

August 16, 2016

Mr. Brent J. Fields  
Secretary  
US Securities and Exchange Commission  
100 F Street NE, Washington, DC 20549-1090

RE: File No. S7-10-16: Modernization of Property Disclosures for Mining Registrants

Dear Mr. Fields:

On behalf of the National Society of Professional Engineers and its more than 31,000 members, I submit the following comment in response to the proposed rulemaking for File Number S7-10-16, *Modernization of Property Disclosures for Mining Registrants*. In Section 229.1301(d)(22)(ii), the proposed rule defines a “qualified person” as “an eligible member or licensee in good standing of a recognized professional organization at the time the technical report is prepared.” The proposed rule then goes on to define a “recognized professional organization.”

As the leader of a professional organization, I greatly appreciate the SEC’s recognition of the value that we bring and the high standards we hold ourselves to. However, for the purposes of this rulemaking and to ensure the public health, safety and welfare, NSPE strongly urges the Securities and Exchange Commission to delete the current proposed Section 229.1301(d)(22)(ii) (and subparts A-F) in its entirety and replace it with the following language:

A licensee in good standing with a board authorized by U.S. state statute to regulate professionals in the mining, geoscience, engineering, geology and/ or related field. Moreover, the *qualified person* must be licensed and in good standing with the duly authorized board in the state or territory in which the deposit is located.

The U.S. state or territorial licensing board is responsible for ensuring that licensees meet standards of education, experience and ethics and is also empowered to take action and even revoke a license when these standards are not met. To practice engineering, one must be licensed in the state. If, for example, a *qualified person* is completing a reserve evaluation in Montana, he or she will need to be licensed in Montana.

Thank you for this opportunity to provide input. Please contact Arielle Eiser, Senior Manager of Government Relations, at [REDACTED] with any questions or clarifications.

Sincerely,



Kodi Jean Verhalen, P.E., Esq., F.NSPE  
President, 2016-2017  
National Society of Professional Engineers