



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

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

December 8, 2017

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

Dear Mr. Volk:

BNI Coal's December 6, 2017 responses to our December 6, 2017 third completeness review correspondence for the application of Revision No. 40 to Permit BNCR-9702 at the Center Mine have addressed the remaining completeness review items. The Reclamation Division deems the Revision No. 40 application complete and grants approval to begin publishing the newspaper notice of application of a permit revision. We understand that BNI Coal intends to begin notice publication in the Center Republican and Bismarck Tribune on Thursday December 14th. Please ensure that a copy of the complete revision application is available for public inspection at the Oliver County Courthouse by the first date of notice publication. Please also ensure that BNI's subsequent technical review changes to the revision application are made available for public inspection at the Oliver County Courthouse coincident with changes to the revision application submitted to the commission as required by NDAC 69-05.2-10-01(4). Please submit the affidavits of publication when complete as required by NDCC 38-14.1-18(1).

Please provide the commission with 15 DVD's of the Revision No. 40 application for technical review distribution to our Advisory Committee and federal agencies by close of business on Monday December 18th. Please retain text color, highlighting, strike-through, underscore, or other markings identifying all proposed permit changes with the Revision No. 40 application until the revision is approved as required by NDAC 69-05.2-05-02(6); however, the proposed changes to Appendix 1.5-1 (Notice of Publication) may be accepted to indicate their approval. Please contact us with any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

cc: Karene Hall

Minedata/Center/Permits/BNCR-9702/Revisions/No.40/Rev40_complete_AL_12-8-17