



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Kevin Cramer
Bonny M. Fetch

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 29, 2012

Jay M. Volk, Ph. D
Environmental Manager
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has reviewed BNI Coal Ltd.'s November 15, 2012 responses to our November 7, 2012 fourth completeness review letter for the application of Surface Coal Mining Permit No. BNCR-1101 at the Center Mine. With the additional information included in the November 15th responses the Reclamation Division deems the application to be complete and approval is granted to begin publication of the newspaper notices. As required by NDCC 38-14.1-18-1, please submit the affidavits of publication when complete.

Please provide this office with 9 copies of the updated completeness review permit application DVD for our review and distribution to advisory committee members and federal agencies. Please ensure that a copy of the permit application DVD is available for viewing at the Oliver County Auditor's office by the date of the first publication of the newspaper notices.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Minedata/Center/Permits/BNCR-1101/AdminCorr/2012/Completeness_AL_11-29-12.doc