

From: Link Derick [LDerick@peabodyenergy.com]
Sent: Monday, May 22, 2006 3:27 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: Fw: RIN 1219-AB46 Emergency Temporary Standard

Received 5/22/06 MSHA/OSRV

----- Forwarded by Link Derick/TWM/Peabody on 05/22/2006 01:23 PM -----

Link Derick To www.zzMSHA-Comments@dol.gov
 05/22/2006 cc Dave Beerbower/STL/Peabody@PeabodyEnergy, Dick Conkle/TWM/Peabody@PeabodyEnergy, Mike
 01:12 PM Ludlow/TWM/Peabody@PeabodyEnergy, Dennis Bouwens/TWM/Peabody@PeabodyEnergy, Delbert Lobb/TWM/Peabody@PeabodyEnergy
 Subject RIN 1219-AB46 Emergency Temporary Standard

RE: Foidel Creek Mine
 ID # 0503836
 Twentymile Coal Company

I wish to add the following additional comment to those presented and submitted at the April 24, 2006 public hearing in Denver Colorado. At that time, we had a question on the Question and Answer guide about accessing SCSR's from a storage location where going through a mandoor and into an airlock was required. We have an unique escapeway system at our mine, in that the mains have two separate and distinct intake escapeways on both adjacent entries to the main belt system. One of these intake escapeways is the primary escapeway for our Continuous Miner sections. The other is the alternate intake escapeway of our longwall section, which has it's primary intake escapeway inby the longwall. We seal each crosscut of the longwall during retreat; therefore, an intake split comes to the longwall from inby at two shafts, one containing an escape hoist and the other an elevator. Both of these escapeways are drivable with diesel mantrips. The alternate escapeway for our Continuous Miner sections only exists in the section return until the mains. At that point, the alternate escapeway enters the longwall alternate that is on intake air. Emergency vehicles are present at that location at all times, so the Continuous Miner crews can then travel to the surface by a diesel vehicle. They may also travel to the longwall and on to the intake escapeway inby that location if the emergency was in the outby mains. This system allows for two independent intake escapeways for all outby personnel.

At periodic locations, overcasts allow access from one intake escapeway to the other; however, either manual or hydraulically operated equipment doors separate these isolated escapeways. These are the locations where we wish to store our outby SCSR's, since they would be out of the cold winter weather and also are the locations where an escaping miner should evaluate whether the other intake escapeway is smoke free or has improved visibility, without having to enter the beltline area. The current interpretation would not allow the lifeline to lead miners to this desired area. These locations are currently marked as "Emergency Intake Crossover Locations" and our miners regularly travel from one intake to the other to gain access to the other mining sections.

We believe this type of a scenario should be clarified before the final regulations are promulgated or we are asking if this is a situation where a Petition for Modification should be filed, either now or after the final regulations are complete. We have heard that the comments received to date, may change the Question and Answers prohibiting SCSR's from being stored where travel through a mandoor and into an airlock or other separation exists.

We have spent years developing progressive intake escapeway systems and wish to continue that process, but these new regulations as written, could hinder that effort.

Thank you,

R. Lincoln Derick

AB46-COMM-14

05/23/2006