



Public Service Commission

State of North Dakota

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January 29, 2014

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 January 3, 2014 changes to the application of Revision No. 12 to Permit BNCR-9401 for the Center Mine in response to our December 27, 2013 technical review letter. The following items must be satisfactorily addressed before the Reclamation Division will recommend Commission action on the revision application.

Section 4.5 Transportation Plan

1. Follow-up to item No. 2: Plate 4.5-1 still shows the road ending at Station 14+00 rather than joining the existing haul road. In addition the label "Minnkota Access Road Plate 4.5-3" should be "Minnkota Access Road Plate 4.5-4. (FSE)

Section 4.14 Reclamation Cost Estimate for Bonding Purposes

2. Please update the narrative in Section 4.14 to indicate that the worst-case condition will occur in 2014, rather than 2013, and update Appendix 4.12.1 using the 2013 variable costs. (FSE)

Please contact this office if you have any questions.

Sincerely,

James R. Deutsch
Director
Reclamation Division

cc: Oliver County Auditor