

-----Original Message-----

From: JWaters@Pcsphosphate.com [mailto:JWaters@Pcsphosphate.com]

Sent: Monday, March 01, 2010 7:33 PM

To: zzMSHA-Standards - Comments to Fed Reg Group

Subject: RIN 1219-AB63

2010 MAR -1 A 9:51

Please find my attached letter on the subject.

thank you,

Jerry Waters
Manager, Mining Operations

(See attached file: MSHA Letter.doc)

2010 MAR -1 A 9:51

Date: February 24, 2010

To: Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, Virginia 22209-3939

RE: RIN 1219AB

In response to the final rule set forth in the notice of 12/29/2009, 2009finl/E9-30607.asp, the following objections are put forth:

To whom it concerns:

On behalf of PCS Phosphate in Aurora, North Carolina, I am writing in regard to RIN 1219AB63 and specifically Sec. 50.10 Immediate notification (d) any other accident. In hopes of clarifying the language, I would like to recommend the following change: "(d) any other accident as defined in Part 50.2 (h) 4-12". This change would assist in alleviating misinterpretation of the meaning of "any other accident" by a Mine Operator.

With the current language (d) "any other accident" could be interpreted by a Mine Operator or an MSHA Inspector as any incident, even an incident that results in only first aid treatment. Our opinion is this would be unduly burdensome to expect all incidents be reported within the 15 minute time frame.

Thank you for your time and attention in this important matter.

Regards,

Jerry Waters
Manager, Mining Operations
PCS Phosphate Aurora

Cc: zzMSHA-comments@dol.gov

AB63-COMM-15