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From: Pam Grubaugh-Littig
To: Burton, Priscilla; Hess, Pete; Western, Wayne; White, Susan; Wright, Mary Ann; Wyatt, Ken
Date: 7/11/01 10:55AM
Subject: No MSHA Jurisdiction at Des-Bee-Dove Mine

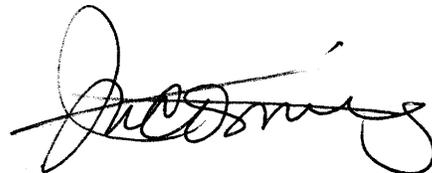
I spoke with Jim Martin at MSHA this morning (435-381-2866) who is a supervisor in that office. He said that he has inspected the Des-Bee-Dove Mine recently but the removal of this "reclamation coal" does not constitute "mining" according to their regulations.

Ken mentioned that there was screening at the site and we discussed that. Mr. Martin said that if there is physical separation only, which is what was occurring at Des-Bee-Dove, that activity does not qualify it to be under MSHA jurisdiction. Once the portals were sealed, MSHA had no more jurisdiction.

I asked him if OSHA had jurisdiction now and he said yes. I would need to call the Salt Lake Office of OSHA.

FYI....

CC: Haddock, Daron

4/015/018

Internal