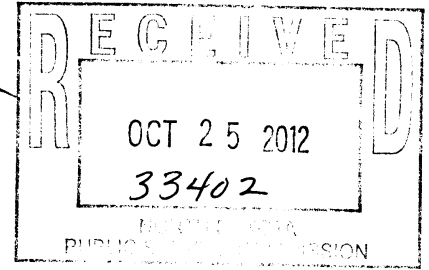




October 24, 2012



Mr. James R. Deutsch
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505

RE: Revision 30 Completeness Review Responses for Permit NAFK-8405

Dear Mr. ~~Deutsch~~^L

Falkirk submits the following responses to the completeness review items listed in your October 23, 2012 letter required to be addressed prior to the revision application being deemed complete:

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)**

The spelling of "Figenskau" and "underground" on Page 1 of the revision application, Section 1.1.1, have been corrected.

- 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)**

Item 3 of the List of Changes in Section 1.1.3, has been corrected to denote that Pages 237-239 were added to the section.

- 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 S½ of Section 13. (BEB/ZAT)**

The Revision List of Changes, Section 1.1.3, has been updated to include the additional description added to Section 3.1.1, Operations Narrative. Existing narrative in Section 3.1.1 has been updated as well.

3 RC-12-763 Filed 10/25/2012 Pages: 4
Response to the completeness deficiency letter filed by the applicant
Falkirk Mining Company
R. Crooke

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)***

Section 1.2.4, Newspaper Publication Notice, has been updated to state that this submittal is a revision application.

- 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)***

The word "abandoned" has been included to describe the Figenskau underground mined area in Section 1.2.4.

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)***

Please see updated Certificate of Authenticity of Documents in Section 1.5.

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)***

The typographical error has been corrected in revised Section 2.1.1.

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)*

Please see inserted interim report beginning on Page 52 of Section 2.1.4.

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)*

The hyperlinks in Section 3.6.56 have been repaired.

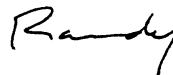
Section 4.2.4 - Reclamation Bond/Cost

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)*

The hyperlinks in Section 4.2.4 have been repaired.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager



**APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS**
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10562 (1-2004)

Date
October 5, 2012

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-8405	Revision Number 30	
Address 2801 1st Street SW	City Underwood	State ND	Zip Code 58576

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.)
This revision adds plans for the re-mining of the Figenskau underground mine area. Updates to the Operations Narrative, the Pit Layout and Facilities, the Extended Mine Plan, and the Surface Water Management Plan have been added to support these activities. The Reclamation Schedule and the Grading Sequence Map were also updated to include the necessary variances for the Figenskau area. The stand-alone Worst Case Reclamation cost numbers updating the costs of additional features using the latest revised variable costs received this year from the PSC Reclamation Division have also been incorporated.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
Falkirk Mine	-0-				
ADDRESS					
2801 1st Street SW					
Underwood, ND 58576					
TOTAL ACRES	-0-				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0- , is included with the revision application.

Name of Official Authorized to Represent the Applicant
Jeremy Eckroth, Environmental Specialist

- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;