



Public Service Commission

State of North Dakota

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October 23, 2012

Mr. D. Randall Crooke
Environmental Manager
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Crooke:

The Reclamation Division has conducted a completeness review of the application for Revision No. 30 to Permit NAFK-8405. Please note that several of the listed deficiencies may be more technical in nature; however, it appears that only minor corrective action would be required by Falkirk to address those items at this time. Consequently, those items were included to provide clarification in the application for our advisory review agencies in addition to reducing the amount of future technical items following a more comprehensive review. In order for the revision application to be deemed complete, please address the following items:

Section 1.1 – Introductory Information

1. Please correct the spelling of Figenskau in the first sentence in the description portion of the application in Section 1.1.1 and also correct the spelling of underground that follows in the same sentence. (ZAT)
2. Item 3 of the List of Changes in Section 1.1.3 denotes that pages 236-238 were added to the section and this should be corrected to denote that pages 237-239 were added to the section. (BEB)
3. Please note in the Revision List of Changes that the Operations Narrative/Description provided in Section 3.1.1 has been updated to describe operations plans for mining of the Figenskau underground mine. Additionally, please update existing narrative on page 2, item No. 4 of Section 3.1.1, which describes that no mining activities will be conducted within the Figenskau Mine Area in the S1/2 of Section 13. (BEB/ZAT)

Section 1.2.4 – Newspaper Publication Notice

4. The first paragraph of Section 1.2.4 designates the various newspapers that will be notified for publication once the Permit application is deemed complete; however, this submittal is not a permit application, but rather a revision application and even though the text of this first paragraph will not be included in the public notice, this clarifying statement should be incorporated into the permit. Please make this simple update to the application. (BEB)
5. Although not required, we recommend adding the word abandoned in front of the Figenskau underground mined area in the second sentence of the first paragraph so that it is clearly understood by the public that the presence of the underground mine was not associated in any way with Falkirk Mine's existing operations. (BEB)

Section 1.5 – Identification of Interests and Rights of Entry

6. Item 6 of the List of Changes, Section 1.1.3, states that the Certificate of Authenticity of Documents in Section 1.5 was updated to reflect the current revision number and date; however, the Certificate references Revision No. 28, not Revision No. 30. Revision No. 28 was approved in October, 2011 and the Certificate included with Revision 30 was signed and dated in June, 2012. Please make the appropriate updates to this section. (BEB)

Section 2.1.1 – Cultural Resources Narrative

7. About half way through the new narrative added to this section regarding SHS correspondence and data recovery of Site 32ML823, it is stated that "*As of the time of writing of Revision 34 to NAFK-8405...*" We presume your intention was to reference the writing of Revision 30. Please correct this typographical error. (BEB/ZAT)
8. There appears to be some correspondence issues regarding Cultural Resource Site 32ML823 that need to be resolved. New narrative in Section 2.1.1 states that an interim report dated August 28, 2012 from Ethnoscience to Susan Quinnell is provided beginning on page 52 of Section 2.1.4; however, page 52 of that section is a copy of a September 4, 2012 letter from Merlan Paaverud to Lynelle Peterson tentatively approving the data recovery plan. There appears to be no interim report provided in the permit as stated. The only other correspondence provided in this section regarding 32ML823 is an earlier June 26, 2012 letter from Mr. Paaverud to Falkirk approving the proposed Scope of Work for data recovery. Please update the appropriate sections with the required narrative and data recovery project approval correspondence. (BEB)

Section 3.6.1 – Surface Water Management Plan

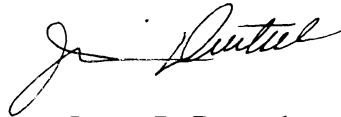
9. The hyperlinks to Sections 3.6.1a and 3.6.1b that are provided in the newly added Section 3.6.56 do not work. Please activate or repair the new hyperlinks. (BEB/MSK)

Section 4.2.4 – Reclamation Bond/Cost

10. All of the hyperlinks that are provided in Section 4.2.4 – Reclamation Costs, do not work.
Please activate or repair the hyperlinks. (MSK)

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

James R. Deutsch
Director
Reclamation Division