

**Comments of:
Arch Coal, Inc.**

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**Submitted to:
Mine Safety and Health Administration**

**In Response to:
MSHA Proximity Detection Public Hearings for Public Comments**

**Submitted by:
Joe Swan
Manager, Maintenance Technical Services
Arch Coal, Inc.**

AB65-2COMM-19



November 16, 2011

Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building
725 17th Street, NW
Washington, DC 20503
Attn: Desk Officer for MSHA

Ms. Roslyn Fontaine
Acting Director
Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: RIN 1219—AB65

Dear Ms. Fontaine:

This letter serves as the response of Arch Coal, Inc., on behalf of its operating subsidiaries, (“Arch”) to MSHA’s request for public comments on the proposed rule on proximity detection. Arch is the second largest coal producer in the United States with approximately 7,400 employees. Arch operates mines in Colorado, Utah, Kentucky, Illinois, Maryland, Virginia, West Virginia and Wyoming.

While Arch agrees conceptually with the proposed rule, we believe the effective date of the rule should allow for the development of the technology to accomplish the goals of the rule. Arch submits the following comments in that regard:

1. With safety as the number 1 priority, Arch believes the implementation of the final rule should be set at a time when the relevant technology is sufficiently developed to satisfy the requirements of the rule. The proximity detection technology is still being developed by vendors, and publishing prematurely will limit the necessary time vendors need to complete development of safe reliable systems. For example, one continuous mining machine, OEM, does not have an approved system to date. MSHA and the mining community need additional time to validate the best technologies still being developed. Another proximity detection supplier has 8 devices; however, their system currently will only allow 2 devices to protect individuals as they are still refining their software to allow the other 6 devices to be used.

2. The final rule should reflect a reasonable retrofit timeline for existing continuous mining machines from 18 months to 36 months. This allows vendors time to prepare for this rule as they have stated to the mining industry their concern for accomplishing this retrofit. For example, the proximity detection suppliers have stated they do not have the infrastructure and resources (people and material) available to accomplish the installation of the proximity systems on all continuous mining machines within this 18 month time frame. This allows proximity suppliers time to manufacture and prepare for the resources required to install proximity detection systems.

Closing

We appreciate the opportunity to share our view and comments on this important safety issue.

Sincerely,



Joe Swan

Manager, Maintenance Technical Services

p.c.: Doug Conaway
Arch Coal, Inc.
Director – Corporate Safety

Robert A. McCreary
Arch Coal, Inc.
Director, Maintenance and Technical Services