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From: Toby Wright (USA) [mailto:Toby.Wright@uranium1.com]
Sent: Tuesday, October 14, 2008 10:32 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Cc: Mike Griffin (USA)
Subject: RIN-1219-AB41: Comments from Uranium One USA, Inc.

Please find attached comments on the proposed rule from Uranium One USA.

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Uranium One appreciates the opportunity to provide comments to the Mine Safety and Health Administration (MSHA) on the Proposed Rule RIN 1219-AB41. Uranium One believes that the Proposed Rule inappropriately and unacceptably precludes individual operator's flexibility in applying more stringent Drug Free Mine Programs to protect it's workers. Uranium One firmly believes that MSHA's promulgation of a rule to establish a *minimum* safety standard should not limit an operator's ability to implement policies more stringent than the Proposed Rule.

The uranium industry's culture and long history of applying the ALARA principal (reducing radiation exposure to workers and the public to levels As Low As Reasonably Achievable, even below those deemed protective of public health, safety and the environment) drive us to seek the highest levels of safety that can reasonably be implemented. To limit the application of this principal to over all mine safety seems counter to MSHA's primary purpose and our industry's safety objectives.

In addition, the Proposed Rule will prohibit an Operator from applying uniform employee policies across its operations in cases where those operations include some projects regulated under OSHA, which permit zero tolerance programs, and other projects regulated under MSHA. This potential for mandating lower standards in portions of an operator's business is intrusive regulation and can create confusion for the employees, potentially leading to less safe operations.

The following identifies specific sections of the Proposed Rule that Uranium One feels should be modified.

Subpart E §66.200 should be modified to explicitly state that the rule is not intended to limit operators from implementing more stringent alcohol and drug-free mine programs, as long as those programs do not conflict with other applicable Federal worker-rights statutes and regulations.

Subpart E §66.400(b), §66.404(a) and §66.405(d) should be modified to allow an operator to implement a zero tolerance policy and terminate a miner upon verification of a positive drug test result, an alcohol test with a result indicating a blood alcohol concentration of 0.04 percent or greater, a refusal to test (including by adulterating or substituting a urine specimen), or any other violation of the mine operator's policy prohibiting possession.

Again, we appreciate the opportunity to provide these comments to MSHA. Please feel free to contact me if you have any questions or need additional assistance with this issue.

Sincerely,

Toby Wright
Environmental Manager
Uranium One USA