Crowley-7-29-termination.rsp



CROWLEY FLECK

Brian R. Bjella
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
bbjella@crowleyfleck.com

July 29, 2009

FROM DIRECTOR - RECLAMATION DIV.

Mr. James R. Deutsch
Director
Reclamation Division
North Dakota Public
Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Date: _____
Action: _____
Info. Only: _____
Info & File: _____

Dear Mr. Deutsch:

In re: Case No. RC-09-316
NOV 0903
The Falkirk Mining Company
Our File No. 32-154-000

We are writing on behalf of our client, The Falkirk Mining Company ("Falkirk"). We are in receipt of your letter of July 20, 2009, in which you indicate that NOV 0903 is being terminated because the alleged violation ended upon the Commission's approval of Revision No. 32 to Permit NAFK-8705 on June 24th which approved plans for constructing a haul road on the reclaimed area where some topsoil was removed in late May. While you use the word "terminated," we understand that the NOV penalty provisions remain effective. As you are aware Falkirk has requested a formal hearing in order to challenge the NOV.

You also state in your letter that with regard to other remedial actions listed in the NOV, such matters will be addressed at the formal hearing.

We are writing in order to eliminate any possible confusion regarding the meaning of your letter and use of the word "terminated" with respect to Falkirk's ability to challenge the NOV at the formal hearing. Falkirk hereby states that at the formal hearing it intends to fully contest NOV 0903 seeking to have it vacated and overruled in all respects. We spoke with the Assistant Director of the Reclamation Division on Monday, July 27, and he affirmed that Falkirk will have the opportunity to fully challenge the NOV at the formal hearing.

Would you please provide a letter to the undersigned indicating that you concur.

15 RC-09-316 Filed: 7/30/2009 Pages: 2
Letter Filed Requesting Clarification on NOV being Terminated

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL

Falkirk Mining Company

Brian Bjella, Crowley Fleck, PLLP

Very truly yours,



BRIAN R. BJELLA

bw

cc: Allen C. Hoberg
Administrative Law Judge
OAH File No. 20090227

Darrell Nitschke
Executive Director
North Dakota Public
Service Commission