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FEDERAL REGISTER COMMENTS ON PROPOSED RULE CHANGE

30 CFR Part 100.3(a)(1)

Determination for penalty amount; regular assessment.

Increasing the penalty for a violation is not going to improve safety at the mines due to mine operators having less money to spend on safety equipment, training and the replacement of outdated mining equipment with new equipment that has more updated safety features. More training in the proper procedures in performing a task that a miner performs, proper pre-shift examinations, on-shift examinations and weekly examinations is the key in eliminating accidents and that should be MSHA's main goal.

30 CFR Part 100.3(2)(a)

All this section is going to do is create more paper work for the agency and take away from their main objective which should be the welfare of the miner.

30 CFR Part 100.3(2)(b)

The appropriateness of the penalty to the size of business of the operator charged.

Large companies are being penalized due to their size and this should not even be considered. The penalty for a violation should be the same for all companies large or small due to the same section of the law was violated.

30 CFR Part 100.3(2)(c)

History of previously violations.

This is not fair to the larger mines with multiple sections due to they will have a much larger number of violations and repeat violations. A single section mine will not have near the number of violations that a three section mine has.

30 CFR Part 100.3(2)(f)

The demonstration of good faith of the operator in abating violation.

The 10% reduction of the penalty amount of a regular assessment where the operator abates the violation within the time set by the inspector is fair. A greater reduction such as 50% should be given if the operator shuts down and corrects the violation immediately. Having the violation corrected immediately would save the company money, save the inspector time in coming back to the mine to terminate the violation which would allow him more time to conduct other inspections and ultimately make the mine safer.

30 CFR Part 100.4(a)

104(d)(1) order should not have a minimum amount and should be assessed on a case by case basis.

30 CFR Part 100.4(b)

104(d)(2) orders should not have a minimum amount and should be assessed on a case by case basis.

30 CFR Part 100.5(c)

The amount of up to \$6,500 per day that can be assessed for each 104(a) citation that is not corrected within the allowed time is not a fair amount due to some violations can't be corrected in the allowed time.

30 CFR Part 100.5(e)

The \$220,000 dollar penalty would force smaller operators out of business and put an undue burden on large operators.

30 CFR Part 100.5(f)

The \$5,000 minimum and up to \$60,000 maximum for timely notification is unfair due to the operator may be trying to render first aid and prevent a death from occurring.

30 CFR Part 100.6(b)

The reduction from 10 days to 5 days to request for a safety and health conference is not going to make any mine safer. This is an undue burden that MSHA is requiring mine operators to comply with and is not giving the operator sufficient time to request a conference.