MOUNTAIN COAL COMPANY L.L.C.
A Subsidiary of Arch Western Resources, LLC

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May 16, 2003

Marvin W. Nichols
Office of Standards, Regulations, and Variances
Room 2313
1100 Wilson Boulevard
Arlington, Virginia 22209-3939

Re: Proposed Regulation
Use of Belt Entry as an Intake Air Course

Dear Mr. Nichols:

Mountain Coal Company, L.L.C (MCC) submits the following post hearing comments on the proposed rule, 30 CFR Part 75, Underground Coal Mine Ventilation, "Safety Standards for the Use of a Belt Entry as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment is Being Installed or Removed." As testified at the public hearing in Grand Junction, Colorado, Mountain Coal Company fully supports the use of belt air for face ventilation purposes and agrees with promulgation of a belt air regulation. However, we believe that there should be some changes to the proposed regulation as outlined below.

LIFELINES

In response to the request for information on the need for and maintainability of lifelines in escapeways, MCC does not believe that lifelines can be maintained in escapeways that utilize mobile equipment. In mines where both the in-coming and out-going equipment travel in the same entry, the equipment must change out in the crosscuts in order to allow safe passage. If lifelines were present in the entry, the equipment would not be able to pull into the crosscuts without damaging the lifelines. In addition, large mobile equipment operating in the entry itself could easily strike the lifeline, resulting in a damaged lifeline. Due to the large potential for damage to the lifelines, we do not believe the regulation should require installation of lifelines in escapeways when mobile equipment is used in the entry.

30 CFR 75.350(c)(3)

The proposed regulation requires the use of a "regulator" for point feeding. MCC believes the regulation should be changed to allow a door to be used as a regulator. In addition, if equipment doors are used as the point feed, they should not have to be installed in pairs as currently required by 30 CFR 75.333(d)(3). MCC also believes that it would be very difficult to have a remote closing mechanism on a regulator in a Kennedy Stopping or other similar ventilation control, whereas it would be much easier to have a remote closing mechanism on doors used for regulator purposes.

30 CFR 75.351(a) and 30 CFR75.351(c)(3)

The proposed regulation requires that an AMS operator be on duty at a location where signals from the AMS can be seen "**and**" heard by the operator. MCC believes the regulation should state that the operator be on duty at a location where the signals from the AMS can be seen "**or**" heard. We do not believe that it is necessary for a person to be stationed at a computer screen to simply see any changes. The monitoring person can efficiently perform other tasks as long as he/she is in a position to respond to any alarms. This change would also match the wording in the preamble on page 3952, and the wording contained in 75.351(c)(1) and 75.351(c)(2).

30 CFR 75.351(b)(1)

The proposed regulation requires the mine operator to designate "a location" at the mine for AMS monitoring and communication purposes. MCC believes that operators should not be restricted to designating one location as the monitoring and communication station. By allowing more than one location to be designated, the system becomes multifunctional. For example, the AMS monitoring and communication station may be located at the administration building during normal business hours. During off hours, the monitoring and communication station may be located at the warehouse or other continuously attended office. As such, the intended purpose is served without overly restricting the operator to one designated monitoring point.

30 CFR 75.351(c)(4)

The regulation requires that the AMS alarms be capable of being "seen and heard" by the miners working in the sections and setup/recovery areas. For existing belt air petitions, operators are required to provide visual and audible alarms to the affected sections and areas. These alarm signals are typically at the loading points, and not necessarily at a point where a miner at the face may see or hear the alarm. MCC believes the proposed regulation should require providing the visual and audible alarms to the affected sections and areas, without an additional requirement that the signals be seen and heard.

30 CFR 75.351(f)

MCC is unaware of any current belt air petition that requires monitoring of the primary escapeway, nor do we see any relationship between the use of belt air at the face and the monitoring of the primary escapeway. As such, we believe that additional monitoring of the primary escapeway is unnecessary.

30 CFR 75.351(j)

MCC believes that alert and alarm levels specified in existing belt air petitions and corresponding Ventilation Plans be grandfathered under the regulation. These alert and alarm levels have proven to be safe and effective in the mines currently using belt air for face ventilation purposes without incurrence of nuisance alarms.

30 CFR 75.351(o)(2)

MCC does not believe that a title entry is necessary when specified functions are performed on the AMS system. In our particular case, most employees do not have titles. As such, we do not believe that entering a title provides any useful information, and the entry results in unnecessary paperwork.

30 CFR 75.351(q)

MCC supports the requirement of having trained AMS operators, however, we believe the preamble specifies topics and items that are not applicable to many AMS operators. Items such as programming, editing files, setting parameter points, etc. are typically done by electrical systems personnel rather than the AMS operator. Training on items that are far outside of the scope of work for the AMS operator is unnecessary and of no benefit to the AMS operator. Training should be limited to the items that are necessary for the AMS operator to safely and effectively perform the monitoring functions. This would include basics of the operating system, monitoring responsibilities, communication and notification responsibilities, and other applicable items. If the AMS operator has additional responsibilities such as programming, setting parameter points, etc., then additional training should be provided.

30 CFR 75.351(r)

The proposed regulation requires the voice communication lines be installed in a separate entry from the AMS system lines. MCC believes that operators with existing belt air petitions should be grandfathered on this requirement for all areas of the mine where the two systems are installed in the same entry prior to the effective date of the regulation. In many cases, both communication lines and AMS lines have to be in same entry. For example, at belt drive installations, both communication lines and AMS lines are present in the belt entry. Under the proposed regulation, the primary escapeway will need to be monitored at the mouth of a section and near the loading point. If the AMS system lines are in the belt entry and the communication lines are in the intake (primary escapeway), compliance cannot be achieved. As such, this regulation should be eliminated or corrected to address such situations and grandfathering of existing installations.

We appreciate the opportunity of commenting on the proposed regulation. If there are any questions concerning the above comments, I can be reached at (970) 929-2261.

Respectfully,

A. Bill Olsen

A. Bill Olsen
Safety Director

cc: Gene DiClaudio
Pete Wyckoff
LaVon Turpin