



September 14, 2004

Marvin W. Nichols, Jr.
Director
Office of Standards, Regulations, and Variances
1100 Wilson Blvd., Room 2350
Arlington, Virginia 22209-3939

RE: Written Comments on 30 CFR Parts 18 and 75
High-Voltage Continuous Mining Machines; Proposed Rule
Deer Creek Mine 42-00121

Dear Mr. Nichols:

We have reviewed the proposed rule for High-Voltage Continuous Mining Machines and provide the following written comments:

1. **Proposed Regulation:** 30 CFR 75.825 (h)

(h) Grounding stick. The power center must be equipped with a grounding stick to discharge the high-voltage capacitors and circuits. The power center must have a label readily identifying the location of the grounding stick. The grounding stick must be stored in a dry location.

Comment: This proposed regulation would require a grounding stick at power centers. We disagree with the specific requirement of a ground stick. There may be other ways or means of discharging the capacitors or circuits. Why limit this to a grounding stick? This would remove or restrict the use of any new technology that may come that could accomplish the same procedure. We would request that this proposed regulation allow for other acceptable grounding mediums.

2. **Proposed Regulation:** 30 CFR § 75.828(a)

(a) Handling. Miners must not handle the energized trailing cable unless they are wearing properly tested and rated insulating gloves as specified in § 75.833. If mitts, hooks, tongs, slings, aprons, or other personal protective equipment are used to handle energized cables, high-voltage insulating gloves must be used in conjunction to provide protection against shock hazards.

Huntington Office
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine
(801) 381-2317
Fax (801) 381-2285

Preparation Plant
(801) 748-5760
Fax (801) 748-5762

Comment: In looking at the protection of high voltage circuits such as the look ahead devices, shielding, etc. is this cable any more susceptible to shocking a person than other cables such as those just under 1,000 volts? Is this requirement an actual safety benefit or just something that sounds good but is more of a nuisance than the benefit provided? If there is not definite safety benefit this section should be removed from the proposed regulations.

3. **Proposed Regulation:** 30 CFR § 75.829(b) and (b)(1)

(b) Testing prior to tramping. Prior to tramping the continuous mining machine—

(b)(1) A qualified person must activate the ground-fault and ground-wire monitor test circuits of the power sources specified in paragraph (c) of this section to ensure that they pass a functional test. Corrective actions and recordkeeping resulting from these tests must be in accordance with § 75.832(f) and (g), respectively.

Comment: We would propose that a record only be kept on the machine with the qualified persons date, time and initials to verify that the equipment was examined. The record would be kept on the machine until the project is completed. We feel that a record in accordance with § 75.832(f) and (g) would only be necessary if deficiencies were found.

4. **Proposed Regulation:** 30 CFR § 75.829 (c)(2)(A)

(A) Securely mounted on-board the continuous mining machine and installed to minimize vibration;

Comment: Some units may be of a design that would be too large to fit and be secured on the machine. MSHA should allow for other options for step-up transformers other than being secured to the machine.

5. **Proposed Regulation:** 30 CFR § 75.830(a) Splices and repairs. Splices and repairs to high-voltage trailing cables must comply with the following.

(1) Be made only by a qualified person trained in the proper methods of splicing and repairing high-voltage trailing cables:

Comment: This proposed regulation would preclude any person working under the direction of a qualified person. You may have persons who have been trained who could assist in the work of repairing cable and their work could be reviewed/examined to make sure it is done correctly. You are still under the direction of a qualified person who is responsible to make sure the repair is done correctly. We feel the wording should be changed to allow person(s) who have been trained who could work under the direction of a qualified person.

6. **Proposed Regulation:** 30 CFR § 75.832(a)(b) & (c)

- (a). Continuous mining machine examination. At least once every 7 days, a qualified person must examine high voltage continuous mining machine to determine that electrical protection, equipment grounding, permissibility, cable installation, and control devices are properly installed and maintained.
- (b). Ground-fault test. At least once every 7 days, and prior to trammings the high-voltage continuous mining machine, a qualified person must activate the ground-fault test circuit required in § 75.824(a)(2)(iv) and in 75.829(b)(1) to verify that it will cause the corresponding circuit-interrupting device to open.
- (c). Ground-wire monitor test. At least once every 7 days, and prior to trammings the high-voltage continuous mining machine, a qualified person must examine and test each high-voltage continuous mining machine ground-wire monitor circuit to verify that it will cause the corresponding circuit-interrupting device to open.

Comment: We feel a seven (7) day examination will get confused with other electrical examinations performed on a weekly or monthly basis. We would recommend changing this wording to match that of other electrical examinations of weekly or monthly. This would keep electrical examinations consistent.

7. **Proposed Regulation:** 30 CFR § 75.832(g)

(g) Record of tests. At the completion of examinations and tests required under paragraphs (a), (b), and (c) of this section, the person conducting such examinations and tests must certify by signature and date that they have been conducted. Also, a record must be made of any unsafe condition found when conducting the examinations and tests under paragraphs (a), (b), and (c) of this section and any corrective action taken. Certifications and records must be kept for at least 1 year, and must be made available for inspection by authorized representatives of the secretary and representatives of miners.

Comment: We feel this record portion of the regulations needs to be more specific. For example; can these records be made by the operator so they are not susceptible to alternation? Can these records be in an electronic format and have electrically formatted signatures? With the increase in technology, MSHA needs to be more mindful of the alternatives to written records. We would request that this section be modified and be specific on alternate methods of record keeping.

We appreciate the ability to comment on these proposed rules. Should you have any questions regarding our comments please feel free to contact me at (435) 687-6642.

Sincerely,

Kevin Tuttle

Kevin Tuttle
Manager of Safety
Energy West Mining Company

Cc: Randy Tatton, Frank Zmerzlikar, Lee Israel, Gary Christensen, Tain Curtis (Miners Rep)

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