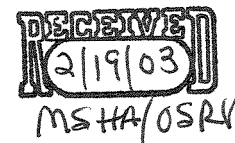


Charles A. Burggraf
Director Safety



February 18, 2003



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

**Re: Comments Concerning Alternate Locking Device for
Plug and Receptacle – Type Connectors**

Dear Mr. Nichols:

RAG American Coal Holding, Inc. (RACH) submits the following comments concerning the proposed rule on alternate locking devices for plug and receptacle type connectors in mobile battery-powered machines published in the Federal Register on January 22, 2003.

RACH's affiliates produced approximately 71 million tons of bituminous coal last year by both underground and surface methods. RACH operates large underground mines that utilize longwall equipment in Pennsylvania and Colorado and smaller underground mines that rely on continuous miners in West Virginia and Illinois, as well as large surface mines in the Powder River Basin and small surface mines in West Virginia.

RACH believes it is appropriate for MSHA to promulgate a rule on this subject. Several of RACH's operations have petitions for modification on this subject that were granted in the 1980's. We are concerned, however, by two facets of the proposed final rule, one procedural and one substantive.

The procedural concern is the fact that the rule is being promulgated as a direct final rule. While the petitions have been in place for a number of years, it seems to us, especially based on the problems that developed with the promulgation of the rule on high voltage longwalls, that it may be advisable to publish a proposed rule and to solicit comments on an abbreviated schedule rather than issuing a rule as final, or as in the case of mine evacuations, as an immediately effective "emergency" rule.

Marvin W. Nichols, Jr.
February 18, 2003
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Our substantive objection to the rule is to the provisions of Section 18.41(f)(3) that require that each connector have a warning tag with certain specific language. First, this is a major substantive change from the decisions on petitions that were previously issued. We have attached the decisions at our Emerald Mine, the Cumberland Mine and the Wabash Mine that do not include such a requirement. We do not actually believe that the use of tags should be required. Our experience has indicated minimal need for such a requirement if training is adequate.

Second, we believe that this language should be modified to make the requirement less prescriptive and more performance oriented. For example, it requires tags on each connector, rather the labels or some other means of warning. It requires specific language on the tag, i.e., "Do Not Disengage Under Load." We believe this approach is too restrictive.

At one of our mines, we have mine tags that read "Do Not Disconnect Under Load." All such tags on some 20 pieces of equipment will have to be replaced and there is little or no need for such a change because the existing tags would convey the appropriate message. Under the standard, they would result in citations and this fact highlights the need for a change in the rule.

Our suggestion would be that the standard require that a warning concerning disconnection under load be provided by some means in the vicinity of the battery connectors and that the operator be permitted to employ a suitable warning, including a tag or a label.

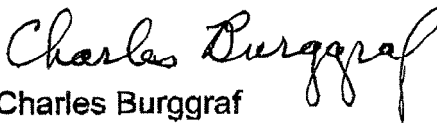
Further, we do not believe it is necessary to have tags on "all connectors." There are one or two connectors on each piece of equipment. That requirement can result in multiple tags in a relatively small area. That simply seems to be a "violation getter" without any significant safety benefit.

Marvin W. Nichols, Jr.
February 18, 2003
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CONCLUSION

Based on the foregoing, we believe that the standard should be modified before it is made final. As much as we appreciate MSHA's desire to move forward to achieve a final rule, we believe that it is necessary to take sufficient time to insure that the rule is adequate and appropriate.

Very truly yours,


Charles Burggraf

Cc: Michael Peelish

Attachments:

4015 Wilson Boulevard
Arlington, Virginia 22203



APR. 0 9 1984

In the matter of
Emerald Mines Corporation
No. 1 Mine

Petition for Modification

Docket No. M-83-110-C

PROPOSED DECISION AND ORDER

On August 31, 1983, a petition was filed seeking a modification of the application of 30 CFR 75.503 to Petitioner's No. 1 Mine, located in Greene County, Pennsylvania. The Petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA investigators conducted an investigation relevant to the merits of the petition and filed a report of their findings and recommendations with the Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition and MSHA's investigative report and recommendation, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by Petitioner (as amended by the recommendations of MSHA investigators) will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.503.

On the basis of the petition and the findings of MSHA's investigation, Emerald Mines Corporation is entitled to a modification of the application of 30 CFR 75.503 to its No. 1 Mine.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., sec. 811(c), it is ordered that Emerald Mines Corporation's Petition for Modification of the application of 30 CFR 75.503 as it pertains to the miners in the No. 1 Mine is hereby:

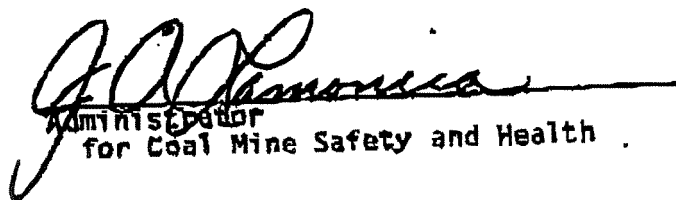
~~GRANTED~~ for a period of three years from the date of this Proposed Decision and Order, conditioned upon ~~compliance with the~~ following:

1. Metal locking devices, each consisting of a fabricated metal bracket and a metal locking screw, shall be permitted in lieu of padlocks for the purpose of locking battery plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered machines used in the Petitioner's mine.

2. Such locking devices shall be designed, installed and used so as to prevent the threaded rings securing the battery plugs to the battery receptacles from unintentionally loosening.
3. The fabricated metal brackets shall be securely attached to the battery receptacles so as to prevent accidental loss of the brackets. The locking screws shall be securely attached to the brackets so as to prevent accidental loss of the screws.
4. Operators of permissible, mobile, battery-powered machines to which this Petition for Modification applies and other miners who couple and uncouple battery plugs on such machines shall receive the following training as part of the training they receive under the requirements of 30 CFR 48.5, 48.7, and 48.8:
 - (a) Training in the proper use of the locking devices;
 - (b) Training in the hazards of breaking battery plug connections under load; and
 - (c) Training in the hazards of breaking battery plug connections in areas of the mine where electric equipment is required to be permissible.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days, a request with the Administrator for Coal Mine Safety and Health, 4015 Wilson Boulevard, Arlington, Virginia 22203.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.


Administrator
for Coal Mine Safety and Health

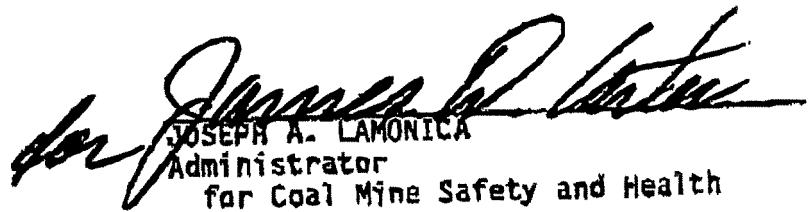
Certificate of Service

I hereby certify that a copy of this proposed decision was served personally or mailed, postage prepaid, this 9th day of April, 1984, to:

Philip C. Wolf, Esq.
Emerald Mines Corporation
Mail Code S128
P. O. Box 3299
Englewood, Colorado 80155

Ms. Joyce A. Hanula
Legal Assistant
United Mine Workers of America
900 Fifteenth Street, NW.
Washington, D.C. 20005

Mr. David Dillion
Safety Inspector
United Mine Workers of America
32 South Main Street
Masontown, Pennsylvania 15561


JOSEPH A. LAMONICA
Administrator
for Coal Mine Safety and Health

cc: Subdistrict Manager, Monr.
A. O'Rourke
J. Tortoreta
→ Files

RECEIVED

MAR 13 1987

DISTRICT 2

MAR 2 1987

In the matter of
U. S. Steel Mining Company, Inc.
Cumberland Mine

Petition for Modification

Docket No. M-86-74-C

PROPOSED DECISION AND ORDER

On April 21, 1986, a petition was filed seeking a modification of the application of 30 CFR 75.506 to Petitioner's Cumberland Mine, located in Greene County, Pennsylvania. The Petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA investigators conducted an investigation of the petition and filed a report of their findings and recommendations with the Deputy Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition and MSHA's investigative report and recommendation, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by the Petitioner will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.506.

On the basis of the petition and the findings of MSHA's investigation, U. S. Steel Mining Company, Inc. is granted a modification of the application of 30 CFR 75.506 to its Cumberland Mine.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Deputy Administrator for Coal Mine Safety and Health, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., sec. 811(c), it is ordered that U. S. Steel Mining Company, Inc.'s Petition for Modification of the application of 30 CFR 75.506 in the Cumberland Mine is hereby:

GRANTED, conditioned upon compliance with all provisions of the Petitioner's alternative method and the following special terms or conditions:

1. The Petitioner shall submit proposed revisions to its 30 CFR Part 48 training plan for approval to the Coal Mine Safety and Health District Manager for the area in which the mine is located. These proposed revisions shall

specify initial and refresher training for all operators of permissible, mobile, battery-powered machines to which the Petition for Modification applies and all other miners who couple and uncouple battery plugs on these machines. The training shall include the following elements:

- (a) Training in the proper use of the locking devices;
- (b) Training in the hazards of breaking battery plug connections under load; and,
- (c) Training in the hazards of breaking battery plug connections in areas of the mine where electric equipment is required to be permissible.

The procedure of 30 CFR 48.3 for approval of proposed revisions to already approved training plans shall apply.

- 2. The Petitioner's alternative method shall not be implemented until all operators of permissible, mobile, battery-powered machines to which the Petition for Modification applies and all other miners who couple and uncouple battery plugs on these machines have received the elements of training specified in No. 1 above.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days, a request with the Deputy Administrator for Coal Mine Safety and Health, 4015 Wilson Boulevard, Arlington, Virginia 22203.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

Signed Ronald J. Schell

ACTING Deputy Administrator
for Coal Mine Safety and Health

Certificate of Service

I hereby certify that a copy of this proposed decision was served personally or mailed, postage prepaid, this 2nd day of March, 1987, to:

Billy M. Tennint, Esq.
U. S. Steel Mining Company, Inc.
600 Grant Street, Room 15880
Pittsburgh, Pennsylvania 15230

Ms. Linda Raisovich
Special Assistant
United Mine Workers of America
900 Fifteenth Street, NW.
Washington, DC 20005

Safety Solicitor
Office of the General Counsel
United Mine Workers of America
900 Fifteenth Street, NW.
Washington, DC 20005

Mary Ann Griffin
MARY ANN GRIFFIN
Mine Safety Clerk

cc: Mr. Walter J. Vicinelly
bcc: D. Huntley
J. Spicer
G. Fesak
J. Doranz
J. Woods
Case File

MCS:MAGriffin:mag:02/03/87

U. S. Department of Labor

Mine Safety and Health Administration
4015 Wilson Boulevard
Arlington, Virginia 22203

COPY



cc: J. Clark
B.J. Whitehead
C. Finke

SEP 11 1982

RECEIVED

AUG 26 1982

AUG 23 1982

In the matter of
AMAX Coal Company
Wabash Mine

Petition for Modification
Docket No. M-81-271-C

PROPOSED DECISION AND ORDER

On December 23, 1981, a petition was filed seeking a modification of the application of 30 CFR 75.503 to Petitioner's Wabash Mine, located in Wabash County, Illinois. The Petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA investigators conducted an investigation relevant to the merits of the petition and filed a report of their findings and recommendations with the Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition and MSHA's investigative report and recommendation, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by Petitioner (as amended by the recommendations of MSHA investigators) will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.503.

On the basis of the petition and the findings of MSHA's investigation, AMAX Coal Company is entitled to a modification of the application of 30 CFR 75.503 to its Wabash Mine.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator, and pursuant to section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., sec. 811(c), it is ordered that AMAX Coal Company's Petition for Modification of the application of 30 CFR 75.503 as it pertains to the miners in the Wabash Mine is hereby:

GRANTED, Conditioned upon compliance with the following:

1. Metal hook-type locking devices shall be permitted in lieu of padlocks for the purpose of locking battery plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered machines used in the Wabash Mine.

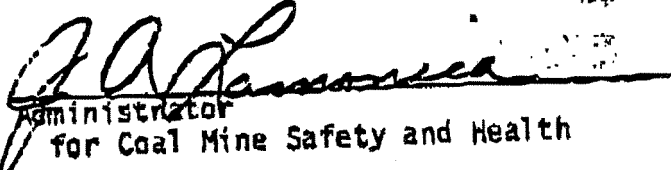
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2. Such hook-type locking devices shall be designed, installed and used so as to prevent the threaded rings securing the battery plugs to the battery receptacles from unintentionally loosening.
3. Such hook-type locking devices shall be permanently and securely attached to the battery plugs so as to prevent accidental loss of the locking devices.
4. Operators of permissible, mobile, battery-powered machines to which this petition for modification applies and other miners who couple and uncouple battery plugs on such machines shall receive the following training as part of the training they receive under the requirements of 30 CFR 48.5, 48.7 and 48.8:
 - (a) Training in the proper use of the locking devices;
 - (b) Training in the hazards of breaking battery plug connections under load; and,
 - (c) Training in the hazards of breaking battery plug connections in areas of the mine where electric equipment is required to be permissible.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days, a request with the Administrator for Coal Mine Safety and Health, 4015 Wilson Boulevard, Arlington, Virginia 22203.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.


Administrator
for Coal Mine Safety and Health

Certificate of Service

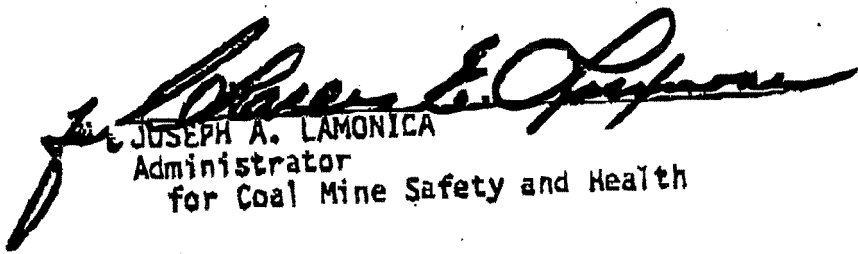
I hereby certify that a copy of this proposed decision was served personally or mailed, postage prepaid, this 23rd day of August, 1982, to:

Mr. Bobby Joe Whitehead
AMAX Coal Company
P.O. Box 144
Keensburg, Illinois 62852

✓ Mr. R. Stephen Hansell
Regulatory Affairs Counsel
AMAX Coal Company
105 Meridian Street
Indianapolis, Indiana 46225

Mr. William Peach
UMWA Local No. 1791
Safety Committee Chairman
Box 133
Bellmont, Illinois 62811

Ms. Joyce A. Hanula, Legal Assistant
United Mine Workers of America
900 Fifteenth Street, NW.
Washington, D.C. 20005


JOSEPH A. LAMONICA
Administrator

for Coal Mine Safety and Health