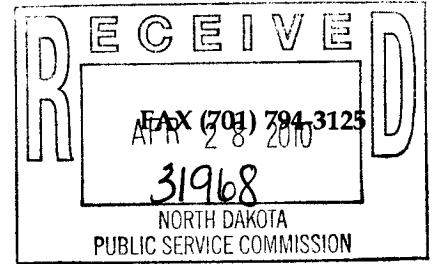


PHONE (701) 794-8734



April 28, 2010

FROM DIRECTOR - RECLAMATION DIV.

Mr. James R. Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

RE: Revision 32 to BNCR-9702

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated April 26, 2010. In this letter you listed technical deficiencies that must be addressed before the revision can be deemed complete. The following is a listing of the deficiencies followed by our response:

Newspaper advertisement

1. Please note in the title of the advertisement that this notice includes applications for a permit renewal and a revision. (SAS)

Updated as requested.

2. Line 6 indicates the area "...is described below." Where is this description? Should this phrase be reworded? (SAS)

The phrase was reworded to eliminate any confusion.

3. The notice should state that the revision application identifies the next 5-year coal removal area. (SAS)

Updated as requested.

4. The worst case reclamation cost estimate for bonding is being addressed in Revision 30 to this permit. Because of that, the reference to worst case bonding should be removed from this advertisement. (MDB)

Updated as requested.

5. Within the listing of the ownerships for Section 33, the listing "E¼NE¼" should actually be the "SE¼NE¼." Please correct. (SAS)

Updated as requested.

**BNI COAL, LTD.
2360 35th Ave SW, Center, ND 58530**

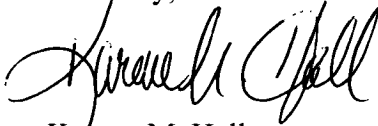
6. Within the ownership listings for Section 8:

- a) Please remove the N½SW¼ since it is not in the permit, and
Updated as requested.

- b) List the remaindermen for the Laverne Hauk Life Estate. (SAS)
Updated as requested.

If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kafene M. Hall', written in a cursive style.

Kafene M. Hall
Permit Coordinator