



A new Mining Week is coming!

Beginning in September, *Mining Week* will become an exclusive NMA members-only publication and will feature a new look and a new publishing schedule. Our new format will give readers the flexibility to easily access each issue from their office and home desktop computers and while on the go using a Blackberry or other handheld device.

Mining Week's new format will also give readers the ability to download a single story or print a complete copy of each edition.

In addition, *Mining Week* will now be published each Wednesday in order to provide readers with mining news as it happens.

Look for the new *Mining Week* on Sept. 9.

District court rejects effort to overturn stream buffer zone rule

The U.S. District Court for the District of Columbia this week sided with NMA by refusing to allow the Obama Administration to strike down a December 2008 stream buffer zone (SBZ) rule without first going through a public rulemaking procedure laid down in the Administrative Procedures Act (APA).

The 2008 SBZ rule was designed to improve regulatory certainty by clarifying OSM's policy regarding mining in or near streams.

According to the court's ruling, "NMA has the better argument that granting the Federal defendants' motion would wrongfully permit the Federal defendants to bypass established statutory procedures for repealing an agency rule."

The Department of the Interior (DOI) had planned on circumventing the APA, which requires government agencies to follow certain procedures, including providing for public notice and comment, before enacting or amending a rule.

"The court's denial of DOI's motion to remand and vacate the SBZ rule provides greater certainty for the tens of thousands of U.S. mining employees who have been subjected to regulatory limbo over the last several months," said NMA President and CEO Hal Quinn. "In determining that the federal government cannot arbitrarily strike down a regulation, the court has preserved an open and transparent regulatory process that provides for notice and protects the rights of all interested parties to comment."

"NMA believes this decision has application across a broader range of ongoing regulatory activities affecting U.S. businesses, and we are pleased the court has clearly outlined the obligations of government to operate within the scope of duly promulgated regula-

See SBZ, page 2

NMA, NIOSH to host metal, non-metal mining safety workshop



NMA and the National Institute for Occupational Safety and Health's (NIOSH) Office of Mine Safety and Health Research will jointly sponsor a free workshop on Oct. 20 in Denver, Colo., focused on using risk-based analysis to improve safety performance in the metal and non-metal mining industry.

Reservations for the workshop must be made before Oct. 9.

The one-day workshop is designed to educate metal and non-metal mining industry safety professionals and managers about the Major Hazard Risk Assessment (MHRA) process.

Specifically, the workshop will focus on providing attendees examples of the MHRA process, how its applied in the workplace, demonstrate its use through classroom exercises and discuss the strengths and weaknesses of the process.

More information is available at: [NMA/NIOSH Safety Workshop](http://NMA/NIOSH_Safety_Workshop). ✕

Show your support for mining, visit ACT Online and contact your elected officials



Now more than ever, members of the mining community need to take an active role in advocating the critical role mining plays in providing jobs and shaping America's economic and national security.

NMA's Advocacy Campaign Team for Mining (ACT) is an online national network of mining community members who recognize the importance of being involved in the political process and are willing to make their voice heard. So far this year, ACT Online supporters have sent almost 34,000 letters to Congress on key mining issues.

In Congress and state capitols across the nation, issues of enormous importance to the mining community are being debated. NMA's ACT Online homepage offers supporters the chance to contact their elected officials on a wide range of coal, mineral, metal, economic and environmental issues.

Visit [ACT Online](#) today and show your support for America's mining community. ✕

New study details severe economic impact of Waxman-Markey climate bill

A new study released this week by the National Association of Manufacturers and the American Council for Capital Formation details the severe damage America's economy would suffer should Congress give final approval to the Waxman-Markey climate bill (H.R. 2454).

The study predicts that by 2030 as many as 2.4 million jobs will be lost, with a 6-7 percent drop in domestic manufacturing jobs. Paired with a drop in manufacturing jobs will be reduced industrial input ranging from 5.3 to 6.5 percent.

Electricity prices are predicted to rise between 31 and 50 percent, with coal production dropping by as much as 38 percent by 2020 and up to 75 percent by 2030.

The study predicts that annual household income will decline between \$730 and \$1248 by 2030 with declines of 40 percent for Midwestern areas.

A copy of the study is available at: [Climate Study](#). ✕

10 Democratic senators say climate bill must protect domestic manufacturers

Ten Democratic senators recently wrote to President Obama outlining a series of measures designed to protect domestic manufacturers they say must be included in any climate legislation. Without such measures, the group warned it would be extremely difficult for them to support a Senate climate package.

The measures are primarily targeted at preventing U.S. manufacturers from relocating to nations that will not have a comparable carbon dioxide management regime.

Signing the letter were Sens. Sherrod Brown (Ohio), Debbie Stabenow (Mich.), Russ Feingold (Wisc.), Carl Levin (Mich.), Evan Bayh (Ind.), Robert Casey (Pa.), Robert Byrd (W.Va.), Arlen Specter (Pa.), Jay Rockefeller (W.Va.) and Al Franken (Minn.)

"As Congress considers energy and climate legislation, it is important that such a bill include provisions to maintain a level playing field for American manufacturing," the senators wrote.

The letter highlighted that production of many energy-intensive goods, such as iron ore, occur under vastly different

conditions. The letter noted that steel produced in China results in carbon emissions three times larger than for steel produced in the U.S.

Among the provisions endorsed in the letter is a border adjustment mechanism that would impose tariffs on goods imported from countries that do not take action to cut carbon dioxide emissions.

The senators also called for short-term rebates for energy-intensive and trade exposed industries; negotiating objectives requiring any international climate deal to address manufacturing competitiveness; effective tools for monitoring and enforcing global emission reduction commitments; and policies to promote investments in energy efficient and clean technology manufacturing.

A copy of the Aug. 6 letter is available at: [Senate Letter](#). ✕

SBZ *continued from page 1*

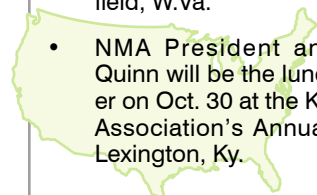
tions and administrative procedures," said Quinn.

A copy of the court's decision is available at: [SBZ Decision](#). ✕

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 President and CEO Hal Quinn will be the luncheon speaker on Sept. 10 at the New Mexico Mining Association's Annual Convention in Albuquerque, N.M.
- NMA Senior Vice President of Communications Carol Raulston will speak on Sept. 12 at the Nevada Mining Association Annual Convention, in Reno, Nev.
- NMA President and CEO Hal Quinn will speak at a Sept. 16 media breakfast with West Virginia Gov. Joe Manchin (D) at the biennial Bluefield Coal Show in Bluefield, W.Va.

- NMA President and CEO Hal Quinn will be the luncheon speaker on Oct. 30 at the Kentucky Coal Association's Annual Meeting in Lexington, Ky.



Senators introduce legislation to eliminate depletion allowance

New legislation was recently introduced in the Senate that seeks to eliminate the Percentage Depletion Allowance for minerals mined on public lands.

The "Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2009" (S. 1570) is sponsored by Sens. Russ Feingold (D-Wisc.), Maria Cantwell (D-Wash.) Dianne Feinstein (D-Calif.) and Bernie Sanders (I-Vt.).

In July, Feingold, Cantwell and Feinstein had circulated a dear colleague letter to the chamber's other 97 members, seeking increased support for the bill. However, that effort yielded only Sanders as an additional co-sponsor.

The bill would create a \$125 million Abandoned Mine Reclamation Fund using revenue generated by repealing the depletion allowance.

A copy of the bill is available at: [S. 1570](#). ✕

NMA outlines steps for improving Endangered Species Act consultations

NMA, as part of the National Endangered Species Act Reform Coalition (NESARC), recently called on the Fish & Wildlife Service (FWS) to improve the section 7 consultation process under the Endangered Species Act (ESA).

The comments were submitted in response to an FWS request regarding the agency's move to overturn a December 2008 Bush Administration ESA consultation rule. The Bush rule would be replaced with an existing set of consultation rules, which had been shelved, until the Obama Administration issues a new set of rules.

The 2008 rule was designed to reduce wasteful federal agency consultations and ensure that efforts to address green-

house gas emissions do not produce unintended economic consequences.

The NESARC comments urged FWS to ensure that the ESA is not inappropriately used as a vehicle to pursue regulation of greenhouse gases and asked that the agency clarify the appropriate nexus for the determination of direct and indirect effects.

The comments also called on the agency to adopt some of the improvements to the consultation process made in the 2008 rule and adopt time limits for the completion of the informal consultation process.

In addition, NESARC called on the federal government to develop counterpart regulations in appropriate circumstances, establish procedures for consultations in light of emergencies and imminent danger and establish administrative improvements to the consultation process.

A copy of the comments is available at: [ESA Comments](#). ✕



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:

August 25 Women's Mining Coalition Annual Meeting Internet Conference More information, including pre-registration details, is available at: [Annual Meeting](#).

September 7 Friends of America Labor Day Rally Holden, W.Va. A Labor Day rally to support American jobs and coal mining. The rally will be held on a reclaimed surface mining and features musical entertainment by Hank Williams Jr. and Ted Nugent and commentary by Fox News personality Sean Hannity. Free tickets are available at: [Friends of America Rally](#).

September 10-12 Reno, Nev. Nevada Mining Association Annual Convention Registration information is available at: [Nevada Mining Association Annual Convention](#).

September 16-18 Bluefield, W.Va. Bluefield Coal Show More information, including registration details, is available at: [Bluefield Coal Show](#).

September 21-24 Belo Horizonte, Brazil, Brazilian Mining Show The U.S. Commercial Service of the U.S. Embassy in Brazil will again organize a pavilion for U.S. exhibitors for the show, which is expected to draw more than 40,000 visitors. This show is the most important mining sector event in Brazil and is held every two years. Exhibition space has sold out in the last editions and U.S. companies planning to participate are encouraged to contact the Commercial Service as soon as possible. More information is available at: [Brazilian Mining Show](#).

October 26-28 Reno, Nev. MSHA Joint Western Regional Mine Safety and Health Conference Key industry and government officials will explore the latest in mine safety and health improvement techniques. More information is available at: [MSHA Joint Western Safety Conference](#).

October 28-30 Lexington, Ky., 34th Kentucky Mineral Law Conference sponsored by the Energy and Mineral Law Foundation. Watch for more information at [www.emlf.org](#).

November 2-6 Anchorage, Alaska, Alaska Miners Association Annual Convention and Trade Show More information is available at [www.alaskaminers.org](#).

November 5-6 Westminster, Colo. Mine Closure, Financial Assurance, and Final Reclamation Hosted by the Rocky Mountain Mineral Law Foundation, the forum is intended to give a broad overview of mine closure topics and issues and to assist in present day closures, planning for closures that may not occur for years or even decades, and designing mines that have yet to begin development. More information is available at [Mine Closure Forum](#).

November 30-December 4 Reno, Nev., Northwest Mining Association 2009 Annual Meeting and Exposition More information, including online registration, is available at: <http://www.nwma.org/convention.asp>.

February 4-6, 2010 Captiva Island, Fla., Winter Workshops on Energy Law sponsored by the Energy and Mineral Law Foundation. Watch for more information at [www.emlf.org](#).

February 9-10, 2010 Denver, Colo., 112th National Western Mining Conference Sponsored by the Colorado Mining Association. More information is available at [www.coloradomining.org](#).

May 9-11, 2010 Amelia Island, Fla., Energy & Mineral Law Foundation Annual Institute Sponsored by the Energy and Mineral Law Foundation. Watch for more information at [www.emlf.org](#).

New data show jump in mining machinery shipments

Shipment data recently released by the U.S. Census Bureau show a jump in U.S. mining equipment machinery shipments for 2008, with shipments up in nearly all categories.

Shipments of underground mining machinery were \$956.7 million in 2008, compared with \$823.8 million in 2007, a 16 percent increase.

Shipments of crushing, pulverizing and screening machinery totaled \$703.8 million in 2008, up 15.2 percent from 2007 (\$610.9 million), while shipments of portable drilling rigs and parts came in at approximately \$1.48 billion, up 16.3 percent from 2007.

Portable crushing, screening, washing and combination plants were down 2.1 percent to \$275.4 million, while drills and other machinery increased 23.4 percent to \$286.5 million in 2008.

More information is available at: [Census Report](#). ✕

SHIPMENTS OF MINING MACHINERY, 2007-2008			
Product	Value of Shipments 2007 (million dollars)	Value of Shipments 2008 (million dollars)	Percent Change
Underground mining machinery (except parts)	823.8	956.7	16.1%
Crushing, pulverizing and screening (except portable) machinery	610.9	703.8	15.2%
Portable crushing, screening, washing, and combination plants	281.2	275.4	-2.1%
Portable drilling rigs and parts	1,273.1	1,480.7	16.3%
Drills and other machinery (except parts)	232.2	286.5	23.4%

SOURCE: U.S. Department of Commerce, Bureau of Census, CIR MA33F(08)-1

NMA welcomes Active Control Technology as newest member



NMA recently welcomed Active Control Technology, with offices in the U.S. and headquartered in Burlington, Ontario, Canada, as the association's newest member.

The company has developed "ActiveMine™," a wireless safety and operational system for unique working environments, such as underground coal mines.

ActiveMine provides a 100 percent wireless Wi-Fi network that enables tracking of miners and also voice transmission of data, voice communications and video above-ground and under-ground.

More information on the company is available at: [Active Control Technology](#). ✕

DOE awards \$20 million for project to advance CCS technology

The Department of Energy this week announced that Ramgen Power Systems LLC of Bellevue, Wash., has been awarded \$20 million in funding to further develop a device that uses supersonic shockwaves to compress carbon dioxide (CO₂) for capture and storage.

The funding is being made available as part of the nearly \$790 billion economic stimulus package President Obama signed into law earlier this year.

"This funding will both create jobs now and help position the United States to lead the world in CCS technologies, which will be in increasing demand in the years ahead," said Energy Secretary Steven Chu.

The device, known as a Rampressor, employs a fundamentally new technology that reduces the cost of compressing CO₂ to achieve affordable carbon capture and storage.

Prior to receiving the funding, Ramgen was working with DOE to design and build a 3,000 horsepower compressor, based on the new technology, by January 2011. With the additional funding, they will be able to pick up the pace of development and testing to demonstrate a 13,000 horsepower compressor by the same date.

More information is available at: [DOE CCS Funding](#).

Looking ahead: Here's a look at what's ahead for the mining community in Washington, D.C.

- The U.S. House of Representatives and Senate are in adjournment for the August congressional recess and are not scheduled to reconvene until Sept. 8.

Newsbits

Thompson Creek Metals Company Inc., a leading molybdenum producer, this week announced the appointment of **S. Scott Shellhaas** as vice president and chief operating officer. "We are very pleased to welcome Scott Shellhaas to our management team and look forward to working with him," said company Chairman and CEO **Kevin Loughrey**. "Scott has extensive minerals management experience, both domestic and international, involving a number of different metals." More information is available at: [Thompson Announcement](#).

Mining Market Snapshot		
Coal Figures	Cumulative year to date	Change over last year
<i>Week ended August 1, 2009</i>		
EIA Coal Production (000 tons)	635,787	-6.0%
Edison Electric Institute Electricity Output (GWh)	2,316,433	-4.6%
American Iron and Steel Institute Raw Steel Production (000 tons)	32,666	-50.2%
Metal Figures		
Copper Prices (\$/mt - week avg. Grade A Cash) 7/31/09		\$5,576.25
Gold Prices (\$/troy ounce - week avg. London Final) 7/31/09		\$940.35
Source: NMA Weekly Statistical Summary/Platts Metals Week		



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