



Public Service Commission

State of North Dakota

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July 28, 2010

Mr. Rick Holbrook, Manager
Program Support Division
Western Regional Coordinating Center
Office of Surface Mining
1999 Broadway Suite 3320
Denver, CO 80202-3050

Dear Mr. Holbrook:

BNI Coal, Ltd. has filed the application for Revision No. 30 to Surface Coal Mining Permit No. BNCR-9702 for the Center Mine. This revision proposes to add 676.48 acres to the permit and that acreage includes 120 acres of federal coal located in the NW $\frac{1}{4}$ of Section 32, T142N, R84W, which is covered by Federal Lease No. NDM 97633. The mining plan for another 40 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32 was approved May 13, 2010. The approved Resource Recovery and Protection Plan that BNI submitted to BLM in February 2009 for Lease No. NDM 97633 covers the 120 acres of federal coal in the NW $\frac{1}{4}$ of Section 32, as well as the 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32. The surface of the federal coal tracts is also leased by BNI.

BNI's application for Revision 30 also converts Permit BNCR-9702 to an electronic format. Enclosed is a DVD of the electronic version of the permit including the modifications proposed by Revision 30 and other supporting files for your information and review. The electronic permit is accessible in the "Rev 30 BNCR-9702 Permit" directory by opening the "Permit BNCR-9702.htm" file. The home page contains a list of permit revision changes and a table of contents for the entire permit that should aid in finding maps and other information and plans. We have also included copies of BNI's approved Resource Recovery and Protection Plan for Lease No. NDM 97633 in a separate directory on the DVD for your convenience.

(Please note that the hyperlinks to Adobe Reader files within the permit narrative may not function properly if the permit file is opened with Internet Explorer as the web browser. The hyperlinks appear to function properly, however, if the permit file is opened with a different web browser, such as Google Chrome. Another option for solving the hyperlink problem is to copy the DVD contents to a network drive that is not mapped as a letter drive.)

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Prior to approving permit revisions that affect leased federal coal, our Cooperative Agreement (Article V, Section B.9) with the Department of the Interior requires that the Commission receive a determination that, with respect to the leased federal coal tracts, the permit revision does not constitute a mining plan modification. We are requesting such a determination for Revision No. 30 to Permit No. BNCR-9702. Since a mine plan modification for Federal lease NDM 97633 was recently approved, we assume Revision 30 will not be considered a mine plan modification.

If you or BLM have any questions or need additional information, please contact our office.

Sincerely,



James R. Deutsch
Director
Reclamation Division

Enclosure

cc: Phillip Perlewitz, BLM (with enclosure)
Jeff Fleischman, OSM – Casper
Gene Hay, OSM
Jay Volk, BNI