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June 25, 2010

Mr. James Deutsch
Director, Reclamation Division
North Dakota Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Notice of Violation (NOV) 1001

Dear Mr. Deutsch,

On June 5, 2010, the Reclamation Division of the Public Service Commission issued Notice of Violation No. 1001 to BNI Coal, Ltd. In light of BNI Coal, Ltd. fulfilling all remedial actions within the outlined abatement plan, BNI Coal requests the dismissal of the informal conference scheduled for June 29, 2010.

Sincerely,

A handwritten signature in black ink that reads "Jay M. Volk".

Jay M. Volk, PhD
Environmental Supervisor