
From: Linda Parsons [mailto:lp Parsons@umwa.org]
Sent: Monday, March 01, 2010 12:10 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Cc: dodell@umwa.org
Subject: RIN1219-AB63

2010 MAR -1 A 10: 02

Dear Sir/Madam,

Attached are the comments of the United Mine Workers of America on the Propose rule; request for comments on the Criteria and Procedures for Proposed Assessment of Civil Penalties/Reporting and Recordkeeping: Immediate Notification of Accidents.

2010 MAR -1 A 10: 02

**Comments of the United Mine Workers of America
On The Proposed Rule For
Criteria and Procedures for Proposed Assessment of Civil Penalties/Reporting
and Recordkeeping: Immediate Notification of Accidents
March 1, 2010**

The Mine Safety and Health Administration (MSHA) is proposing to make changes to existing regulations for reporting accidents and determining penalty amounts for failure to report certain accidents. These changes would permit MSHA to automate the Agency's assessment process for violations involving immediate notification of an accident. These changes will reflect mandates of the MINER Act which requires that violations for failure to report are assessed higher penalties. Further, these changes would no longer require MSHA to manually review all failure to report violations for a special assessment. The UMWA has no opposition to this proposal and supports it as proposed. In addition, the UMWA would have no opposition to a direct final rule for this change becoming effective on March 29, 2010 as proposed.

The proposed rule will change existing regulations §50.10 addressing the immediate notification of accidents to separately reflect the categories of accidents in section 5 of the MINER Act which requires a specific penalty for failure to report. Under the proposal, the operator must immediately contact MSHA (within 15 minutes) of the following accidents:

1. Death of an individual at the mine;
2. Injury of an individual at the mine which has a reasonable potential to cause death;
3. Entrapment of an individual at the mine which has a reasonable potential to cause death;
4. Any other accident.

Under the proposal, MSHA would no longer have to review all failure to report violations and these violations could be programmed under MSHA's automated assessment system to assure that the higher penalties required by the MINER Act are assessed. However, the Agency mentions that it will continue to review these violations for a special assessment when conditions warrant. The UMWA does not have any opposition to this proposal and believes it will improve the efficiency and effectiveness of the Agency's assessment process and bring the regulations into conformance with the requirements and spirit of the MINER Act.

As a companion to the proposed rule, MSHA published a direct final rule identical to this proposal. MSHA has determined that the changes in this proposed rule would meet the criteria for a direct final rule because they involve non-substantive changes that deal with MSHA's management of the processing of civil penalties. The final rule will become effective on March 29, 2010 unless the Agency receives significant adverse comments on the proposed rule. The UMWA does not have any opposition to the final rule and will support it becoming effective on March 29, 2010. So consider these comments as a wholehearted support to this proposal which would not delay the implementation of a final rule.

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