

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Revision No. 19, Permit NAFK-9503
Approval

Case No. RC-10-14

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

August 4, 2010

Based on the application for **Revision Number 19 to Permit Number NAFK-9503 received December 31, 2009**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

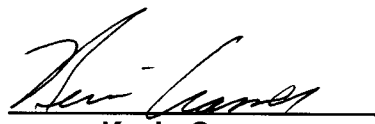
1. The revision application submitted on December 31, 2009, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code.
2. The applicant requested additional variances from contemporaneous reclamation requirements for areas that are described and justified in the revision application. The Commission is approving the variances as described in the application.
3. Other findings that were made when the permit and other revisions were issued remain applicable to the revised reclamation plans.

Subject to the right of any person with an interest that is or may be adversely affected to request a formal hearing under N.D.C.C. 38-14.1-30, Revision Number 19 of Permit Number NAFK-9503 is hereby granted to the Falkirk Mining Company to conduct additional mining of lands currently within the permit area and to update other information, operation and reclamation plans in the permit as described in the permit revision application received December 31, 2009.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the conditions of the approved permit. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Kevin Cramer
Chairman


Brian P. Kalk
Commissioner