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# MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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## This Week in The News

All eyes remain on debt limit negotiations as the clock ticks down and with a hoped-for Memorial Day congressional recess on the horizon. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus, we have updates on how the mining and energy markets are faring.

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## Safety Share

It's getting hot out there. Check out Occupational Safety and Health Administration's "[Quick Card](#)" on protecting workers from heat stress.

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## Permitting Reform and the Debt Limit Negotiations



Negotiations on the debt limit legislation between the White House and Speaker Kevin McCarthy continue. Principal issues that will be a part of a compromise legislative agreement will include an extension of the debt limit at least through next year and setting spending levels for federal agencies. Expected markups in House Appropriations Subcommittees on the beginning of this year's government funding appropriations bills were postponed due to the larger negotiations on the debt limit legislation. In addition, Speaker McCarthy is advocating for many other priorities found in the House passed [Limit, Save, Grow Act of 2023](#) to be included in the debt limit negotiation, including permitting reform. The permitting reform provisions in the Limit, Save, Grow Act mirror those included in the House passed H.R. 1, which included many long-standing NMA priorities. The NMA continues to advocate for NMA priorities with the Speaker's office, other House negotiators and the White House negotiators should permitting reform of any kind make the cut for inclusion in the debt limit legislation. Recent information spans from possible

inclusion of timelines for environmental reviews to avoiding including partial legislation on permitting reform at all in order to get more comprehensive permitting reform later this Congress.

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## Sen. Heinrich and Rep. Grijalva Reintroduce Bills to Amend General Mining Law



Last Week, Senator Martin Heinrich (D-N.M.) and House Natural Resources Committee Ranking Member Raúl Grijalva (D-Ariz.) introduced perennial bills to amend the General Mining Law in their respective chambers. Both bills share the name, *Clean Energy Minerals Reform Act*, and carry over several concerning provisions found in past iterations of legislation. Please find a link to S. 1742 [here](#) and a link to the Senator's press release [here](#). Please find a link to H.R. 3495 [here](#), a section-by-section of the bill [here](#), and a link to the Ranking Member's press release [here](#). Neither the Senate Energy and Natural Resources Committee nor the House Natural Resources Committee plan to

advance either of the bills. The NMA will continue to educate congressional offices concerning the punitive provisions in these bills.

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## Growing Congressional Opposition to the BLM's Conservation Rule

Earlier today, the House Natural Resources Subcommittee on Oversight and Investigations held an oversight [hearing](#) titled, "Examining the Biden Administration's Efforts to Limit Access to Public Lands," primarily focused on the Bureau of Land Management's proposed rule on "Conservation and Landscape Health" ([88 Fed. Reg. 19583](#) (April 3, 2023)). The NMA submitted testimony for the record, linked here, [insert link](#) detailing concerns related to the administration's efforts to limit access to federal lands for mineral exploration and development as well as the proposed rule.

In addition to the hearing, companion legislation has been introduced in the House and Senate to require the Bureau of Land Management (BLM) to withdraw the proposed rule entitled "Conservation and Landscape Health" ([88 Fed. Reg. 19583](#) (April 3, 2023)) and barring the bureau from finalizing, implementing or enforcing the propose rule, or similar rules. The Senate bill, [S. 1435](#), was introduced by Senator John Barrasso (R-Wyo.) and several other senators earlier this month; the House bill, [H.R. 3397](#), was introduced last week by House Western Caucus (WC) Chairman Dan Newhouse (R-Wash.), Vice Chair John Curtis (R-Utah), Rep. Russ Fulcher (R-Idaho), and 10 other representatives.

Members of Congress have advocated against the proposed rule, expressing a wide range of concerns, criticizing the lack of input from outside stakeholders, and at the very least, requesting an extension of the comment period, but

urging its immediate withdrawal. Please find a link to a letter sent by Congressional Western Caucus Chairs, Senator Cynthia Lummis (R-Wyo.) and Rep. Dan Newhouse (R-Wash.) [here](#); a link to a letter from Senators John Hoeven (R-N.D.), Steve Daines (R-Mont.) and 14 others [here](#); and a link to a third letter from House Natural Resources Chairman Bruce Westerman (R-Ark.) and 13 other members of the House Natural Resources Committee [here](#).

In addition to advocating for congressional letters and legislation, the NMA continues to work with congressional allies in both the House and Senate to support ongoing oversight of the proposed rule. Also, earlier this week, the NMA submitted a formal request for a 105-day extension of the comment period, linked [here](#), and continues to work on industry comments based on NMA-member feedback.

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## **USGS Rejects Congressional Requests to Add Copper to the Critical Minerals List**



The U.S. Geological Survey (USGS) recently [informed](#) congressional requestors that available data on copper, including new data provided by the Copper Development Association (CDA), did not justify an out-of-cycle addition to the critical minerals list that was last updated in 2022. The NMA had supported CDA's efforts. In letters to Senator Kyrsten Sinema (I-Ariz.) and Bob Latta (R-Ohio), the USGS acknowledged that copper is an essential mineral commodity to U.S. economic and national security interests and that its scoring system indicated some vulnerability from supply disruptions for the metal. The agency concluded, however, that these vulnerabilities were mitigated by a number of factors including domestic capacity, trade with reliable partners, and significant secondary capacity. USGS pledged to continue to carefully monitor copper supply and consumption data for the next list of critical minerals review and revision cycle scheduled for 2025.

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## Russian Uranium Ban Moving through Congress

Today, the House Energy and Commerce Committee plans to approve legislation from E&C Committee Chair Cathy McMorris Rodgers (R-Wash.) and Rep. Bob Latta (R-Ohio), [H.R. 1042](#), to prohibit the importation of low-enriched uranium from the Russian Federation. Currently, the U.S. imports half of the uranium to meet domestic needs from Russia, Kazakhstan and Uzbekistan. The bill includes an optional waiver if no other viable source can be imported outside of Russia, however, the amount of uranium that can be imported from Russia under a waiver is reduced annually through 2027 to encourage the production of domestic and ally uranium resources. Bipartisan companion legislation, [S. 763](#), was introduced by Senate Energy and Natural Resources Committee (ENR) Chairman Joe Manchin (D-W. Va.) and Ranking Member John Barrasso (R-Wyo.). S. 763 was included as an amendment to S.

452, the Nuclear Fuel Security Act, which reported out of the ENR committee last week and awaits consideration in the full Senate.

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## House Judiciary Committee Moves Key Regulatory Reform Legislation

This week the House Judiciary Committee [plans to consider](#) the REINS Act. This key regulatory reform legislation – fully titled Regulations from the Executive in Need of Scrutiny Act of 2023 – is introduced in each Congress requiring congressional approval of regulatory proposals costing over \$100 million in compliance and to the economy. This Congress, Congresswoman Kat Cammack introduced the REINS Act as [H.R. 277](#) with 181 Republican cosponsors. In the Senate, Senator Rand Paul introduced the REINS Act as [S. 184](#) with 25 Republican cosponsors. House leadership included this bill in its House passed debt limit legislation, the Limit, Save, Grow Act of 2023.

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## Department of Energy Seeks Input on Coal-to-Rare Earths Program

Last week, the Department of Energy (DOE) [announced](#) a new Request for Information (RFI) to solicit feedback from industry, investors, academia, research laboratories, and other stakeholders regarding best practices and suggestions to facilitate the implementation of DOE's Carbon Ore, Rare Earth and Critical Minerals ([CORE-CM](#)) initiative. The initiative is managed by the Office of Fossil Energy and Carbon Management and supports activities to advance commercially viable technologies for the recovery of rare earth elements and minerals from coal and coal byproducts, including funding for research and development and industrial pilot programs. According to the

International Energy Agency, approximately 30,000 tons of rare earth elements are contained within the coal that is produced each year in the United States. The NMA has been regularly engaged with members of the Congressional Coal Caucus to support increased program funding in Fiscal Year 2024 appropriations.

Specifically, the RFI requests input on the potential formation of a “minerals marketplace” that would help connect industry with economic resources to expedite the development of secure domestic mineral supply chains. DOE explains that in a proposed “marketplace,” companies would be able to describe their specific “needs for critical minerals, and local or regional groups would respond by describing their material and infrastructure resources.” Complete details of the RFI can be viewed [here](#). Responses must be received no later than 5 pm ET on July 17<sup>th</sup>.

## **Comment Period Begins on EPA’s Power Sector Climate Rules**

Yesterday, the U.S. Environmental Protection Agency (EPA) published [its proposed rule](#) that would impose greenhouse gas emissions standards for existing coal-fired electric generating units. This action triggered a 60-day comment period with comments due on July 24, 2023. EPA also announced virtual public hearings on June 13 and June 14, 2023. An online registration form will be posted on [EPA’s website](#). The last day to pre-register to speak is June 6, 2023.

## **EPA Proposes to Regulate Previously Exempt Legacy Coal Ash Surface Impoundments and Inactive Landfills**

Last week, EPA [announced](#) a [proposed rule](#) imposing federal disposal requirements for previously exempt inactive coal combustion residual (CCR) surface impoundments at inactive facilities (legacy CCR surface impoundments). EPA's proposed rule would also establish regulatory requirements for a newly defined category—CCR management units (CCRMUs)—that would include inactive CCR landfills and units that closed prior to Oct. 17, 2015. EPA's rulemaking responds to prior litigation on the scope of EPA's 2015 Resource Conservation and Recovery Act non-hazardous waste regulations for CCR disposal. Public comments on the proposal are due by July 17, 2023. EPA will host an in-person hearing on June 28, 2023, and an online public hearing on July 12, 2023. EPA plans to finalize the regulation by June of 2024.

## **NMA Attends Department of Labor Federal Tech Day 2023**



The NMA's Paul Krivokuca and James Young attended last week's Department of Labor Federal Tech Day 2023 to visit with the Mine Safety and Health Administration's Mine Emergency Operations division staff to learn more about their emergency equipment. Tech Day brings together federal agencies to display innovative technology, build inter-agency partnerships and collaboration, and improve staff technology readiness. At the event, exhibits offer interactive and educational demonstrations that showcase the federal government's Impact through Innovation.



## NMA and Third Parties In the News

Rich Nolan is quoted by [E&E Energywire](#) in a story noting that two-thirds of North America could face power shortages this summer during periods of extreme electricity demand and spiking temperatures, the nation's grid reliability monitor warned in a new summer reliability assessment.

The NMA's Ryan Jackson was named one of [Washingtonian](#)'s 500 Most Influential People of 2023, a list of the experts and advocates, outside the government, who are playing big roles in Washington's policy debates.

The NMA is quoted by [The Northwest Indiana Times](#), in its coverage of the EPA's new carbon rule.

The NMA is quoted by [E&E Greenwire](#) and [Axios](#) on the Biden administration's move to defuse one of the last remaining legal challenges facing the contentious Thacker Pass lithium mine in Nevada, a project seen as a critical U.S. source of the mineral key to making electric vehicle batteries.

From our third parties, [The Pottstown Mercury](#) (PA) carries an op-ed from Terry Jarrett arguing the EPA's suite of rules targeting the coal fleet is undermining grid reliability.

[The Las Vegas Sun \(Nev.\)](#) carries an op-ed by Michael Stumo, CEO of the Coalition for a Prosperous America, in which he argues Washington needs a bipartisan commitment to move faster on mine permit approvals.

## Mining and Energy News

[Mining.com](#) reported that Newcrest Mining Ltd. has agreed to a takeover deal with Newmont Corp. worth about \$19.2 billion to create the world's biggest gold producer.

[Washington Post](#) reported that legislation to ban Russian uranium imports is gaining momentum on Capitol Hill, as lawmakers look to further punish Moscow for invading Ukraine.

[New York Times](#) reported on China's control over materials necessary for electric vehicles.

[Argus](#) reported that large swaths of the U.S. are at risk of power outages or "close to the edge" during periods of more extreme weather and too many coal plants coming offline according to NERC's Summer Assessment released last week. "With the grid transformation in full force, the retirement of conventional generation remains highly concerning."

[Mining.com](#) reported that Wyoming's rare earths discovery at Ramaco Resources' Brook mine could pose a potential solution to growing U.S. demand for rare earths. The discovery was made in a partnership with a federal research team from the Department of Energy's National Energy Technology Laboratory (NETL), with validation from independent analysts at mining consultancy Weir International.

[Argus](#) reported that the U.S. Environmental Protection Agency (EPA) drafted a proposed revision to its Coal Combustion Residual (CCR) rule that would expand federal regulation of coal ash surface impoundments that were inactive before the initial rule took effect in October 2015.

[Wall Street Journal](#) carries an op-ed arguing that EPA's policies resulting in coal and gas plant retirements and promoting unproven environmental technologies are destabilizing the energy grid.

[\*\*Kallanish\*\*](#) reported that the U.S. Geological Survey (USGS) plans to provide \$5.8 million for Alaskan critical minerals mapping.

[\*\*Argus\*\*](#) reported on Mine Safety & Health Administration (MSHA) data showing that Appalachian coal production increased 4.3 percent in the first quarter of 2023 to meet higher demand from seaborne export coal markets.

[\*\*Mining.com\*\*](#) reported on CRU and SMM analysis predicting that the copper concentrate market will face a steep deficit 2025-2027 amid a lack of mining projects in the pipeline.

[\*\*Mining.com\*\*](#) reported that a collaborative cross-Canadian partnership between infection control researchers, transit authorities and private industry has demonstrated the effectiveness of antimicrobial copper to reduce the spread of bacteria and viruses in public spaces.

[\*\*The New York Times\*\*](#) reported that the U.S. is entering into an array of agreements to secure the critical minerals necessary for the energy transition, but it's not clear which of the arrangements can succeed.

EIA's first quarter 2023 [\*\*Domestic Uranium Production Report\*\*](#) shows that U.S. production of uranium concentrate ( $U_3O_8$ ) in the first quarter of 2023 totaled 2,511 pounds  $U_3O_8$ . This is 75 percent lower than first quarter 2022 production and a drop of 99 percent from fourth quarter 2022 as no material was produced this quarter at the White Mesa Mill in Utah. This quarter's total uranium production occurred at three facilities in Wyoming (Nichols Ranch ISR Project, Ross CPP, and Smith Ranch-Highland Operation). Of the 46.7 million pounds purchased for the U.S. nuclear power fleet, a staggering 95 percent (44.3 million pounds) originated outside the U.S.

The [\*\*World Platinum Investment Council's\*\*](#) most recent forecast estimates

there will be “a platinum deficit of 983 koz in 2023, as stronger-than-expected demand growth outstrips constrained supply.”

## Commodity Prices

<b>Commodity Price - Snapshot</b>		
<b>Metals Prices</b>	<b>Date</b>	<b>Price</b>
Cobalt Spot Price (\$/lb)	5/22/23	\$15.84
Copper Spot Price (\$/lb)	5/23/23	\$3.63
Gold Spot Price (\$/ounce)	5/23/23	\$1,959.65
Lithium Spot Price (\$/kg)	5/23/23	\$32.25
Molybdenum Spot Price (\$/kg)	5/22/23	\$51.88
Nickel Spot Price (\$/lb)	5/22/23	\$9.64
Silver Spot Price (\$/ounce)	5/23/23	\$23.16
Steel HRC Price (\$/mt)	5/23/23	\$942.65
Steel Rebar Price (\$/mt)	5/23/23	\$509.90
Zinc Spot Price (\$/lb)	5/23/23	\$1.07
<b>Energy Prices</b>	<b>Date</b>	<b>Price</b>
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	5/23/23	\$226.00
Coal Spot Price - Central Appalachian (\$/st)	5/19/23	\$75.75
Coal Spot Price - Newcastle futures (\$/mt)	5/23/23	\$160.11
Coal Spot Price - Rotterdam futures (\$/mt)	5/23/23	\$119.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	5/17/23	\$2.25
Uranium Spot Price (\$/lb)	5/15/23	\$53.40

Sources: publically available data from eia.gov, dailymetalprice.com, tradingeconomics.com, sgxgroup.com, investing.com

**CORESafety**



In the May edition of CORESafety TV we revisit Dr. Pedram Roghanchi, Dr. Mostafa Hassanalian and their team who have been working to develop a drone that will fly safely in coal mines and will meet MSHA approval.



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