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About Mining Week...

NMA Mining Week is a weekly publication of the National Mining Association. Mining Week archives are always available online at www.nma.org.

NMA calls for improvements in proposed MSHA substance abuse regulation

NMA this week urged the federal Mine Safety and Health Administration (MSHA) to improve a proposed substance abuse regulation so that it accurately reflects the safety environment at mine sites and does not diminish mine site substance abuse programs.

Appearing on behalf of NMA at the Oct. 14 hearing in Washington, D.C., were Helen F. Blevins, manager of clinical occupational and non-occupational healthcare at CONSOL Energy, Inc.; Jennifer Herner, assistant general counsel at Arch Coal, Inc.; and Bruce Watzman, NMA vice president for safety, health and human resources.

Mining community representatives voiced their support for comprehensive federal regulations governing alcohol and drug testing programs at mine sites as a means to eliminate the gaps that exist across the patchwork of state regulatory programs.

"We applaud MSHA for introducing the proposed rule for alcohol and drug free mines," said NMA's Watzman. "This is an area that has been and remains of great concern to our members, and I'm pleased that NMA has been at the forefront of advocating the need for a federal regulation to eliminate the gaps that exist across the patchwork of state programs regulating substance abuse at our nation's mines."

"But having taken the important step in recognizing the existence of a persistent problem in mine safety, we are disappointed that MSHA's proposed solution is so timid," said Watzman. "In fact, we have concluded that adoption of the proposed rule, as published, will actually diminish the level of work place safety provided by NMA member company programs already in effect. As such, we cannot support the proposal as published."

See MSHA, page 2

NMA's Mine the Vote program ready for November elections



The November presidential and congressional elections are less than three weeks away. Throughout the campaign trail issues of great significance to the mining community continue to be prominently featured.

To ensure the mining community can mobilize and effectively make its voice heard, NMA is once again promoting its highly effective Mine the Vote online campaign program. So far this year, almost 120,000 people have used Mine the Vote to find important election information.

Mine the Vote helps supporters of the mining community, such as employees, family, friends and retirees, effectively participate in federal elections, ensuring that political candidates understand the vital role coal, minerals and metals play in ensuring America's economic well-being and in enhancing national security.

Mine the Vote provides voters with information on how to register, how to use absentee ballots, how to vote early in person, the location of their local polling place and information on where candidates stand on issues important to the mining community.

To utilize Mine the Vote, visit: [Mine the Vote](#). ☒

NMA urges changes to draft NRC uranium facility environmental impact statement

NMA recently submitted extensive comments to the U.S. Nuclear Regulatory Commission (NRC) regarding the agency's draft "Generic Environmental Impact Statement (GEIS) for *In Situ* Leach Uranium Milling Facilities." In the Oct. 8 comments, NMA strongly supported the preparation of the GEIS, arguing that it will help expedite the permitting of *in situ* recovery (ISR) facilities.

However, NMA identified numerous revisions the agency needs to make in order to improve the draft GEIS.

NMA's comments advocated for an expanded discussion in the GEIS on the relationship between the natural conditions where ISR amenable deposits are located and the regulatory process controls and mitigation measures used to minimize any potential significant adverse impacts.

NMA urged the NRC to revise the GEIS so that it better identifies applicable ground water standards in order to address stakeholder concerns about the standards that apply and how those standards protect drinking water sources.

The comments emphasized the need for an expanded discussion of the phased iterative nature of the development of ISR projects. Such a discussion would promote greater understanding of how data and information gathered in the site characterization phase is built upon in later phases and that future data collection is required as the project proceeds.

NMA argued that the GEIS requires an analysis of alternate sources of uranium, as it is probable that sources such as ion exchange resins will be processed at ISR facilities in the future.

In addition, NMA cited a need for consistency in definitions used in the GEIS text and the GEIS glossary and an examination of how performance based

licensing and license conditions are an integral part of efficient and effective regulation of ISR facilities by NRC.

A copy of NMA's comments is available at: [NMA GEIS Comments](#). ☒

MSHA *continued from page 1*

Specifically, mining witnesses noted that by defining certain jobs as "safety-sensitive," which are the only jobs covered by the proposed regulation, the rule ignores the realities of the mining environment in which all employees on mine property should be covered.

"At coal mines, even office clerks have to drive onto mine property, around large, moving equipment...almost every office and warehouse position involves some kind of travel into the active mine site," said Arch's Herner. "We all have a role, and for that reason, we are concerned that the definition of 'persons performing safety sensitive job duties' is too narrow," said Herner.

MSHA was also warned on the dangers of mandating the adoption of the Department of Transportation's alcohol and drug testing programs. Mining representatives warned that such a move could result in the curtailment of current comprehensive testing regimes at many mines and result in robust programs being replaced with less rigorous programs.

CONSOL's Blevins emphasized that "employers should be permitted to go beyond what the proposed rule states," saying that if "a company has or wants to develop and implement a more stringent company policy, this can only help to better ensure a safer workplace for our employees."

Mining representatives also faulted the rule for relying on outdated substance abuse testing protocols and for permitting employees to return to work after an initial positive test.

Mining community testimony delivered at the hearing is available at: [MSHA Hearing](#). ☒

What the candidates are saying...

A snapshot of what presidential candidates Sens. Barack Obama (D-Ill.) and John McCain (R-Ariz.) said about issues important to the mining community during the third and final televised presidential debate held Oct. 15 at Hofstra University in Hempstead, NY.

On Clean Coal Technology

"I support clean coal technology. Doesn't make me popular with environmentalists." –Sen. Obama.

"...clean coal technology is key in the heartland of America that's hurting rather badly.." –Sen. McCain.

To learn more about what the presidential candidates are saying on key mining issues and learn how you can make your voice heard on Election Day, visit www.minethevote.org.

NMA Outreach: *NMA regularly participates in various conferences, events and other forums to highlight key association initiatives and spotlight important developments in the mining community. Here's a look at upcoming events.*

- NMA Vice President of Industry Communications Corey Henry will deliver a presentation on the outlook for federal action supporting domestic coal-to-liquid fuel production on Nov. 6 at the Synfuel Finance and Development Summit 2008 in New York, NY. More information on the summit is available at: [Synfuel Summit](#).

Mining Week archives are available on the NMA web site.

www.nma.org

NMA backs revised Fish and Wildlife Service Endangered Species Act consultation rule

NMA this week submitted comments to the U.S. Fish and Wildlife Service (FWS) that strongly endorsed a new FWS rule designed to significantly improve the consultation process of the Endangered Species Act (ESA). The rule accomplishes this goal by reducing unnecessary federal agency consultations and making informal consultations with FWS more reasonable, while simultaneously helping to protect threatened and endangered species by focusing federal resources where they are needed most.

The rule clarifies ESA's definition of the term "effects of the action" so that indirect effects cannot be included in an effects analysis, unless a proposed action is an "essential cause" of these effects, the effects are reasonably certain to occur and are later in time. The proposed rule also makes clear that if effects are occurring regardless of the proposed action, then such effects do not need to be included in the effects analysis.

The proposed rule also amends the ESA definition of the phrase "biological assessment" to allow federal agencies to use other documents to satisfy ESA obligations for a biological assessment, so long as the required elements are present in the alternative document and an agency explains where to find these elements.

In addition, the rule clarifies the definition of "cumulative effects" to mean that such effects are not judged by their potential impact on future federal activities that are physically located within the area of a proposed federal action under consultation.

The preamble to the rule clarifies the term "effects of the action," so that lawful activities that result in the emissions of greenhouse gasses are not normally required to undergo section 7 consultations with FWS.

FWS also proposed allowing federal

agencies greater leeway in determining whether or not certain federal actions require project-specific consultation with FWS. The FWS rule lays down several narrow sets of circumstances where a federal agency could find that threatened or endangered species are not impacted by their actions. In doing so, FWS is aiming to focus resources on projects that are most likely to impact threatened or endangered species and their habitats.

Finally, the proposed rule establishes timetables to limit informal consultations. The rule requires that FWS respond in writing to a federal agency within 60 days and allows an agency to terminate consultations if FWS does not respond within the 60-day period, but provides a 60 day extension if requested by FWS. This provision should prevent federal permits from being unduly delayed by the informal consultation process.

A copy of NMA's comments is available at: [NMA FWS Consultation Comments](#). ✕

President Bush signs mercury ban export bill

President Bush on Oct. 14 signed into law a bill recently passed by Congress that bans the export of elemental mercury from the United States beginning in 2013 in order to reduce uncontrolled mercury use in developing nations.

The "Mercury Market Minimization Act" (S. 906) prohibits the export of mercury and requires the U.S. Department of Energy to establish a long-term storage facility that can be used to store any excess mercury that is not consumed by U.S. industries.

NMA, along with a coalition of industry and environmental allies, including the American Chemistry Council, the Natural Resources Defense Council, the Chlorine Institute and the Environmental Council of States, worked to support passage of the bill.



Mining Calendar Events and conferences covering important mining issues are routinely held across the nation. The following may be of interest to members of the mining community:

October 30-31, 2008

Enabling Global Coal to Liquids Markets Summit, Houston, Texas The summit will bring together leading private and public sector experts to discuss the latest developments regarding CTL production and will focus on the key market and technological development needed in order to fully enable commercial CTL production. Among those slated to speak at the conference are representatives from leading coal producing and technology developing members of the Coal-to-Liquids Coalition. www.enabling-coal-to-liquids-markets.com.

November 6-7, 2008

Synfuel Finance and Development Summit 2008, New York, NY The summit will bring together leading project developers, coal companies, investors, lenders and experts to share their perspectives on what it will take to successfully develop and finance a new fleet of coal-to-liquid plants. They will examine the current political situation and economics surrounding synfuel plants and discuss the latest domestic and international projects. The summit will explore options for enhancing revenues and the prospects for financing plant construction. More information, including registration details, is available at: [New York CTL Conference](#).

June 9-11, 2009

BPI Mining Conference 2009, Toronto, Canada Penn State University's Department of Energy and Mineral Engineering is hosting the conference, which will include presentations from industry leaders in key mining sectors — coal, metals, and nonmetallic minerals — as well as from customers, suppliers and others with a keen interest in mining industry performance. Keynote speakers will include executive management from the world's largest and most successful mining companies and manufacturers. <http://programs.psu.edu/bpi2009>.

NMA was successful in obtaining two provisions in the bill to clarify that it does not impact the coal industry. First, the bill explicitly states that the prohibition on the federal government from selling or transferring its stockpiles of elemental mercury does not prohibit the government from leasing coal from federal lands. Second, the bill explicitly states that the export ban on elemental mercury does not apply to the export of coal. ✕

MINExpo INTERNATIONAL® 2008 podcasts available online



For the first time in the show's history, MINExpo INTERNATIONAL featured daily video podcasts posted online at www.minexpo.com.

The podcasts highlighted news of the day, including the show's opening ceremony and the state of the industry press conferences, while also spotlighting the shows' comprehensive array of education sessions and the cutting-edge mining technology on display.

The podcasts are available for download at www.minexpo.com. ✕

Bucyrus wins management excellence award

Bucyrus International, Inc. was recently honored as the recipient of this year's Baird Management Excellence Award. Baird is an employee-owned, international capital markets, private equity, wealth and asset management firm. "Bucyrus International is a world leader in the design and manufacture of high-quality mining equipment," said Baird's Chairman, President & CEO Paul E. Purcell. "The company's innovative products, commitment to reinvesting in its facilities and workforce – at its south Milwaukee headquarters especially – and talented leadership team make it a proven performer," said Purcell. "It is my pleasure to recognize Bucyrus as the recipient of the 2008 Baird Management Excellence Award."

Created in 1981, the Baird Management Excellence Award recognizes companies that consistently demonstrate superior performance on behalf of customers, employees, shareholders and the communities in which they operate. Baird selects winners in consultation with officers of the Executive MBA Alumni Association at the University of Wisconsin-Milwaukee Sheldon B. Lubar School of Business. This is the 27th year Baird has presented the award.

Founded in Bucyrus, Ohio, in 1880, Bucyrus moved its headquarters to its current location in South Milwaukee, Wisc. in 1893 and earlier this year completed a more than \$200 million multi-phase capacity expansion of that facility. The company has more than 6,000 employees worldwide, nearly 60 facilities around the globe and a presence on six continents.

More information is available at: [Bucyrus Wins Management Excellence Award](#). ✕

EPA sets new NAAQS standard for lead

The U.S. Environmental Protection Agency (EPA) this week announced that it will dramatically tighten the national ambient air quality standard (NAAQS) for lead from the current limit of 1.5 micrograms per cubic meter (ug/m³) of air to 0.15 ug/m³.

The new standard, announced Oct. 16, is 10 times tighter than the existing standard. The National Mining Association opposed the stricter standard and supported comments filed by utility and industry allies on Aug. 4.

EPA's action sets two standards, a primary standard at 0.15 ug/m³ to protect health and a secondary standard at the same level to protect the public welfare, including the environment.

In addition, EPA also announced that it will expand its current lead monitoring network. EPA is expected to make non-attainment designations for the new NAAQS and add approximately 240 new monitoring sites by October 2011. The new monitoring sites will be located near sources that EPA determines emit one ton of lead or more per year and in urban areas with populations of at least 500,000.

More information is available on at: [New EPA Lead NAAQS Standard](#). ✕

Newsbits

Cleveland-Cliffs announced on Oct. 15 its intention to change its name to **Cliffs Natural Resources** and adopt a new corporate logo and visual identity. As it enters a new era of global expansion and product diversification, the company said the new name will help promote a better understanding of the company's strategy and vision among prospective customers, partners and capital providers, especially in new markets and overseas. More information is available at: [Cliffs Natural Resources...](#) **Arch Coal, Inc.** and the federal **Mine Safety and Health Administration (MSHA)** recently conducted a mock safety drill at the Dugout Canyon mine

continued

Mining Market Snapshot		
Coal Figures	Cumulative year to date	Change over last year
<i>Week ended October 4, 2008</i>		
EIA Coal Production (000 tons)	883,841	1.3%
Edison Electric Institute Electricity Output (GWh)	3,168,886	-0.8%
American Iron and Steel Institute Raw Steel Production (000 tons)	83,548	1.9%
Metal Figures		
Copper Prices (\$/mt - week avg. Grade A Cash) 10/3/08		\$6,311.50
Gold Prices (\$/troy ounce - week avg. London Final) 10/3/08		\$869.90
Source: NMA Weekly Statistical Summary/Platts Metals Week		

Newsbits

in Carbon County, Utah. The full-day rescue exercise involved more than 150 federal and state officials, miners, local law enforcement, emergency responders and other personnel. While the mock disaster focused on Canyon Fuel Company's Dugout Canyon mine, employees from across Arch's national network of mines participated in various capacities. A total of 10 mine rescue teams participated in the safety drill. "Honing our rescue and teamwork skills in a mock emergency will help prepare us for any situation,"

said **Gene DiClaudio**, president of **Arch Western Bituminous Group, LLC** in an Oct. 2 release. "We wanted to make this rescue drill as realistic as possible, including an all-hands-on-deck approach with full involvement of national, state and local enforcement officials." MSHA and the **Utah Division of Oil, Gas and Mining** were on site to participate in the voluntary exercise and to deploy new technologies, including a mine rescue robot. More information is available at: [Arch Mine Safety Exercise...](#) The **Afghan-American**

Chamber of Commerce will host the **U.S.-Afghan Business Matchmaking Conference 2008** beginning Oct. 20 in Washington, D.C. The conference will bring together leading U.S. and Afghan public and private sector officials, and leading officials from international finance bodies, to share information about business and investment opportunities in Afghanistan across a variety of sectors, including the mining and mineral sectors. More information is available at: [U.S.-Afghan Business Matchmaking Conference 2008](#).



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