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**From:** Gallick, John M. (PS) 2258 [mailto:JGallick@foundationcoal.com]  
**Sent:** Monday, September 08, 2008 4:34 PM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
**Subject:** Doc1 (4)

Attached is a copy of Foundation Coal and its affiliates comments on the Belt Air proposed rule.

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AB59-COMM-12
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September 8, 2008

Patricia W. Silvey  
Director, Office of Standards, Regulations & Variances  
U. S. Department of Labor  
Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, VA 22209-3939

Re: Comments of Foundation Coal Corporation on MSHA's Proposed Rules on the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt materials in Underground Coal Mining  
RIN 1219-AB59

Dear Ms. Silvey:

Foundation Coal Corporation is writing to express our support to the comments offered by National Mining Association (NMA) concerning the above noted regulations. While Foundation Coal Corporation and its affiliates support NMA's comments in their entirety, we are adding additional emphasis to the following sections of the proposed regulation.

**30CFR Part 14.1**

Foundation Coal Corporation and its affiliates agree with the concept of establishing the new requirements for the approval of flame-resistant conveyor belts based upon the manufacturing date. Foundation Coal and its affiliates do have a deep concern that the timetable established may be too aggressive to assure that all the lab testing and approvals are timely completed so that belt manufacturing and delivery of the new belt products are not disrupted.

**30CFR Part 75.351 (q) (2)**

Training requirements for AMS operators included in this section are extensive. In addition 75.156 (b) states that MSHA will question the AMS operator to assure his training and qualification to hold the AMS position. Foundation Coal Corporation does not object to this. Our concern is the requirement in (q) (2) that an AMS operator must travel underground to all working sections. Some Foundation Coal Corporation's affiliates AMS operators are highly qualified but have health issues that would either preclude this travel in its entirety or would make this travel difficult. It seems more appropriate that the questioning / auditing contemplated in 75.156 (b) is a more appropriate method of assuring that the AMS position is held by a qualified individual.

**30CFR Part 75.1108**

Foundation Coal Corporation agrees with the Agency's use of manufacturing date as the appropriate separation of the newly required conveyor belt from existing belt. Manufacturing dates will make the transition the simplest for all involved. Like NMA

Foundation Coal and its affiliates are concerned that an approval delay or glitch may leave the industry vulnerable to a belt shortage.

**30 CFR 75.1731 (a)**

The requirement that all “damaged rollers ...must be immediately repaired or replaced.” is vague and should be omitted in its entirety. 30 CFR 75.1725 (a) requires that a standard level to be determined i.e. the condition observed must reach a level of unsafe or hazardous to warrant an action. As written the new standard does not place an emphasis on observing a hazard or unsafe condition before requiring the belt roller to be replaced or repaired. The language in this section is too vague and the resultant actions by MSHA enforcement and others will cause unnecessary downtime. A safety standard should clearly state what its safety intent is. In this case the standard should read, “Damaged roller and other malfunctioning belt conveyor components that create a hazard should be immediately” repaired or replaced”. Other non-hazardous conditions should be part of a planned maintenance repair system.

**30CFR 75.1731 (c)**

Again this standard is too vague and does not convey a safety concern. If the concern is as noted in the preamble that materials can be left in a location that creates a potential frictional issue then state that. As written, operators will be moving rock etc. that is no hazard to satisfy someone’s whim rather than addressing real safety concerns. This language should be re-written to state “Non-combustible materials shall not be allowed to accumulate near the belt where the material can cause a frictional hazard.” The comments in the pre-amble about concern over tripping hazards are well addressed in 75.1403.

Sincerely,

John M Gallick  
VP Safety and Health  
Foundation Coal Corporation