

**Email Comments to Utah Mine Safety Commission
As of December 11, 2007**

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State Mine Inspector Statute Changes

In an effort to eliminate the duplication of efforts between the federal government (US Dept. of Labor, Mine Safety & Health Administration – MSHA) and the New Mexico State Mine Inspector's office there are language changes in State Statute 69 that are necessary to clarify the current roles and responsibilities of the State Mine Inspector's Office to insure that the State Mine Inspector's office has a clear mission and strategic plan for insuring the health and safety of the miners in New Mexico.

For many years states were charged with the "inspection" and enforcement of State laws in regard to mining. In 1969 the Federal Coal Mine Safety Act was implemented to insure the health and safety of the miners in the United States. In 1977 this Act was repealed and replaced with the Mine Health and Safety Act which continues to be enforced today and extends itself to not only the coal industry, but every person affiliated with the extraction and production of all types of minerals within the boundaries of the United States. Along with the original Coal Act and subsequent Mine Act the Code of Federal Regulations Title 30 was created to specifically address the minimum standards to be maintained by miners and mine operators to insure safety. In addition, an agency under the Department of Labor called the Mine Safety & Health Administration was created. This agency is responsible for the actual on-site inspection of all mining operations to insure compliance with the CFR 30 requirements. When deficiencies are found the MSHA inspector issues a citation to the mine operator and MSHA and the mine operator are then responsible to insure that a correction is made immediately.

Currently the state's role is one of training and not enforcement. The mission of the State Mine Inspector's office is to assist miners and mine operators by conducting training, certifying coal officials, offering technical expertise, and promoting and supporting the mining industry in general. If you will, it is specifically designed to be a proactive process to insure that miners have the knowledge and skills to enter the mining industry and not suffer any adverse affects in regard to their health and safety. The State Mine Inspector's office is located at the New Mexico Institute of Mining and Technology in Socorro, New Mexico. We are a recipient of a federal grant through the Mine Safety and Health Administration to provide health and safety training to miners within New Mexico.

Through the careful and diligent efforts of the Mining Safety Advisory Board in conjunction with the State Mine Inspector we feel that these proposed changes to the state statutes will reflect a more comprehensive outline of the current status of the State Mine Inspector's duties and responsibilities. The issue of enforcement, inspection, and penalties is and should remain the primary interest of the Mine Safety & Health Administration. The State Mine Inspector works with the local, regional, and national offices of the Mine Safety & Health Administration to promote and insure the continuation of effective health, safety, and training programs to insure compliance of federal regulations and the safety of all persons working in the mining industry within the confines of the State of New Mexico.

STATE MINE INSPECTOR – A BRIEF HISTORY

- 1912 – New Mexico Constitution establishes the position of "inspector of mines" (now "state mine inspector") to be appointed by the Governor with advice and consent of the Senate (Article XVII, Section 1) and requires the Legislature to adopt laws to protect the health and safety of mine employees (Article XVII, section 2).
- 1933 – Legislature adopts a comprehensive set of mine safety laws. Many still exist today.
- 1961 – Legislature enacts the Mine Safety Act which includes the creation of the Mine Safety Advisory Board
- 1977 – Legislature creates the Department of Energy and Minerals and makes the State Mine Inspector the chief of the new Bureau of Mine Inspection within the new Mining and Minerals Division.
- 1977 – Congress passes the Mine Health and Safety Act and establishes the Mine Safety and Health Administration within the U.S. Department of Labor.

- 1987 – Legislature repeals large portions of state’s mine safety laws.
- 1989 – Legislature transfers the Bureau of Mine Inspection and State Mine Inspector to New Mexico Institute of Mining and Technology.

STATUTORY REVIEW

During the past year, the State Mine Inspector and the Mine Safety Advisory Board have reviewed what remains of the state’s mine safety laws and rules. We have discovered that many laws are outdated and have been preempted by federal mine safety laws. Also, the laws do not accurately reflect the current roles and responsibilities of the SMI. In addition, the relationship between the SMI and the Board is sometimes confusing and ineffectual.

The SMI and the Safety Board have developed a set of proposed legislative changes.

GOALS OF PROPOSED LEGISLATIVE CHANGES

- Align the statutory duties of the State Mine Inspector with the actual duties of the SMI and focus on training, certification and outreach.
- Clarify the duties of the Mine Safety Board and provide more effective oversight of the SMI by the Board. Provide the Board with clear authority to enact rules and allow for appeals to the Board.
- Clarify the authority of the SMI to certify coal mine officials.
- Repeal outdated statutes pertaining to the enforcement of mine safety rules now preempted by federal law and enforced by a federal agency.

Outline of Proposed Changes

The largest majority of this statute (69) needs to be repealed. Listed below is a draft of some of the specific articles that we feel need to be repealed and replaced with the correct language to reflect today’s mining industry in New Mexico.

69-5-7. Duties; state mine inspector; director of mining and minerals

A. The state mine inspector shall:

- (1) Upon notification of any explosion or other catastrophic event at a mine in which the life/lives of mine workers are jeopardized or in which fatalities have occurred the state mine inspector shall allocate available resources to assist mine operators with the investigation of such accident or the remediation of any mine emergency as requested by the operator.
- (2) Upon request from a mine operator provide compliance assistance to any mine within the state to aid in the health and safety of the miners and the mine operators.
- (3) Support and maintain a New Mexico mine bell code signal system and provide information as requested.
- (4) Make a report to the Governor on or before June 1 of each year, which report covers the preceding calendar year and contains a review of the official acts of the inspector.

69-5-9. [Right of entry and inspection in mines; operator’s representative].

The state mine inspector is given authority at all reasonable times to enter any mine in the state in such a man-

ner as to not impede or obstruct the workings of the mine to review all matters relating to the safety and health of the employees who work in or about the mines.

69-5-14. Ordering dangerous conditions in mines be removed or removal of workers from danger zones.

Should the state mine inspector find during any visit to a mine that in his opinion a dangerous condition exists therein, that might cause the loss of life or serious personal injury to the employees, the state mine inspector shall notify the operator at once. If the operator does not take action to mitigate the hazard or take corrective action the state mine inspector will immediately contact the Mine Safety & Health Administration office to communicate the health or safety concern.

69-5-16. Operator's Compliance.

The operator of every mine shall observe and comply with all lawful orders, regulations and written notices issued by the state mine inspector or the director of the division of mining and minerals of the energy, minerals and natural resources department in accordance with their respective statutory duties.

69-5-17. Fatal and serious mine accidents;

Operator shall report all fatal mine accidents to the state mine inspector within 24 hours of occurrence. Non-fatal lost time accidents shall be reported to the state mine inspector on at least a quarterly basis.

69-8-3. Mining safety advisory board.

There is created a "mining safety advisory board" hereinafter referred to as the board, consisting of thirteen (13) members, of whom six (6) shall represent industry, six (6) shall be non-supervisory production or maintenance employees and one, who shall serve as the chairman and vote on all motions, shall represent the public. A member representing industry and a member representing non-supervisory production or maintenance employees shall be chosen from the coal mining industry, the molybdenum mining industry and the sand and gravel operations. The members of the board shall be appointed by the governor for a term of four years or until their successor are appointed and qualified, provided that the initial appointment of the two members from the molybdenum mining industry and from the sand and gravel operations, and one employee-member representing the same type of mining activity shall be appointed from the three current major types of mining activity in terms of total employment within the state. Vacancies shall be filled by appointments for the unexpired term by the governor in the same manner as the original appointments. The state mine inspector and the director of the mining and minerals division, shall be ex-officio members of the board but shall have no vote and receive no additional compensation for the duties performed in connection therewith.

69-8-4. Duties of the board; rulemaking.

A. The board may, after a public hearing adopt rules, for the protection of the life and safety of employees and to carry out the intent of the Mining Safety Act. The board may appoint a special committee of employers, employees and experts to assist in the development of proposed rules. The inspector may make recommendations to the board as necessary to carry out his duties and the intent of the Mining Safety Act.

B. Notice of the subject, time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule may be obtained shall be:

- (1) published at least thirty days prior to the hearing date in a newspaper of general circulation in the state and in the New Mexico register, if published; and
- (2) mailed at least thirty days prior to the hearing date to all persons who have made a written request to the

board or the inspector for advance notice of hearings.

C. The board shall allow all interested persons reasonable opportunity to submit data, views or arguments orally or in writing. The board may designate a hearing officer to take evidence in the hearing. Any person who provides comments shall be given written notice of the action of the board.

D. All rules shall be filed in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978].

E. A person who is adversely affected by a rule adopted by the board may appeal to the court of appeals for further relief. All such appeals shall be upon the record made before the board and shall be taken to the court of appeals within thirty days after the rule becomes effective under the State Rules Act [Chapter 14, Article 4 NMSA 1978]. Upon appeal, the court of appeals shall set aside the board's action only if it is found to be (1) arbitrary, capricious or an abuse of discretion; (2) not supported by substantial evidence in the record; or (3) otherwise not in accordance with law.

69-14-1. Mine foreman; mine examiners; shotfirers; qualification by state mine inspector.

The state mine inspector, with the gratis assistance, of local mine operators, and the board shall maintain a program to include application, testing, and certification for all persons to act as mine foreman, mine examiners and shotfirers in coal mining operations in the state of New Mexico. No operator shall employ any person as a mine foreman, mine examiner, or shotfirer unless he has been certified by the state mine inspector for such position.

69-14-2. Methods of qualification; examinations.

The state mine inspector shall certify persons for the positions of mine foreman, mine examiner and shotfirer accordingly as follows:

A. Applications are required to be received in the state mine inspector's office no later than 30 days prior to the schedule test date. All program requirements will be reviewed and the applicants will be notified of the eligibility to participate in the testing process within two weeks of the scheduled test date. The state mine inspector shall hold written examinations at times and places to be communicated at least thirty days in advance. In the event of an immediate need to secure certification of any person, outside of the regular testing schedule a request must be made in writing to the state mine inspector and the state mine inspector will make the examination available in the office of the state mine inspector in the most expedient manner available.

1. Certification as an underground foreman shall require each applicant to have at least four (4) years of experience in underground coal mines and at least six (6) months of experience as a coal mine examiner. Degreed engineers in a mining discipline shall be required to have at least two (2) years of experience in underground coal mining and at least six (6) months experience as a mine examiner.

2. Certification as a surface mine foreman shall require each applicant to have at least four (4) years of experience in surface coal mines, with an emphasis in the production processes to include extraction, transportation and processing of coal. Degreed engineers in a mining discipline shall be required to have at least two (2) years of experience in surface coal mining with an emphasis in the production processes to include extraction, transportation, and processing of coal.

3. Certification as an underground mine examiner shall require each applicant to have two (2) years of experience in underground coal mines and be currently qualified to test for methane and oxygen deficiency or successfully demonstrate to the state mine inspector or his designee proficiency in methane detection and oxygen deficiency testing.

4. Certification as an underground shotfirer shall require each applicant to have at least one (1) year of underground experience in underground coal mines and be currently qualified to test for methane and oxygen deficiency or successfully demonstrate to the state mine inspector or his designee proficiency in methane detection and oxygen deficiency testing.

****New question.**

How can we help Molycorp to be able to take UG Foreman/Supervisors and get them certified as surface coal officials without having to wait for 4 years? This would also apply to the BHP folks who may have foreman underground who want to move to the surface or folks from metal/non-metal underground operations at other locations in and out of the State of New Mexico and allow them to hire and subsequently certify their supervisors.

The State of Colorado regulations for surface foreman is as follows:

“.....a minimum of 3 years working experience in coal mine, or in mining determined to be equivalent by the Board, at least one of which years shall have been in a surface coal mine.”

The same language is there for underground coal mine qualification/certification.

Do you think it would be feasible to generate a fast-track type of training program to insure that the candidate has a firm understanding of the laws and the requirements for surface and/or underground coal operations? We have study guides that we are developing for each of the certifications that could be used as a training guide. The candidates would have to successfully pass the testing requirements. In all cases coal foreman are required to have methane detection and oxygen deficiency qualification which takes at least 6 months for an underground candidate and there is no minimum time requirement for surface coal foremen.

Need feedback on these issues as quickly as possible.BB

69-14-4. Certification period; re-certification; discipline; appeal

A. Certifications for mine officials shall be issued for a period of five years. All officials certified by the state mine inspector prior to the date of this act shall have their certification period extended for two years. Each certified official has the responsibility to notify the inspector of any change in address or change in mine employment within thirty days of such change.

B. Certified officials may apply for re-certification within twelve months prior to the end of the certification period. Re-certification will require proof of training for the annual re-training of certified, qualified, individuals as required in Title 30, of the Code of Federal Regulations. Any official who cannot provide documentation of this training will be required to re-test. If the official should fail the test, a one-time 30 day grace period will be allowed in order to facilitate the person to successfully re-certify. In no instance shall anyone be allowed to re-test more than twice within the 30 day period. Anyone who does not successfully re-certify within the 30 day grace period will have a 1 year suspension of their certification and will not be allowed to be employed as a certified official. Suspended officials will have the opportunity to apply and test for new certification no sooner than 12 months from the first failed test.

C. The state mine inspector may refuse to certify or re-certify or may suspend or revoke any certification held or applied for under this article upon grounds that the applicant or certified official:

(1) gave false or forged evidence to the inspector to obtain a certification;

- (2) is grossly negligent or incompetent in his duties as a certified official;
- (3) has failed to maintain his certification;
- (4) has violated or aided or abetted any person in a violation of the federal Mine Safety and Health Act or the state mine safety laws; or
- (5) has been revoked, suspended, or otherwise disciplined in another state that certifies mine officials or by the Mine Safety & Health Administration where no such state program exists.

D. If the inspector contemplates taking any of the action is subsection C of Section 69-14-4 for any of the reasons provided in that subsection, the inspector shall provide written notice to the applicant or certified official. The notice shall include a statement that the inspector has sufficient evidence that, if not rebutted or explained, will justify the inspector in taking the contemplated action, that indicates the general nature of the evidence, and that provides the applicant or official at least twenty days to submit written evidence to rebut or explain the allegations. If, after the response period ends, the inspector takes an action listed in Subsection C of Section 69-14-4, the applicant or certified official may appeal such action to the mining safety advisory board within thirty days after notice of the action. The board, upon request, may conduct a hearing on the appeal.

E. A person who is adversely affected by a decision of the board under this article may appeal to the district court pursuant to provisions of Section 39-3-1.1 NMSA 1978.

DRAFT

September 12, 2007

Senator Bennett

Senator Hatch

Rep Matheson

Rep Bishop

Rep Cannon

Gov. Huntsman

Re: Committee Investigations of Crandall Canyon Mine Disaster

Gentlemen:

The catastrophic events of the past weeks have touched the communities of Carbon and Emery County deeply. The initial shock of news of a mining accident and the roller coaster of emotions which have followed leave us saddened, and unfortunately on somewhat familiar ground. Our communities are grateful for the care, compassion and support each of you has shown as the unfortunate events unfolded. At present, we find ourselves grieving with the families of the lost, trying to look to the future now. Following each mining accident, there comes the time when each of us ask the inevitable question, how did this happen? Could it have been prevented?

The recent action taken at the national and state levels are, we believe, natural and expected responses to a catastrophe which has claimed the lives of nine irreplaceable men. We understand that Senator Bennett has cautioned against reacting emotionally and in a knee-jerk manner. We appreciate that caution. As the committees have been formed to review facts and circumstances surrounding the events at the Crandall Canyon Mine, we have no doubt that the intent is noble and with the best of intentions. However, we would advance the following cautions in regard to any proposed recommendations by these committees.

- Avoid taking an “outside looking in” attitude. It is always easiest to become the Monday morning quarterback and have all the easy answers after the fact.
- At the State level, there appears to be an out of balance weighting of elected officials to underground mining experience. Seek out the testimony of those with underground mining experience. There is no substitute for hands on experience.

- Please don't impose further regulations on this industry just for the sake of "doing something". Underground mining is currently one of the most regulated industries in the nation, for understandable reasons. Reasonable measures addressing overlooked or new safety concerns are always necessary. Redundant requirements serve no purpose.
- Recommendations from the committees should be pro-active, preventive measures, not reactive and punitive in nature.
- Coal mining and coal fired power generation are under the gun from proponents of alternative energy sources who are prone to argue that accidents such as this are just another reason enough to scrap proposed plans for coal fired power plants. Such arguments should be outside the scope of the committee hearings.
- There are regulatory agencies in place both at the State and National levels. Mine Safety and Health Administration (MSHA), Office of Surface Mining (OSM) and the Utah Division of Oil Gas and Mining (UDOGM) set standards, permit mining, and are responsible for safe mining plans and implementation of those plans. Mistakes, illegalities, non-conforming practices (if any) will be determined by these agencies. While oversight is necessary, please don't intend for the committees to do the job of existing agencies.

We appreciate your attentiveness to our concerns.

Sincerely,

Bruce Wilson
Chair, Emery County Public Lands Department

From: MARIAN P FOSTER <nbr1angel@verizon.net>
To: <minesafetycommission@utah.gov>
Date: 9/19/2007 11:11 PM
Subject: mine safety

I have followed this case closely. It is impossible to see the suffering of those left behind from the Utah Crandal Mine colapse without being touched deeply. Please let them know we are praying for them.

Increased safety measures should include high powered walkie-talkie's, hand held, for each miner. If the victims of this mine colapse had communication devises, they could have sent information that would have told authorities above ground where they were located. There would have been no need to dig 7 holes in various places to try finding them. The technology exists, so why not make use of it? (When the twin towers in New York went down in the terrorist attack 9-11-01, those with cell phones were able to call out and tell their loved ones they loved them for the last time. Some victims were located because of cell phones. On the plane that was downed that same day, some people called out using cell phones to let their loved ones know what was happening.) Technology usage can make a huge difference.

This "retreat mining" is so dangerous. It can be done for a while, but you never know when the breaking point for the mine to colapse will reach critical mass. When that point is reached, those who are in the mine when the colapse occurs will be injured, trapped or killed. It is just greed to put men's lives in harm's way with "retreat mining" for money.

My friend suggested that a 3 foot wide pipeline of heavy steel be put into the mines, and added to as the mine is dug deeper. This would give anyone trapped below in a mine cave-in a good chance to crawl out through the pipeline. In a deep mine, with several miles of pipeline, water canisters could be put every mile or every 1/2 mile, so the people crawling from deep within the mine to the earth's surface would have water to drink on the way out. This would save having to dig out survivors, because they could crawl out. It would cost to lay the pipeline, but would be lots less expensive and less dangerous than having a crew risk their lives to dig out the victims. It would also give peace-of-mind to families of miners that they have a life-line to get themselves out of a cave-in.

Thank you for making it possible for concerned citizens to have a voice. Marian P. Foster, Downey, California.

God Bless!!!

From: MARIAN P FOSTER <nbr1angel@verizon.net>
To: MINESAFETYCOMMISSION <minesafetycommission@utah.gov>
Date: 10/3/2007 11:26 PM
Subject: Re: mine safety

In Cartelonville, South Africa, 3,000 gold miners were trapped today, (October 3, 2007)

1 - 1 1/2 miles underground. South Africans are putting 73 - 75 people in a basket, and bringing them to the surface every 25 - 30 minutes. It will take 10 hours to rescue all of them.

If South Africa can bring 3,000 miners to the surface in 10 hours time, why can't America do at least that much? We Americans can put a man on the moon, and send probes into space. But, with all of our technology, we can't provide safety for our miners?

We can't get 6 guys out who are trapped in the Utah Crandall Mine? We didn't even know if they were alive or dead, or where they were underground. No communication!!! Three more men died trying to dig them out the long way from a mine that was caving in on itself. Three weeks after the first cave in we had 9 dead miners. We really do need a far better system for getting trapped miners to the surface.

MINESAFETYCOMMISSION MINESAFETYCOMMISSION <minesafetycommission@utah.gov> wrote:

Thank you for your comments. The commission will receive a copy and your comments will be made part of the public record. Please feel free to provide any additional comments through this e-mail address or in writing to:

John Baza, Executive Secretary
Utah Mine Safety Commission
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah, 84114

>>> MARIAN P FOSTER 09/19/2007 11:11 PM >>>

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Thank you for making it possible for concerned citizens to have a voice. Marian P. Foster, Downey, California.

God Bless!!!

God Bless!!!

From: "JIM LINDSEY" <jameslindsey@verizon.net>
To: <minesafetycommission@utah.gov>
Date: 9/19/2007 4:27 PM

The first step toward improving safety in the mining industry is to refuse to issue mining permits to Murray Energy and Bob Murray. Secondly make certain that his mining operations in your state remain closed. The coal industry would be better off and much safer without his involvement.

A former employee

From: jindrich lat <jindrichlat@seznam.cz>
To: <minesafetycommission@utah.gov>
Date: 9/21/2007 6:49 AM
Subject: Crandall Canyon mine event.

To the address the redaction of the journal E&MJ Engineering Mining Journal
Peter Johnson, Publisher
Mining Media Inc
8751 East Hampden Ave, Ste B-1
Denver, CO 80231 USA
Tel: +1 303-283-0640
Fax: +1 303-283-0641
E-mail: pjohnson@mining-media.com

we sent at 09/17/2007 our attitude to the possibility of occurrence the event on Crandall Canyon mine and simultaneously the suggestion how it is possible solve such situation in mine environment
Professor Jindrich Lat Technical University Ostrava Czech Republic. e-mail:jindrichlat@seznam.cz

From: "Larry Grayson" <rlg19@psu.edu>
To: <minesafetycommission@utah.gov>
Date: 9/22/2007 6:48 AM
Subject: Lack of Good Risk Assessment a Fundamental Failure at Crandall Canyon Mine

Dear Commission members,

It has become clear to me, particularly after talking with geotechnical analysts, that the fundamental failure leading to the disaster at Crandall Canyon Mine was the lack of a good risk assessment when doing a geotechnical analysis of the conditions and mining method. Although a geotechnical analysis was obtained by the mine operator through Agapito and Associates, there was no sensitivity analysis on varying key parameters, which would frame the level of risk in mining a bump-prone area (a major hazard).

Using a single or very few analyses (runs of the LAMODEL) would not properly frame the risk (probability for failure X consequences). Rather varying over their practical ranges the values of input parameters such as the coal strength (unconfined and confined), peak strain in an element of the model, coal modulus of elasticity, the Poisson ratio, and abutment pressure was important. By doing this a practical range of stability factors could have been calculated under various scenarios of mining (mining entries and crosscuts in the barrier as well as full or partial retreat of the pillar created in the barrier).

A consulting firm does the analyses demanded in the scope of work defined by the mine operator, who pays for the analyses. If a risk assessment with a sensitivity analysis is not requested by the mine operator, then it will not be done - it cost more money to run many more analyses (varying parameters). If MSHA does not require a more thorough risk-based sensitivity analysis, then the company will likely not request it; however, if MSHA would require a more thorough analysis, then the company would have to do it in order to get approval of the mining plan being analyzed. This is where a Utah mining enforcement agency could intervene to require such an analysis, even if MSHA did not.

Everyone who has worked in this industry knows that the various parameters I described above are not known with certainty. We do not, from in-mine stress monitoring and testing of core samples, what the range of values are. Facing a major hazard such as coal mine bumps in an area where the overburden goes beyond 1500 ft of depth, requires extra precautions, particularly when planning to do retreat mining in a barrier pillar which is loaded by abutment from an abandoned (previously mined out) area.

Sincerely,

R. Larry Grayson, Ph.D., P.E.

Professor of Energy and Mineral Engineering

George H. Jr. and Anne B. Deike Chair of Mining Engineering

The Pennsylvania State University and

Chair of the Mine Safety and Technology Commission (2006)

103-A Hosler Building

University Park, PA 16802-5000

To: File

From: Joe Fielder(9/25/07)

Re: Crandall Canyon Disaster

Mr. Chairman, commission members, concerned citizens and fellow coal miners.

Please be advised that these comments are my own and should not in any way be construed as any position of UEI which I am employed. I do not have any agenda only to be involved and give as much input as possible using my over 30 years of mining experience in the west. I was mine manager at Trail Mountain and Sunnyside and lately longwall coordinator for Crandall Canyon for 15 years.

It would not be appropriate if I did not take a moment and honor the men at Crandall Canyon who were involved in the rescue and those who lost their lives in the tragedy. This includes all of the support agencies which preformed above and beyond the call of duty. I was one of many miners involved in the rescue mission and every effort was given to reach the trapped miners. MSHA and UEI exhausted every possible resource to reach the trapped miners. Unfortunately the underground effort had to be abandoned with the loss of three additional very good men. Murray Energy places the safety of its employees as their first priority and any additional risk was not an option. I totally agreed with this assessment that to continue the underground effort would have been impossible to do safely. Those men who lost their lives would have most certainly agreed. All the expertise in the industry that was gathered at Crandall Canyon did not anticipate the second event.

I would like to address the event as we will call it. I dare say that know one in this area has seen anything like this. The scope and magnitude of this event can only be imagined. As far as we know the complete mining district was affected which is over 2000' in length and approx. 1250' in width. This event was an anomaly and could not have been predicted. This disaster was not the result of poor training or improper mining procedures. This event was totally out of the control of these miners. These men were very knowledgeable and experienced miners which took great pride in their work. We may never know the cause of this event. We might have a number of theories but to absolutely determine what happened could be impossible. One thing we can do is eliminate the circumstances and learn from it to prevent it from ever happening again.

Coal has been mined in the Bookcliffs and Wasatch Plateau since before the turn of the century. Many different mining methods and procedures were developed by trial and error and regretfully loss of life. I remember the two entry longwall gateroad debate at Sunnyside and how it was disputed and scrutinized. Today the two entry gateroad design is the standard and even mandated in some deep mines. It is though these experiences that we have made the future better and honor those who went before us. Technology has come a long way since the early years of mining in this area but it still has a degree of unknown factors that influence a mines character. Coal mining is very dynamic and miners must continually adjust to changing conditions to mine coal safely. It cannot be quantified by numeric models and formulas. This is the nature of mining. In some respect is what lures special individuals to extract this fuel from deep within the mountains.

As stated before many lives have been lost in mining and each has promulgated new mining methods, procedures or regulations in order to prevent future occurrences. In this respect any loss of life in mining has in turn saved countless additional lives and made mining safer. The men who lost their lives in the Crandall disaster did not in vain but will in some form or another prevent future loss of life.

We are charged to see that this happens. Only by being involved will we come up with the best ideas to reach this goal. We will use the best science and coal mining expertise we have today just as we have in the past. I would only add that we must proceed with caution. To prematurely place blame or come to conclusions at this time is neither productive nor does it serve to honor the miners who lost their lives at Crandall Canyon. This investigation will take time and conclusions will be reached when all the information is gathered and summarized. Politics should be replaced with a united effort to determine what happened and how to prevent this type of accident in the future.

Although forming this commission is a good idea I question what this commission intends to accomplish. Is it going to have any real authority when it comes to any new mining regulation or policy? Does it end when the investigation is complete? Are we just going to be at the mercy of politicians in the East when it comes to our livelihoods? MSHA will make its investigation and then what. Will they consider our stake in this industry? Or bow to the political climate we are in. I trust our elected officials and this commission understand this and will be prepared to influence any attempts to change the future of the coal mining industry in Utah. Utah and the west need a real voice in these decisions.

Our nation and state depend on mining for its economic health and well being. Coal generates more than 50% of the nation's electricity and until any alternative energy is viable we will continue to need coal. Good men will continue to extract the coal from deep underground. Mining in the west is different from the east and each mine has its own unique differences. The west has had a very good safety record in the past and only because it has learned from years of experience to mitigate deep mining hazards. We should not let the sacrifices of many past miners go unheard. Miners in the west need a voice in any decisions which directly affect our industry and it is my hope we can reach this goal but only by involvement in the process. Everyone who loves and works in this area should realize that without coal mining our economy will be greatly impacted not to mention the higher electricity rates will be paid throughout the region. Get involved and make this effort worthwhile. Notify your elected officials and keep this effort moving so the memories of the miners who lost their lives at Crandall Canyon will not be forgotten.

October 29, 2007

John Baza, Executive Secretary
Utah Mine Safety Commission
1594 West North Temple, Suite 1210
P. O. Box 145801
Salt Lake City, Utah 84114

Mr. John Baza:

I am writing to ask how your Commission intends to help the coal miners effected by incidents in all Utah coal mines including the recent Crandall Canyon Mine incident which seemed to have created national attention due to political opportunity and biased news reporting.

These incidents not only effect the hundreds of miners employed by these mines, it effects the well being of their families and influences the economy of the communities in which they reside. Coal mining is one of the top occupations in this area and our economic health contributes to the State's economy.

For some reason the incident at the Crandall Canyon Mine, above incidents previously occurring at other mines, has created the fact that a Utah Mine Safety Commission was needed. Perhaps the fact that Crandall Canyon Mine is an independently owned mine and not a union represented mine had something to do with the commission's creation.

Whatever the reason, it needs to be known what the government intends to do to assist the owners of these mines to keep the mines open and their employees working in an as safe as can be working environment. Keeping in mind that coal mining is a dangerous occupation and that the majority of employees entering a coal mine know this because of past deaths and injuries, due to mining, occurring in the communities they have lived.

We have all heard of the real or made up issues that have caused these situations, the regulations that have been put into place to prevent certain mines from opening, but we have not heard of what the government is willing to do to work with the mine owners to reopen mines that have been closed and to prevent other mines from closing.

The Commission, news media, and unions have all laid the blame on Mr. Robert Murray, owner of the Crandall Canyon Mine, but, as far as I know, none has been willing to work with him in reopening the mines.

I have worked in local coal mines for many years and until I was employed by Mr. Murray at the Tower Mine, never had the extent of safety training or the use of the necessary equipment required. He has required all his employees have the training needed and has spared no expense in doing so. He has provided the space, equipment and time needed for this training and, in my experience, has always

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provided any safety equipment I have needed, without hesitation.

After the Crandall Canyon Mine incident and the mine was closed, the employees in that mine were given the opportunity to work in one of Mr. Murray's Ohio mines and provided transportation and housing for anyone who would make the transfer. Mr. Murray also has employed as many of these miners, as possible, in his other mines in this area.

Mr. Murray cares for his employees and in doing so, his employees are concerned for their co-workers providing the necessary support for any employee that may have been injured and off work.

I recently was injured at work and I immediately felt the support of my fellow workers and supervisors. I was visited by crew members, Senior foreman, 2 safety men and the long wall coordinator. Since then, my boss still calls to see how I am doing. You cannot imagine how good this makes me feel. In the past, when I was injured in a Union represented mine, not one person called or came to see me. What does that tell you?

Mr. Murray had given me the opportunity to work for his mine when no one else would. Mr. Murray is willing to go to the necessary investment required to meet the safety standards in order to reopen the mine, but needs the cooperation of the "powers to be" to do this. He needs the support of the Utah Mine Safety Commission to open positive communication in order to do this.

I was once told by a friend that when an error occurs, you need to lay aside "fault" in order to come up with a solution to prevent this error from every occurring again. So let's lay aside fault and come up with a solution that will put these miners back to work, insuring a good future for their families, their community and the State.

I am, and fellow miners are, asking how we can count on your help to open positive and truthful communication to bring a positive solution to this great problem.

Sincerely 

Donald E Byrge, Sr.
1833 N. Carbonville Rd.
Helper, Utah 84526

CC:

Governor Jon Huntsman

John Baza, Executive Secretary
Utah Mine Safety Commission

Representative Rob Bishop

Senator Robert Bennett
Senator Orrin Hatch

Senator Mike Dmitrich
Representative Brad King

Representative Jim Matheson
Representative Chris Cannon

Sun Advocate

From: Michael Mower
To: Constituent Constituent Services
Date: 10/3/2007 4:22 PM
Subject: Re:Inquiry from Corinne Johnson

CC: Baza, John

John Baza has a staff member who is returning all calls with requests for help and offers of assistance. I'll pass this along to him.

>>> Constituent Affairs <constituentservices@utah.gov> 10/3/2007 4:01 PM >>>
Hello Mike,

Do you have any suggestions on this request?

Thank you,

Nancy

Corinne Johnson
1600 Wood Glen Road
Sandy UT 84092

Office Phone:801-915-0152
Cell Phone: 801-915-0152

Email Address:peckcorinne@yahoo.com

SUBJECT:

My name is Corinne Johnson. I am a licensed clinical social worker. I followed the events of the Crandall Canyon Mine disaster quite closely. I read in the tribune this morning that Senator Payy Murray of Washington has introduced legislation focused on caring for families of fallen, injured or trapped minors. Part of the bill includes designating an independent non-profit to care for families during tragedies. I read that Governor Huntsman is testifying on the Crandall Canyon Mine today. I am most interested in learning how I might make application to be considered for such a position. Would you possibly be able to give me some direction as to whom I might contact to "throw my hat in the ring" I think it would be most helpful to have a local presence on this matter. any information you can provide would be greatly appreciated.

Very truly yours

Corinne Johnson, LCSW

From: "michelle madrigal" <madrigal@emerytelcom.net>
To: <JIMSPRINGER@Utah.gov>
Date: 11/12/2007 10:34 AM
Subject: Proposed regulation changes

CC: <K.MCCarter@utah.edu>

Rudy L. Madrigal
1232West 1625 South

Price Utah 84501
(435-637-434)

November 11, 2007

In response to the letter I received from Mr. Jim Springer in reference to the State of Utah's role in mine safety and accident prevention and accident response. I have spoken with many people in the mining industry including hourly workers, Union Officials, Front Line Supervisors, Management, MSHA Inspectors and MSHA Trainers, retired MSHA Inspectors and I strongly feel that the State Of Utah needs some qualified personnel to help oversee the mining industry and the training of our new workforce that will be taking over as our aging work force retires. These qualified personnel could help to oversee training, mining plans, make inspections of the mines and of mining surface facilities and could even check on MSHA or be equivalent when it comes to getting information in the event of a problem of a disaster.

I do believe that within the code of federal regulations that their are enough laws with possible a few changes to govern our mines and to keep our miners safe as long as these laws are adhered to and the State of Utah could be active in this role to see that our miners have a safe place to work for generations to come.

I do have some concerns on some of the training that our new miners receive, when they initially enter our mines, 75.5 14C of the federal code states that a new miner must receive hazard training and methods including oral, written or practical demonstrations to determine such completion shall be administered to the miner before he or she is assigned to work. I feel that a written test should be given on the hazard training that the new miner had just received. It will help to keep these new miners on their toes of the training they are receiving. Reading and writing English should also be a requirement to be able to understand the training.

I took a survey last week while I did my intake escape way fire drill that is required every 90 days and here is a number of the signs I found that could be a hazard or life saving during a mine fire or a mine evacuation.

1. Escape way, this way out
2. Self contained self rescuers
3. Danger High Voltage
4. Fire fighting storage area
5. Emergency fire fighting station
6. SCSR thru door
7. First Aid Station
8. Explosives
9. Fire extinguisher

10. Telephone

I can assure that in the event of a mine fire or explosion knowing where these materials are and what the signs mean could be disastrous or could be life saving. Another concern that I have is that under MSHA new miner training it is not required for the new miner to have the experience of walking the return escape way out of the mine on his initial training. You must stop to realize that some of the mines in Utah are a 2 to 3 or even a 5 mile walk to get outside which is equivalent to 1 to 2 to 3 hours depending on the physical ability of the person walking out and the mine conditions encountered. This must be done on the new miner's initial training before he is allowed to do any work. The miner should be required to walk the return escape way from his work area outside to see the different conditions he may encounter, which could include dangerous areas, water sumps, bridges, low top areas, air lock doors and more and all which could be hazards when trying to evacuate the mine in the event of a fire or other disaster. Another area that I feel needs to be greatly improved on is the way our newly appointed fire boss's and section foreman are assigned to their duties. Once they have successfully passed their fire boss and mine foreman tests and return to work and are assigned to preshift the mine or make electrical inspections or take a crew into a section and produce coal, these people become agents of the operator and they are the one responsible for the people and equipment in their designated area.

Most newly certified people do not realize the full extent of their duties and responsibilities. I also feel the State could greatly improve on the way things are done in this area. I feel there should be a required training period where the newly certified person must go with an experienced person for a period of at least 3 weeks so that he or she can be trained on how to make inspections and what to look out for and the hazard involved. I do not have all the answers and I know some of these issues will be tough ones but that these are just some of the areas I know we need to work on and could do a better job of training and educating our miners in and their new responsibilities while working in the mines in the State Of Utah. Thank you for hearing my concerns.

Sincerely,

Rudy L. Madrigal

From: John Baza
To: Shurberg, Deborah
Date: 9/21/2007 2:40 PM
Subject: Re: Safety Culture in the Coal Mining Industry

Dear Dr. Haber:

Please accept my apology for not responding to your email sooner. As you can imagine, we have been inundated with expressions of concern and offers of assistance relating to the tragedy at Crandall Canyon. This is one of the first opportunities that I have had to address some of this correspondence.

You may already be aware that Governor Huntsman has established the Utah Mine Safety Commission, and it has begun the process of evaluating the State of Utah's' role in mine safety. Your email will become part of the public record and will be shared with members of the commission, as well as with a technical advisory team that is being created to aid the commission's work.

Should you have additional comments or suggestions they may be sent in writing to John Baza, Executive Secretary, Utah Mine Safety Commission, 1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, Utah, 84114. Or email us at: minesafetycommission@utah.gov.

Again, thank you for your interest and sharing your information.

Sincerely,

John R. Baza, P.E.
Director
State of Utah
Division of Oil, Gas and Mining
P.O. Box 145801
Salt Lake City, UT 84114-5801
Ph. (801) 538-5334
Fax (801) 359-3940

>>> "Deborah Shurberg" <dashurberg@hpacorp.com> 9/6/2007 12:12 PM >>>
Dear Mr. Baza:

Over the past year, we have contacted several state and federal government offices regarding the influence of safety culture in the coal mining industry. In particular, why the human behaviors that affect safety, including the organizational and deeply embedded cultural factors that influence miner behaviors, are important. We at Human Performance Analysis, Corp. (HPA) have completed a project for the National Institute of Occupational Safety and Health's (NIOSH) Program for Mining Safety and Health Research. One of the aims of that project was to describe the existing safety culture at a particular underground coal mine using a method that has been developed by HPA. A second objective of the project was to provide the participating mine with recommendations that would help to enhance safety performance in their organization. We successfully achieved both of these goals and I would be happy to share with you some of the lessons learned from that project as well as the benefits of performing a Safety Culture Evaluation at underground coal mining facilities. At HPA, it is our firm belief, based upon our experience working with clients from various industries, that improvements to safety performance must begin by understanding the organizational context within which changes will be made. Data shows that long-term improvements in safety performance cannot be sustained without establishing a safety-conscious culture within an organization. The challenge comes in understanding the organization's current safety culture, and what changes in organizational values and behaviors are necessary to ensure enhanced safety performance.

We would be interested in discussing our company's capabilities with you in more detail and specifically how our particular experience in Safety Management Systems and Safety Culture could be beneficial in your ongoing efforts to improve safety performance within the mining industry. I can be reached by phone at 212.874.6520 or by e-mail at sbhaber@hpacorp.com. For your information, I will be presenting a paper at the upcoming Training Resources Applied to Mining (TRAM) Conference being held from October 10 to 12, 2007 at the National Mine Health and Safety Academy in Beaver, West Virginia. If you or others from your organization plan to attend that conference please feel free to meet me there and hear about the recent work that we have done. I look forward to talking with you soon.

Sincerely,

Sonja B. Haber, Ph.D., President

Human Performance Analysis, Corp.

212.874.6520

sbhaber@hpacorp.com

Oct 1, 2007

Mr. Tim Springer

FAX 801-359-3940

Dear Mr. Springer

I have included a letter to MSHA of September 06, 2007. Because I have met with them several times, the information has not been in detail.

The Catherine Scale can measure and trace movements of the strata and transfer the information into useful definition. The machinery we use, of our own design and can obviate blow-out conditions.

Roger the robot is about 16 inches long and 11 inches tall. It operates on alternative fuel. It has a 100 hp engine that uses the fuel which we have developed.

To describe the procedures would take pages - too many to fax.

We have been in mineral extraction for over 100 years. Catherine Mine No. 3 is a Plumbago mine and is five levels deep.

We will supply more information in detail if requested.

- Please look at the automobile note - this technology drives our equipment -

J. Williams

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OCT 01 2007

Sept 06, 2007

To Whom it may concern:

The following Patents have been filed or in that process. They have been used by us for the last forty years or so.

1. Method to measure sub-strata movement in mining operations and the refinement of the Catherine Scale. Underground movements are recorded at 40 foot lengths in .001 increments.

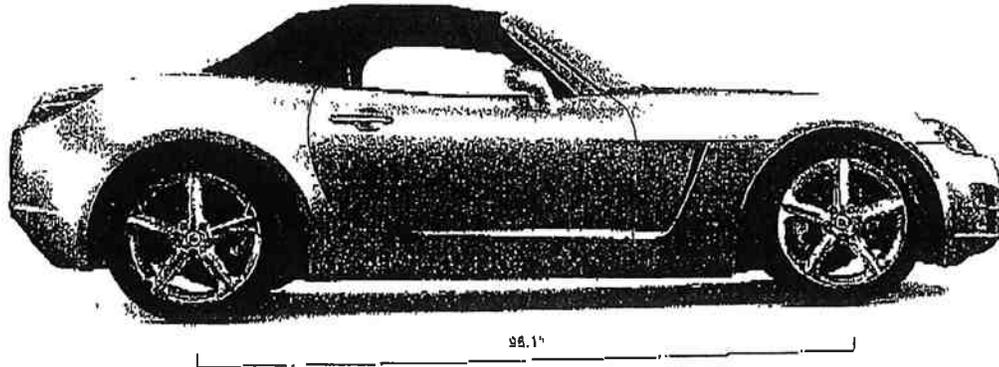
2. Machinery and methodology to stabilize walls in tunnels. We design and manufacture the Machinery we use. It makes mine operations safe and less costly in the long run. This system uses an Ansted Engine and a conveyor system. It would be able, perhaps, to rehabilitate the Crowsnest mine - but, also it may be too costly.

3. Improvements to our robot - particularly in the change from celulooid to digital camera.

This robot can operate indefinitely. Another change will be from carbon Arc lamps to Air Craft landing lights.

look at the . H.p.
fuel tank Capacity 5. gal Alternative fuel
Mileage - Infinite -

There is no external exhaust -
Also available with Hydrogen Engine -



POWERTRAIN

Engine

Ansted
500

Horsepower

Constant

Torque (ft. lbs.)

Bore and stroke / compression ratio

Leximatic

Transmission

ACCELERATION

0-60 mph

Quarter mile

WEIGHTS AND CAPACITIES

Curb weight (lbs), manual / automatic

Cargo-area volume (cu ft), top up / stored

Fuel / capacity (approx gal.)

Alternative 5 gallon Closed

FUEL ECONOMY ESTIMATES (CITY / HWY MPG²¹)

Manual transmission

Infinite

Automatic transmission

Only 10 to be produced with this G.M. Body -
afterwards our own body of Cast Aluminium -
Is the UK 1st edition May-1-2008