

**DOCKET NUMBER****PETITION RULE PRM 170-5**  
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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

November 29, 2001

Comment on Proposed rulemaking Docket No. PRM-170-5. "NATIONAL MINING ASSOCIATION"

I don't Like it. I don't like it one bit.

First the National Mining Association wants to pass along costs to other entities. In effect a tax on others to subsidize their business.

They recognize the costs have to be absorbed somewhere but allocate additional costs on another small company is just right and will cause a trickle effect to several other industries such as medical and engineering.

In a case like my corporation's, our Civil engineering company (less than 50 people) would be adversely affected with any additional costs. We use nuclear moisture / density gauges for QA/QC. Additional costs in our market means we lose jobs and suffer tremendous financial burden, or even worse have our clients reduce the QA/QC efforts on their projects.

They say in the body of the text and also in the conclusion that the low price should only be a short term situation. Then Finance it through the Fed's. You know, like a loan. The risk is then, that if the mine goes under, the mine's assets land, etc. gets repossessed by the Fed's who can control it and production. And after Sept. 11, doesn't this make sense.

They contradict themselves in the body of the document by talking about the vicious cycle of more companies going out of business thus raising the costs of fees to others. First, the variable is that if more companies are going out of business there is less demand for the inspections and the Government should be reducing their staff to keep the cost per inspection relatively the same. This may be impossible for Government to do, so the costs may continue to rise anyway for all other entities. This should not be compounded onto companies and other industries by forcing them to pay a tax so the companies in the mining industry can stay in business at the expense of others. THIS IS NOT IN THE PUBLIC INTEREST.

The petitioner, NMA also states that the "fee shifting may only be necessary for a very short time." Then they should do like every other business and take out a loan. Who the lender is doesn't really matter. If going out of business is inevitable then why should others pay part of their debts now, so they can still have assets to sell and can walk away with pocket change?

As a small business owner I will be glad to pay my share of their inspection fees when the Government waives my payroll taxes.

Regards,

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