



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

January 11, 2005

Mr. Robert J. Bartosh
Chief Operating Officer
Dakota Coal Company
P.O. Box 5540
Bismarck, North Dakota 58506-5540

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-32878/04-001 AND NOTICE
OF VIOLATION

Dear Mr. Bartosh:

Thank you for your letter dated December 30, 2004, in response to our letter and Notice of Violation (Notice) dated December 8, 2004. We have reviewed your letter and find it responsive to the concerns raised in our Notice. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

Sincerely,

/RA/

Jeffrey Cruz, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-32878
License No.: 33-27444-01

Dakota Coal Company

-2-

cc w/copy of licensee's letter dated 12/30/04:
North Dakota Radiation Control Program Director
Wyoming Radiation Control Program Director

bcc via E-mail:

CLCain

JCruz

JLThompson

KEGardin

NMIB

RIV Materials Docket File (5th floor)

SISP Review Completed: jlt

ADAMS: Yes 9No Initials: jlt

Y Publicly Available 9 Non-Publicly Available 9 Sensitive Y Non-Sensitive

DOCUMENT NAME: s:\dnms!\nmib!\thompson\43287801-ack.wpd

final: r:_dnms

RIV:DNMS:NMIB	C:NMIB
JLThompson*	JCruz
/RA/	/RA/
01/07/05	01/11/05

*Previously concurred OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax