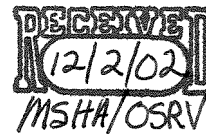




PO Box 310
Huntington, Utah 84528

November 25, 2002

Marvin J. Nichols, Jr.
Director, Office of Standards, Regulations, and Variances,
Mine Safety and Health Administration
1100 Wilson Blvd., Room 2313,
Arlington, Virginia 22209-3939



RE: Comments on Proposed Rule
30 CFR 75.362(d)(3)
Deer Creek Mine 42-00121

Dear Mr. Nichols:

We have received the notice of the Proposed Rule which gives us the opportunity make comments. We have reviewed the proposed rules and make the following comments:

MSHA Proposed Regulation Language:

75.362(d)(3) As an alternative method of compliance with paragraph (d)(2) of this section during roof bolting, methane tests may be made by sweeping an area not less than 16 feet inby the last area of permanently supported roof, using a probe or other acceptable means. This method of testing is conditioned on meeting the following requirements:

Proposed Alternate Wording:

75.362(d)(3) As an alternative method of compliance with paragraph (d)(2) of this section during roof bolting, methane tests may be made by sweeping an area no more than twice the distance of the roof bolts spacing, as identified in the approved roof control plan, inby the last area of permanently supported roof, using a probe or other acceptable means. This method of testing is conditioned on meeting the following requirements:

Rationale: The roof bolter will have a methane monitor on the ATRS which will shut off the machine should any methane concentration be encountered above the allowable level at the drilling site. The manual methane examination would be made inby the ATRS and inby the permanently supported area. This should give plenty of area inby the bolting machine to detect any accumulation of methane that may be in the area and allow corrective action to be taken if needed.

Huntington Office:
(435)687-9821
Fax (435)687-2695
Purchasing Fax (435)687-9092

Deer Creek Mine:
(435)687-2317
Fax (435)687-2285

rail Mountain Mine:
(435)748-2140
fax (435)748-5125

AA98-COMM-1-LATE

MSHA Proposed Regulation Language:

75.362(d)(3)(v) Once a methane test is made at the face, all subsequent methane tests in the same area of unsupported roof must also be made at the face, from under permanent roof support, using extendable probes or other acceptable means at intervals not exceeding 20 minutes.

Proposed Alternate Language:

75.362(d)(3)(v) During roof bolting, when the last row of roof bolts reaches the distance specified in 30 CFR 75.362(d)(3), all subsequent methane tests in the same area of unsupported roof must also be made at the face, from under permanent roof support, using extendable probes or other acceptable means at intervals not exceeding 20 minutes.

Rationale: This wording would tie the distance of the manual examination and provide clear definition of the area where the examination is to be made.

We appreciate the opportunity of providing comments on the proposed rules. These comments will be sent by e-mail along with a follow-up hard copy. Should you have any questions concerning these comments please feel free to contact me at (435) 687-6642.

Sincerely,



Kevin Tuttle
Manager of Health,
Safety and Training

Docs2002

Cc: Randy Tatton
Gary Christensen