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December 1, 2014

United States Department of Labor
Mine Safety and Health Administration
Office of Standards, Regulations and Variances
1100 Wilson Boulevard, Room 2350
Arlington, Virginia 22209-3939

Re: Comments of Premier Silica LLC on MSHA's Proposed Rule Regarding Criteria and Procedures for Assessment of Civil Penalties
RIN 1219-AB72, Docket No. MSHA-2014-0009

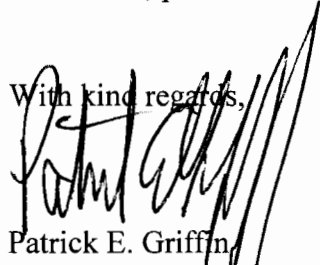
Dear Sir or Madam:

Premier Silica LLC ("Premier Silica") submits this letter relating to MSHA's proposed rule regarding criteria and procedures for assessment of civil penalties ("Proposed Rule"). Premier Silica is a producer of silica sand products and provides whole grain and pulverized silica industrial sand for a variety of commercial, recreational and industrial applications. Premier Silica has operations in four states (Texas, California, Colorado and Ohio) with customers throughout the United States. Premier Silica urges MSHA to abandon the Proposed Rule in its current form.

The Industrial Minerals Association-North America ("IMA-NA") has filed comments in this docket which address the administrative and constitutional challenges to the Proposed Rule. The Proposed Rule exceeds the authority of the agency to provide for implementation regulations under the Federal Mine Safety and Health Act of 1977 ("Act"). MSHA's attempt to re-write the Act's language granting the exclusive authority of the Commission for the assessment of all penalties is outside the realm of permissible agency authority and violates Supreme Court jurisprudence. The effect of the Proposed Rule would deny mine operators their constitutionally protected due process rights.

Premier Silica LLC appreciates the opportunity to provide comments to the Proposed Rule. If you have any questions about these comments, please contact me at (972) 969-3644 or by email at patrick.griffin@pxd.com.

With kind regards,


Patrick E. Griffin
Senior Counsel, Premier Silica LLC

PEG/me

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