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MINING LIGNITE AT THE CENTER MINE SINCE 1970

September 19, 2013

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Bond Release 4 to Permit BNCR-9401; Bond Release 9 to Permit 37

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated September 17, 2013. In this letter you listed technical deficiencies that must be addressed before the bond release applications for Permit BNCR-9401 and Permit 37 can be approved for publication. Below is a listing of the deficiencies followed by our response:

Public Notice

1. The Public Notice versions included in the bond release applications for Permit 37 and BNCR-9401 are different. The combined notice should be the same for each application. The version for BR4 to BNCR-9401 appears to be the most complete. Please include a copy of the final version of the public notice in each of the bond release applications. (RLK)

The Public Notice has been modified to be the same in both bond releases.

2. Follow-up to item No. 8: Please revise the organization of the first page of the Public Notice. As currently written, both bond releases are included as bulleted items under the paragraph discussing memorandum No. 15, but Policy Memorandum 15 only pertains to the bond release in BNCR-9401. We suggest removing the bullets, placing Permit BNCR-9401 information within the second paragraph, and placing Permit 37 information in a new paragraph. (ZAT)

The paragraphs containing the descriptions of each of the bond releases have been modified to provide clarity.

3. In the paragraph describing the Permit 37 tract, please remove the third sentence which reads, "Following mining, the area was respread with topsoil and subsoil." The respreading of SPGM is more appropriately discussed *after* the grading of spoil, which is done in sentence four. (ZAT)

The above referenced sentence has been removed from the paragraph.

4. In the paragraph describing the Permit 37 tract, please revise the discussion of the northern portion of the tract and Pond 25-5 to be clear and concise. Please consider something similar to: "In 1982 Pond 25-5 was constructed on re-graded spoil in the northern with portion of this tract. The pond was removed in 2002 and respread with SPGM. In 2003, the reclaimed pond area was seeded to hayland with the permission of the landowner. The post mine land use for the tract is cropland." (ZAT/RLK)

The paragraph with the description for Permit 37 has been rewritten.

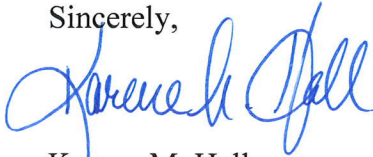
Agency and Surface Owner Letters

5. In the agency letter for BR4 to BNCR-9401, the acreage of the tract is listed as 50.66 acres while in the public notice and metes and bounds information the acreage is listed as 52.09 acres. Please correct the apparent error in the letter. (RLK)

The acreage for Bond Release 4 to BNCR-9401 has been revised to 52.09 in the surface owner letter.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,



Karene M. Hall
Permit Coordinator