The hearings will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. You do not have to make a written request to speak; however, persons and organizations wishing to speak are encouraged to notify MSHA in advance for scheduling purposes.

Speakers and other attendees may present information to MSHA for inclusion in the rulemaking record. The hearings will be conducted in an informal manner. Formal rules of evidence or cross examination will not apply.

A verbatim transcript of the proceedings will be prepared and made a part of the rulemaking record. The transcript will be available to the public on MSHA’s website at http://www.msha.gov under the “Rules & Regs” link.

MSHA will accept post-hearing written comments and other appropriate information for the record from any interested party, including those not presenting oral statements. Comments must be received by midnight Eastern Standard Time on February 28, 2011.

MSHA solicits comments from the mining community on all aspects of the proposed rule and is particularly interested in comments that address alternatives to key provisions in the proposal. For example, MSHA invites comment on other situations where it may be appropriate to require the use of CPDMs, such as sampling of other designated occupations and on the mechanized mining unit to account for all mining techniques, potential
overexposures, and ineffective engineering controls. Commenters are requested to be specific in their comments and submit detailed rationale and supporting documentation for any comment or suggested alternative that is submitted.

II. Corrections

The following errors in the preamble to the proposed rule are corrected to read as follows:

1. On page 64413, second column, top of the page, first line, “from 1–105 fewer cases of pneumoconiosis per thousand exposed truck drivers, and” should read “that improvements would range from 7 fewer cases of pneumoconiosis per thousand loading machine operators up to 105 fewer cases of pneumoconiosis.”

2. On page 64421, second column, top of the page, eighth line, “(100 ug/m³)” should read “(100 ug/m³).”

3. On page 64476, Table VII–6–Annualized Costs of Proposed Rule 7% Discount Rate, in the fourth column, under the heading “501 +”, first line, “$35.6” should read “$4.4,” and in the fifth column, under the heading, “Totals,” first line, insert “$35.6.”

4. On page 64483, first column, second full paragraph, the equation: 

\[ \dot{o} = \dot{i} \times CV_{total} \]

should read:

\[ \sigma = \mu \times CV_{total} \]

5. On page 64483, the equation in the center of the page:

\[ CV_{total} = CV_{CTV} = \left( \frac{0.14 \text{ mg/m}^3}{\mu \text{ mg/m}^3 \times 100\%} \right)^2 + (5\%)^2 + (5\%)^2 \]

should read:

\[ CV_{total} \leq CV_{CTV} = \left( \frac{0.14 \text{ mg/m}^3 \times 100\%}{\mu \times CV_{total}} \right)^2 + (5\%)^2 + (5\%)^2 \]

6. On page 64483, second column, below the equation being corrected in 5. above, the equation:

\[ \dot{o} = \dot{s} \times \left( \frac{0.14}{s} \right)^2 + (0.05)^2 + (0.05)^2 \]

should read:

\[ \sigma = \dot{s} \times \left( \frac{0.14}{s} \right)^2 + (0.05)^2 + (0.05)^2 \]

Dated: November 9, 2010.

Joseph A. Main,
Assistant Secretary of Labor for Mine Safety and Health.