

HUSCH BLACKWELL

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May 19, 2017

Ms. Sheila McConnell
MSHA, Office of Standards Regulations and
Variances
201 12th Street South
Suite 4E401
Arlington, VA 22202-5452

Re: OMB Control No. 1219-0046
Docket No. MSHA-2017-0005
Proposed Extension of Information Collection; Escape and Evacuation Plans

Dear Ms. McConnell:

To respond to the questions posed by MSHA in the above-referenced Federal Register notice, we ask that MSHA provide critical additional information and an extension of time to complete the record and receive stakeholder input. In particular, we request that MSHA complete the record with information on the number of citations issued for 30 C.F.R. § 57.11053, both nationally and in each MSHA district, for each of the last five years, as well as the number of such citations vacated each year (whether by MSHA or by courts). We also ask that you provide all notes, presentations, correspondence, memoranda, and emails related to this standard, that were created, sent, or received by each MSHA district manager, assistant district manager, program and division director, and/or technical support personnel.

As we hope you know, there have been a number of MSHA enforcement actions issued or threatened for this standard over the last few years, alleging that mine operators must make changes to the substance of plan provisions that had been accepted and proven successful on a long-term basis. We oppose OMB approval for the use of these paperwork requirements to make substantive changes to mine operations without rulemaking. We also suggest that MSHA's calculated burden of paperwork requirements is massively understated for any mine that is subjected to new proposed plan requirements that require expert engineering reviews and/or significant efforts at the mines to analyze and/or implement them. We look forward to providing further substantive comments once the requested information has been provided to the stakeholder community.

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Thank you very much for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Brian Hendrix', written in a cursive style.

Brian Hendrix
Henry Chajet
Avi Meyerstein

Husch Blackwell LLP
Counsel to the Mining Coalition