

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Department of Environmental Protection

(2) Agency Number:

Identification Number: #7-488

IRRC Number: #3067

(3) PA Code Cite: 25 Pa Code Chapter 208 Underground Coal Mine Safety

(4) Short Title: Standards for Surface Facilities

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Laura Edinger, 783-8727, ledinger@pa.gov

Secondary Contact: Patrick McDonnell, 783-8727, pmcdonnell@pa.gov

(6) Type of Rulemaking (check applicable box):

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This final regulation will add regulatory provisions to 25 Pa. Code Chapter 208. These additions include §§ 208.101 – 208.412 (relating to Standards for surface facilities) as well as the definitions of “Barricaded,” “Berm,” “Certified or registered,” “Flash point,” “Qualified person,” “Roll protection,” “Safety can,” and “Trailing cable” to read as set forth in Annex A.

This final rulemaking implements existing federal regulations, thereby making them independently enforceable by the Commonwealth. Specifically, this final regulation implements many of the federal requirements in 30 CFR Part 77 related to surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. Although the federal regulations in 30 CFR Part 77 enumerate mandatory safety standards for both surface coal mines and surface areas of underground mines, only those regulations in Part 77 governing the surface work areas of underground mines are incorporated into this final rulemaking.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Section 106.1 of The Bituminous Coal Mine Safety Act, (BCMSA), 52 P.S. § 690-106.1 authorizes the adoption of regulations to implement BCMSA and to protect the health, safety, and welfare of miners and other individuals in and about mines.

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(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This regulation is not mandated by any federal or state law, court order, or federal regulation. The final regulation incorporates by reference, with some modifications and exclusions, the provisions of the federal Mine Safety and Health Administration (MSHA) requirements in 30 CFR Part 77.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This final regulation implements existing federal mine safety requirements for the surface areas of underground mine sites, thus ensuring the continued protection of persons in and about the surface areas of underground mines. As a result of this final regulation, the Department will acquire the independent regulatory authority to enforce many of the federal MSHA requirements under 30 CFR Part 77. Moreover, there is a compelling public interest in ensuring that miners are safe in the workplace. While estimating an exact number of individuals who will benefit from this rulemaking is difficult, miners, their families, mining companies, and others will benefit from safe surface areas of underground mines. As a result of this final rulemaking, workplace injuries and deaths will likely decline and safer, more advanced equipment at the surface areas of underground mines may be used.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No, the final rulemaking incorporates by reference many of existing federal MSHA requirements in 30 CFR Part 77. Because the state regulations incorporate the federal regulations by reference, there are no provisions in the final regulation that are more stringent than the federal regulations.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The final rulemaking conforms to existing federal MSHA requirements in 30 CFR Part 77. Because other states must also comply with the federal MSHA requirements adopted by this final rulemaking, Pennsylvania's ability to compete for business with other states will not be weakened.

The Board of Coal Mine Safety (Board) is adopts the final rulemaking to, among other reasons, obtain independent authority to enforce the federal regulations.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. The final regulation does not affect any other regulations of the promulgating agency or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

This rulemaking was prepared at the direction of the Board which was established pursuant to BCMSA. The seven member Board is chaired by the Secretary of the Department of Environmental Protection and consists of three members who represent mine workers and three members who represent coal mine operators. Three of the members of the Board were nominated by the United Mine Workers of America (UMWA) to represent miners, and three were nominated by the Pennsylvania Coal Alliance (PCA) to represent coal mine operators.

The development and drafting of this final rulemaking was aided by input from the Board which received recommendations and advice on the rulemaking from its constituents. The three members of the Board nominated by the UMWA provided input on the regulations on behalf of mine workers. Likewise, the three representatives on the Board nominated by PCA made recommendations on the regulation on behalf of the nine underground bituminous mining companies and affiliates that currently operate in Pennsylvania. As such, both UMWA and PCA participated in the decision of the Board to prepare this regulation.

The Board has determined that three small businesses, as that term is defined under Section 3 of the Regulatory Review Act, will be affected by this final rulemaking. According to the Small Business Size Regulations under 13 CFR Part 121, for NAICS Code 212112 (bituminous coal underground mining) a small business is one that employs fewer than 500 persons. The Board determined that this rulemaking would only apply to the nine underground bituminous mining companies currently operating in Pennsylvania, three of which employ fewer than 500 persons. The Board made this determination by reviewing its own internal data and publicly available data from the companies.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are approximately 40 bituminous underground mines operating in Pennsylvania that are owned by nine underground bituminous mining companies. Three of these nine companies are small businesses. Although this final regulation will affect the nine underground bituminous mining companies, there is no opposition to the final regulation from the representatives of these companies sitting on the Board. Moreover, the nine affected companies must already comply with the federal MSHA regulations in 30 CFR Part 77 that are implemented by this final regulation.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are approximately 40 underground bituminous coal mines operating in Pennsylvania that are owned by nine underground bituminous mining companies. Three of these nine companies are small businesses, and these companies collectively employ approximately 5,300 persons. All underground coal mine companies in Pennsylvania must already comply with the federal MSHA regulations in 30 CFR Part 77 that are implemented by this final regulation. Therefore, this final rulemaking will not impose any additional regulatory requirements on the underground bituminous coal mine operators in

Pennsylvania. Moreover, this final rulemaking will make the existing federal requirements to be implemented by this final regulation independently enforceable by the Commonwealth.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulations this final rulemaking implements have already been promulgated by MSHA. Therefore, the nine owners and operators of underground bituminous coal mines in Pennsylvania already have to comply with the federal regulations in 30 CFR Part 77 that are implemented by this final rulemaking. As a result, the final rulemaking will not have any additional financial, economic, or social impact on the public or regulated community.

The potential benefits of the final rulemaking include the continued prevention of bodily harm and loss of life or property at the surface areas of underground mine sites. Additionally, this final rulemaking makes the existing federal requirements implemented by this final regulation independently enforceable by the Commonwealth.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There are no additional costs and adverse effects associated with this final rulemaking as its sole purpose is to conform Pennsylvania regulations to many of the federal MSHA requirements in 30 CFR Part 77. Assuring that the Pennsylvania regulation conforms to federal requirements does not have any additional financial, economic or social impact on any entity or individual, and the potential benefit of preventing bodily harm and loss of life or property is difficult to quantify.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Costs and/or savings as the result of the implementation of this final rulemaking are not anticipated since the regulated community must already comply with the federal MSHA provisions this final rulemaking implements. Given that the final state regulation merely provides the Board with the independent authority to enforce the regulation, mine operators would not incur any additional costs.

Moreover, although the final regulation is intended to protect miners, it may also minimize unnecessary expenses to the regulated community by reducing the risk of property loss. Explosions, fires, and accidents can result in significant costs to a mine operator since it typically takes an operator a minimum of two months to resume operations after an explosion and other similar catastrophe. This could lead to expenses for the mine operator between two and seven million dollars incurred through lost wages, lost production capacity, payment for services associated with mine rescue operations, and other related expenses.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This question does not apply because local governments do not engage in underground bituminous coal mining.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The costs incurred by the state government as a result of this final rulemaking are expected to be negligible. The mine operators subjected to this final rulemaking must already comply with the federal regulations this rulemaking implements, and the state already conducts mine safety inspections. Nothing in this final rulemaking, other than the fact the existing federal requirements will become independently enforceable in the state, will alter current state government practices or costs.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This final rulemaking does not require any additional accounting or consulting procedures, additional reporting, recordkeeping, or other paperwork other than that which is already being performed on a routine basis as required under federal MSHA requirements.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

Neither local nor state government is engaged in underground bituminous coal mining operations; therefore, costs and/or savings are not anticipated as a result of this final rulemaking. Moreover, since the regulated community already incurs costs to comply with the existing federal MSHA requirements that this rulemaking implements, additional compliance costs are not anticipated for the regulated community as a result of this rulemaking. There are, however, potential savings to the regulated industry as a result of this final regulation since the protection of underground mine property and workers will likely be enhanced. Explosions, fires, and accidents can result in significant costs to a mine operator since, for example, it typically takes an operator a minimum of two months to resume operations after an explosion and other similar catastrophe. This could lead to expenses for the mine operator between two and seven million dollars incurred through lost wages, lost production capacity, payment for services associated with mine rescue operations, and other related expenses.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A

State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY
Environmental Protection Operations (#160-10381)	\$77,359,000	\$74,547,000	\$75,184,000	\$84,438,000
Environmental Program Management (#161-10382)	\$27,755,000	\$24,965,000	\$25,733,000	\$28,517,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.

The final rulemaking does not have any adverse effects on the three small businesses operating underground bituminous coal mines in Pennsylvania because they must already comply with the federal MSHA requirements this rulemaking implements.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the final regulation, including the type of professional skills necessary for preparation of the report or record.

There will be no additional costs incurred with respect to reporting, recordkeeping, and other administrative costs required for compliance with the final rulemaking since the regulated community must already comply with federal provisions of 30 CFR Part 77, many of which are implemented by this final regulation.

- (c) A statement of probable effect on impacted small businesses.

This final rulemaking is not expected to have any effect on the three small businesses subject to this regulation since they must already comply with the existing federal regulations this regulation implements. According to the Small Business Size Regulations under 13 CFR Part 121, for NAICS Code 212112 (bituminous coal underground mining) a small business is one that employs fewer than 500 persons. Three of the nine underground bituminous coal mining companies currently operating in Pennsylvania employ fewer than 500 persons.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the final regulation.

Alternative methods for achieving the purpose of the final rulemaking were not analyzed as the final rulemaking is based upon federal MSHA requirements that are already in place.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions were developed to meet the particular needs of the affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers since none of these entities was identified to be impacted.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Alternative regulatory provisions were not considered because this rulemaking is based upon an existing federal MSHA rulemaking that is already in place. This final rulemaking will assure that Pennsylvania regulations conform to the federal regulations.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This final rulemaking is not expected to have any effect on the three small businesses subject to this regulation since they must already comply with the existing federal regulations this regulation implements. According to the Small Business Size Regulations under 13 CFR Part 121, for NAICS Code 212112 (bituminous coal underground mining) a small business is one that employs fewer than 500 persons. Three of the nine underground bituminous coal mining companies currently operating in Pennsylvania employ fewer than 500 persons.

- a) Less stringent compliance and reporting requirements were not considered because this rulemaking implements existing federal regulations with which the small business subject to this regulation must already comply.
- b) Less stringent schedules or deadlines for compliance or reporting requirements were not considered because this rulemaking implements existing federal regulations with which the small business subject to this regulation must already comply.

- c) The consolidation or simplification of compliance or reporting requirements for small business was not considered because this rulemaking implements existing federal regulations with which the small business subject to this regulation must already comply.
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation was not considered because this rulemaking implements existing federal regulations with which the small business subject to this regulation must already comply.
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation was not considered because this rulemaking implements existing federal regulations with which the small business subject to this regulation must already comply.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation. This final regulation merely incorporates already effective federal requirements into state law to make those requirements independently enforceable by the Department.

(29) Include a schedule for review of the regulation including:

- | | |
|--|------------------------------|
| A. The date by which the agency must receive public comments: | 3 rd Quarter 2014 |
| B. The date or dates on which public meetings or hearings will be held: | Not Applicable |
| C. The expected date of promulgation of the final regulation as a final-form regulation: | 4 th Quarter 2015 |
| D. The expected effective date of the final-form regulation: | 4 th Quarter 2015 |
| E. The date by which compliance with the final-form regulation will be required: | 4 th Quarter 2015 |
| F. The date by which required permits, licenses or other approvals must be obtained: | 4 th Quarter 2015 |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board is committed to ensuring the health and safety of all persons in the underground bituminous coal mine industry. As a result, the Board periodically reviews all regulations within this industry to ensure their continued effectiveness. This periodic review occurs at all Board meetings. The Board meets a minimum of four times each calendar year.

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Attorney General

By: _____
(Deputy Attorney General)

DATE OF APPROVAL

Check if applicable
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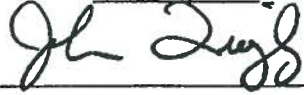
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DEPARTMENT OF ENVIRONMENTAL
PROTECTION
BOARD OF COAL MINE SAFETY

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-488

DATE OF ADOPTION June 23, 2015

BY 

TITLE JOHN QUIGLEY
CHAIRMAN

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

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Executive or Independent Agencies

BY 

AUG 04 2015

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel - Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

NOTICE OF FINAL RULEMAKING

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOARD OF COAL MINE SAFETY**

Standards for Surface Facilities

25 Pa. Code Chapter 208

**FINAL RULEMAKING
BOARD OF COAL MINE SAFETY
25 PA. CODE CH. 208
Standards for Surface Facilities**

The Board of Coal Mine Safety (Board) amends Chapter 208 (relating to underground coal mine safety) to read as set forth in Annex A. The final rulemaking implements existing Federal regulations, thereby making them independently enforceable by the Commonwealth.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations for its implementation including additional safety standards. The BCMSA further authorizes the Board to promulgate necessary or appropriate regulations to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

This notice is given under Board order at its meeting of June 23, 2015.

A. Effective Date

This final rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Joe Sbaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown PA 15401, (724) 439-7469, jsbaffoni@pa.gov; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-9376, jirole@pa.gov.

C. Statutory Authority

The final rulemaking is authorized under sections 106 and 106.1 of the BCMSA, which grants the Board the authority to adopt regulations to implement the BCMSA including additional safety standards. The Board is further authorized to promulgate regulations that are necessary or appropriate to protect the health, safety and welfare of miners and other individuals in and about mines.

D. Background and Purpose

On July 7, 2008, the General Assembly enacted the BCMSA, which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). The BCMSA provides broad authority to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. See

section 106.1(a) of the BCMSA. Final regulations consistent with Federal standards may also be promulgated under section 106.1(c) of the BCMSA. Under section 106 of the BCMSA, the Board consists of three members representing mine workers, three members representing underground bituminous coal mine operators and the Secretary of the Department of Environmental Protection (Department) who serves as the Board's chairperson.

This final rulemaking implements existing Federal regulations that broadly relate to the surface work areas of underground coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low-voltage and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing Federal regulations will become independently enforceable in this Commonwealth.

At the outset, the final rulemaking implements the Federal regulations regarding qualified or certified persons. The Federal regulations require certain types of work and certain tests—electrical work and tests for methane, for example—to be conducted by qualified or certified persons. Requiring a person to be qualified or certified ensures that the examinations and tests they conduct and the duties they carry out will be done in a professional manner, thus enhancing the safety of persons in and around mine sites.

Another component of the final rulemaking implements the Federal regulations governing surface installations. These rules ensure that underground bituminous coal mine structures, enclosures and other facilities located on the surface are maintained in good repair to prevent accidents and injuries. Accordingly, the rules mandate proper illumination, safe storage of materials, and suitable slings and hitches for hoisting materials, among other requirements.

Additionally, the final rulemaking implements the Federal mine safety regulations for thermal dryers. Thermal dryers are an integral part of coal processing and are used to dry coal at high temperatures. The Federal regulations governing thermal dryers are intended to ensure that thermal dryers are properly used and located on the site and mandate certain safeguards to minimize the risks associated with the use of thermal dryers.

This final rulemaking also implements the Federal regulations mandating safeguards for mechanical equipment. These Federal regulations ensure that various machines and other types of mechanical equipment are maintained, located, operated and handled in a safe and proper manner. Similarly, this rulemaking adopts the Federal requirements regarding electrical equipment at the surface operations of underground bituminous coal mines. These requirements ensure that electrical equipment is adequately maintained, insulated and used.

Another component of the Federal regulations implemented by this final rulemaking regards trailing cables. Generally, trailing cables are the cords that connect portable or mobile equipment and devices to power sources. Ensuring that trailing cables on mine sites are properly handled, spliced and protected enhances safety at a mine site.

This final rulemaking also implements the Federal regulations regarding the grounding of electricity-conducting materials. Included in these Federal regulations are requirements for grounding wires, equipment receiving power from underground alternating power current systems and enclosures of electric equipment.

In addition, this final rulemaking implements the Federal regulations governing surface high-voltage distribution. These Federal regulations promote safety at a mine site by ensuring high-voltage power supplies and transmission are properly maintained, connected, grounded and tested. This final rulemaking likewise implements the Federal requirements relative to low-voltage and medium-voltage alternating current at the surface areas of underground bituminous coal mine sites which ensure the proper usage, maintenance, grounding, connecting and testing of low-voltage and medium-voltage currents.

The Federal ground control mine safety regulations are also implemented by this final rulemaking. These Federal requirements require operators to establish certain plans and procedures and take certain precautions when conducting activities relative to stripping, box cuts, highwalls and drilling.

The final rulemaking adopts Federal regulations relative to fire protection at the surface operations of underground bituminous coal mine sites. These requirements ensure that proper plans, warning signs and firefighting equipment are maintained on the mine site. They also ensure that flammable materials and fire-prone units like battery-charging stations are properly maintained.

The Federal requirements relative to personnel hoisting and wire ropes are also included in this final rulemaking. These requirements are intended to ensure that workers and cargo at mine sites may be safely elevated or lowered by structurally sound hoisting equipment. The wire-rope components of this equipment must be examined and measured and must meet minimum strength requirements.

There are loading and haulage requirements in the Federal regulations that are adopted by this final rulemaking. These Federal regulations ensure that loading and haulage equipment will be properly installed, inspected, maintained and operated.

In addition, this final rulemaking adopts some miscellaneous safety provisions including requirements for workers to have access to adequate means of communication and first aid equipment, and wear protective clothing. The final rulemaking adopts the Federal regulations governing mine maps.

This final rulemaking adopts Federal requirements regulating trolley wires and trolley feeder wires. These requirements ensure that trolley wires and trolley feeder wires are maintained in a way to reduce the risk of overcurrent.

This final rulemaking implements Federal mine safety regulations relative to slope and shaft sinking. These Federal regulations ensure that the operations associated with slopes and shafts are conducted in a safe manner.

Also included in this final rulemaking are definitions for "barricaded," "berm," "certified or registered," "flash point," "qualified person," "roll protection," "safety can" and "trailing cable." These definitions improve the clarity of the regulations and facilitate compliance with its requirements.

Adopting these regulations ensures that surface operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these Federal regulations, implementing them in Chapter 208 provides the Department with the independent authority to enforce the Federal requirements. This results in improved efficiency and enhanced autonomy for the Commonwealth.

E. Summary of Comments and Responses to the Proposed Rulemaking

The Board did not receive any comments from the public regarding the proposed underground coal mine safety regulations during the public comment period. The Board received two comments from the Independent Regulatory Review Commission (IRRC).

IRRC recommended that the Board clarify its intent to require that training programs be approved by MSHA in addition to the existing Federal provision. This comment applies similarly to Sections 208.391 (relating to slopes and shafts; approval of plans) and 208.406 (relating to explosives and blasting; general).

The Board removed the proposed exception to Sections 208.108 and instead incorporated in full the Federal provision at 30 CFR 77.107 to clarify that the final form regulation is consistent with the Federal provision. The final-form rulemaking will require operators to seek approval of training programs from the Secretary of Labor "or his delegate." Regarding Section 208.391, operators currently are required to submit plans related to slope and shaft safety for the Department's approval; the Department accepts for approval plans submitted to MSHA pursuant to 30 CFR 77.1900. The final form regulation clarifies that although Section 208.391 incorporates the Federal provision, the Department retains independent approval authority over such plans.

Regarding Section 208.406, operators currently are required to comply with 25 Pa. Code Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives). The final form regulation clarifies that although Section 208.406 incorporates the Federal provision, operators must still comply with the applicable Pennsylvania regulations regarding explosives and blasting.

IRRC additionally commented that Section 208.364 incorporated by reference the provisions of 30 CFR 77.1604 with an "exception of the following modification. . ." and that the Board provided for a Subsection (a), printed in its entirety, making it unclear as to what has been modified from the language in Subsection (a) of the CFR. IRRC had concerns that this was not an exception since the regulated community must comply with the existing 30 CFR 77.1604.

IRRC noted that if the Board intends to modify the provisions of 30 CFR 77.1604, this should be clearly stated as an additional requirement. IRRC further noted that the Board's modification changed the description of the work area, and asked the Board to explain the need for modifying the language in Subsection (a) of 30 CFR 77.1604.

The Board removed the proposed exception to Sections 208.364, and instead incorporates in full the Federal provision at 30 CFR 77.1604 to clarify that the final form regulation is consistent with the Federal provision.

F. Summary of the Final-Form Rulemaking Including Changes from Proposed to Final-Form

§ 208.1. Definitions

The rulemaking adds the following definitions of "barricaded," "berm," "certified or registered," "flash point," "qualified person," "roll protection," "safety can" and "trailing cable" to § 208.1 (relating to definitions).

Qualified and certified persons

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing qualified and certified persons.

§ 208.101 (relating to certified person) incorporates by reference 30 CFR 77.100 (relating to certified person). Certified persons are authorized to conduct certain tests and examinations at the surface areas of underground bituminous coal mining sites.

§ 208.102 (relating to tests for methane and for oxygen deficiency; qualified person) incorporates by reference 30 CFR 77.101 (relating to tests for methane and for oxygen deficiency; qualified person). This provision requires tests for methane and oxygen deficiency to be made by qualified persons.

§ 208.103 (relating to tests for methane; oxygen deficiency; qualified person, additional requirement) incorporates by reference 30 CFR 77.102 (relating to tests for methane; oxygen deficiency; qualified person, additional requirement). This provision requires the qualified person conducting methane and oxygen deficiency tests to possess a current card issued by the Mine Safety and Health Administration (MSHA) indicating that the person is in fact qualified to conduct this testing.

§ 208.104 (relating to electrical work; qualified person) incorporates by reference 30 CFR 77.103 (relating to electrical work; qualified person). This provision describes qualification procedures to become a qualified person to perform electrical work.

§ 208.105 (relating to repair of energized surface high-voltage lines; qualified person) incorporates by reference 30 CFR 77.104 (relating to repair of energized surface high-voltage lines; qualified person). This provision describes the qualification requirements for persons to repair energized surface high-voltage lines.

§ 208.106 (relating to qualified hoistman; slope or shaft sinking operation; qualifications) incorporates by reference 30 CFR 77.105 (relating to qualified hoistman; slope or shaft sinking operation; qualifications). This provision describes when a hoistman is qualified to operate a hoist at a slope or shaft operation.

§ 208.107 (relating to records of certified and qualified persons) incorporates by reference 30 CFR 77.106 (relating to records of certified and qualified persons). This provision requires an operator to maintain records of certified and qualified persons.

§ 208.108 (relating to training programs) incorporates by reference 30 CFR 77.107 (relating to training programs). This provision requires operators to provide a program of training and retraining certified and qualified persons. The Board removed “the exception that MSHA will approve the training program” from the final-form regulation in response to IRRC’s comment suggesting the Board clarify that the regulation is consistent with the Federal provision and not an additional requirement.

Surface installations

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing surface installations.

§ 208.111 (relating to surface installations; general) incorporates by reference 30 CFR 77.200 (relating to surface installations; general). This provision requires all mine structures, enclosures or other facilities to be maintained in good repair to prevent accidents and injuries.

§ 208.112 (relating to methane content in surface installations) incorporates by reference 30 CFR 77.201 (relating to methane content in surface installations). This provision mandates that the methane content in the air of any structure, enclosure or other facility be less than 1% of the volume of air.

§ 208.113 (relating to tests for methane; qualified person; use of approved device) incorporates by reference 30 CFR 77.201-1 (relating to tests for methane; qualified person; use of approved device). This provision requires tests for methane in structures, enclosures or other facilities be conducted by a qualified person with an approved device at least once during each operating shift and immediately prior to any repair work where a welding torch or open flame is used or a spark may be produced.

§ 208.114 (relating to methane accumulations; change in ventilation) incorporates by reference 30 CFR 77.201-2 (relating to methane accumulations; change in ventilation). This provision provides for a change in the ventilation of any structure, enclosure or other facility when the air in a structure, enclosure or other facility contains more than 1% methane.

§ 208.115 (relating to dust accumulations in surface installations) incorporates by reference 30 CFR 77.202 (relating to dust accumulations in surface installations). This provision prohibits the dangerous accumulation of coal dust in the air of, in or on the surfaces of structures, enclosures or other facilities.

§ 208.116 (relating to use of material or equipment overhead; safeguards) incorporates by reference 30 CFR 77.203 (relating to use of material or equipment overhead; safeguards). This provision mandates the adequate protection of persons working or passing below areas where overhead work is being done or repairs are being made.

§ 208.117 (relating to openings in surface installations; safeguards) incorporates by reference 30 CFR 77.204 (relating to openings in surface installations; safeguards). This provision provides that openings in surface installations through which people or material may fall must be protected by railings, barriers or similar protective coverings or devices.

§ 208.118 (relating to travelways at surface installations) incorporates by reference 30 CFR 77.205 (relating to travelways at surface installations). This provision requires travelways to be maintained in a condition as to minimize the risk of slips, falls and other accidents.

§ 208.119 (relating to ladders; construction; installation and maintenance) incorporates by reference 30 CFR 77.206 (relating to ladders; construction; installation and maintenance). This provision provides for the safe use and maintenance of ladders.

§ 208.120 (relating to illumination) incorporates by reference 30 CFR 77.207 (relating to illumination). This provision requires safe illumination of surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

§ 208.121 (relating to storage of materials) incorporates by reference 30 CFR 77.208 (relating to storage of materials). This provision requires materials to be stored in a way so as to minimize unsafe conditions.

§ 208.122 (relating to surge and storage piles) incorporates by reference 30 CFR 77.209 (relating to surge and storage piles). This provision prohibits a person from walking or standing immediately above a reclamation area or another area at or near a surge or storage pile where the reclamation operation may expose the person to a hazard.

§ 208.123 (relating to hoisting of materials) incorporates by reference 30 CFR 77.210 (relating to hoisting of materials). This provision mandates that hitches and slings used for hoisting be suitable for handling the type of materials being hoisted and requires workers to stay clear of hoisted loads.

§ 208.124 (relating to draw-off tunnels; stockpiling and reclaiming operations; general) incorporates by reference 30 CFR 77.211 (relating to draw-off tunnels; stockpiling and reclaiming operations; general). This provision requires tunnels located below stockpiles, surge piles and coal storage silos to be ventilated so that concentrations of methane do not exceed 1%. The provision also requires the concentration of methane to be less than 1% before electric equipment is energized, operated, or repaired.

§ 208.125 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment) incorporates by reference 30 CFR 77.211-1 (relating to continuous methane monitoring device; installation and operation; automatic

deenergization of electric equipment). This provision provides that continuous methane monitoring devices must be set to de-energize electric equipment automatically when a monitor is not operating properly and give a warning signal to alert of a certain concentration of methane not above 1%.

§ 208.126 (relating to draw-off tunnel ventilation fans; installation) incorporates by reference 30 CFR 77.212 (relating to draw-off tunnel ventilation fans; installation). This provision dictates installation requirements for draw-off tunnel ventilation fans.

§ 208.127 (relating to draw-off tunnel escapeways) incorporates by reference 30 CFR 77.213 (relating to draw-off tunnel escapeways). This provision provides that an escapeway shall be installed at the closed end of the tunnel to a safe location on the surface.

Thermal Dryers

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing thermal dryers.

§ 208.131 (relating to thermal dryers; general) incorporates by reference 30 CFR 77.300 (relating to thermal dryers; general). This provision provides that the operation and maintenance of thermal dryers shall comply with 30 CFR 77.301—77.306.

§ 208.132 (relating to dryer heating units; operation) incorporates by reference 30 CFR 77.301 (relating to dryer heating units; operation). This provision dictates the operation of dryer heating units used to dry coal at high temperatures.

§ 208.133 (relating to bypass stacks) incorporates by reference 30 CFR 77.302 (relating to bypass stacks). This provision requires thermal dryer systems to include a bypass stack, relief stack or individual discharge stack provided with automatic venting to permit gases from the dryer to bypass the heating chamber and vent to the outside atmosphere.

§ 208.134 (relating to hot gas inlet chamber dropout doors) incorporates by reference 30 CFR 77.303 (relating to hot gas inlet chamber dropout doors). This provision requires thermal dryer systems with hot gas inlet chambers to be equipped with dropout doors at the bottom of the inlet chamber to permit coal, fly ash or other heated material to fall from the chamber.

§ 208.135 (relating to explosion release vents) incorporates by reference 30 CFR 77.304 (relating to explosion release vents). This provision provides that drying chambers, dry-dust collectors and ductwork between collectors and discharge stacks shall be protected by explosion release vents which open directly to the outside atmosphere.

§ 208.136 (relating to access to drying chambers, hot gas inlet chambers and duct-work; installation and maintenance) incorporates by reference 30 CFR 77.305 (relating to access to drying chambers, hot gas inlet chambers and ductwork; installation and maintenance). This provision requires drying chambers, hot gas inlet chambers and all ductwork in which coal dust may accumulate to be equipped with tight sealing access doors.

§ 208.137 (relating to fire protection) incorporates by reference 30 CFR 77.306 (relating to fire protection). This provision allows an authorized representative of the regulator to require certain fire protection measures like water sprays and fog nozzles.

§ 208.138 (relating to thermal dryers; location and installation; general) incorporates by reference 30 CFR 77.307 (relating to thermal dryers; location and installation; general). This provision provides setback requirements for thermal dryers from mine openings and installation requirements regarding enclosing thermal dryers.

§ 208.139 (relating to structures housing other facilities; use of partitions) incorporates by reference 30 CFR 77.308 (relating to structures housing other facilities; use of partitions). This provision requires that thermal dryers installed in structures also housing tipples, cleaning plants or other operating facility be separated from other working areas by a substantial partition.

§ 208.140 (relating to visual check of system equipment) incorporates by reference 30 CFR 77.309 (relating to visual check of system equipment). This provision requires frequent visual checks of thermal dryer system control stations.

§ 208.141 (relating to control stations; location) incorporates by reference 30 CFR 77.309-1 (relating to control stations; location). This provision requires thermal dryer control stations to be located so as to give the operator of the control system the widest field of visibility of the system and equipment.

§ 208.142 (relating to control panels) incorporates by reference 30 CFR 77.310 (relating to control panels). This provision requires control panels to be located in areas free of moisture and requires control panels to be accompanied by diagrams and directions for use.

§ 208.143 (relating to alarm devices) incorporates by reference 30 CFR 77.311 (relating to alarm devices). This provision mandates that thermal dryer systems be equipped with audible and visible alarm devices.

§ 208.144 (relating to fail safe monitoring systems) incorporates by reference 30 CFR 77.312 (relating to fail safe monitoring systems). This provision provides that fail safe monitoring systems and controls must accompany thermal dryer systems to ensure the dryer system is safely shut down in the event of a failure of any component of the dryer system.

§ 208.145 (relating to wet-coal feed bins; low-level indicators) incorporates by reference 30 CFR 77.313 (relating to wet-coal feed bins; low-level indicators). This provision provides that the wet-coal bins feeding the thermal drying systems must be equipped with audible and visual low-coal-level indicators.

§ 208.146 (relating to automatic temperature control instruments) incorporates by reference 30 CFR 77.314 (relating to automatic temperature control instruments). This provision dictates the type, use and inspection requirements for automatic temperature control instruments associated with thermal dryer systems.

§ 208.147 (relating to thermal dryers; examination and inspection) incorporates by reference 30 CFR 77.315 (relating to thermal dryers; examination and inspection). This provision mandates the examination of thermal dryer systems for fires and coal-dust accumulations.

Safeguards for mechanical equipment

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing safeguards for mechanical equipment.

§ 208.151 (relating to mechanical equipment guards) incorporates by reference 30 CFR 77.400 (relating to mechanical equipment guards). This provision requires parts of mechanical equipment to be guarded to prevent accidents and injuries to workers.

§ 208.152 (relating to stationary grinding machines; protective devices) incorporates by reference 30 CFR 77.401 (relating to stationary grinding machines; protective devices). This provision requires stationary grinding machines to be equipped with parts and certain protective devices to protect workers.

§ 208.153 (relating to hand-held power tools; safety devices) incorporates by reference 30 CFR 77.402 (relating to hand-held power tools; safety devices). This provision mandates that hand-held power tools must be equipped with controls requiring constant hand or finger pressure to operate and must be equipped with friction or equivalent safety devices.

§ 208.154 (relating to mobile equipment; falling object protective structures) incorporates by reference 30 CFR 77.403 (relating to mobile equipment; falling object protective structures (FOPS)). This provision requires falling object protective structures to be installed to certain types of equipment at the surface work areas of underground mine sites.

§ 208.155 (relating to mobile equipment; rollover protective structures) relates to rollover protective structures (ROPS) for mobile equipment and provides that all rubber-tired or crawler-mounted self-propelled scrapers front-end loaders, dozers, cranes, loaders and tractors, with or without attachments, at the surface work areas of underground coal mines shall be provided with ROPS in accordance with the certification requirements approved by the MSHA.

§ 208.156 (relating to seat belts) incorporates by reference 30 CFR 77.403-1(g) (relating to mobile equipment; rollover protective structures (ROPS)). This provision requires the use of seat belts by operators of mobile equipment that are required to be equipped with ROPS.

§ 208.157 (relating to machinery and equipment; operation and maintenance) incorporates by reference 30 CFR 77.404 (relating to machinery and equipment; operation and maintenance). This provision dictates operation and maintenance requirements for machinery and equipment.

§ 208.158 (relating to performing work from a raised position; safeguards) incorporates by reference 30 CFR 77.405 (relating to performing work from a raised position; safeguards). This provision provides that workers may not work on or from a piece of mobile equipment in a

raised position unless it has been securely blocked in place. Moreover, work may not be performed under machinery or equipment that is raised until it is securely blocked in place.

§ 208.159 (relating to drive belts) incorporates by reference 30 CFR 77.406 (relating to drive belts). This provision dictates the use of drive belts for machines.

§ 208.160 (relating to power-driven pulleys) incorporates by reference 30 CFR 77.407 (relating to power-driven pulleys). This provision mandates that belts, chains and ropes may not be guided onto a power-driven moving pulley or similar system with the hands and pulleys of conveyors may not be manually cleaned while the conveyor is in motion.

§ 208.161 (relating to welding operations) incorporates by reference 30 CFR 77.408 (relating to welding operations). This provision requires welding operations to be shielded and the area well-ventilated.

§ 208.162 (relating to shovels, draglines and tractors) incorporates by reference 30 CFR 77.409 (relating to shovels, draglines, and tractors). This provision dictates the use of shovels, draglines and tractors and requires shovels and draglines to be equipped with handrails.

§ 208.163 (relating to mobile equipment; automatic warning devices) incorporates by reference 30 CFR 77.410 (relating to mobile equipment; automatic warning devices). This provision provides that mobile equipment such as forklifts and front-end loaders must be equipped with warning devices and dictates the types of warning those devices emit.

§ 208.164 (relating to compressed air and boilers; general) incorporates by reference 30 CFR 77.411 (relating to compressed air and boilers; general). This provision requires boilers and pressure vessels to be constructed, installed and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

§ 208.165 (relating to compressed air systems) incorporates by reference 30 CFR 77.412 (relating to compressed air systems). This provision specifies the operation and maintenance requirements for compressed air systems.

§ 208.166 (relating to boilers) incorporates by reference 30 CFR 77.413 (relating to boilers). This provision provides the operation and maintenance requirements for boilers.

Electrical equipment—general

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing electrical equipment.

§ 208.171 (relating to electric power circuits and electric equipment; de-energization) incorporates by reference 30 CFR 77.500 (relating to electric power circuits and electric equipment; deenergization). This provision requires power circuits and electric equipment to be de-energized before work is done on circuits and equipment.

§ 208.172 (relating to electric distribution circuits and equipment; repair) incorporates by reference 30 CFR 77.501 (relating to electric distribution circuits and equipment; repair). This provision provides that repair of electric distribution circuits and equipment shall be conducted by a qualified person.

§ 208.173 (relating to qualified person) incorporates by reference 30 CFR 77.501-1 (relating to qualified person). This provision provides that a qualified person for the purposes of § 208.131 is one that meets the requirements of § 208.83 (relating to power centers).

§ 208.174 (relating to electric equipment; examination, testing and maintenance) incorporates by reference 30 CFR 77.502 (relating to electric equipment; examination, testing, and maintenance). This provision requires electric equipment to be frequently examined and tested and properly maintained.

§ 208.175 (relating to qualified person) incorporates by reference 30 CFR 77.502-1 (relating to qualified person). This provision provides that a qualified person for the purposes of § 208.133 is one that meets the requirements of § 208.83.

§ 208.176 (relating to electric equipment; frequency of examination and testing) incorporates by reference 30 CFR 77.502-2 (relating to electric equipment; frequency of examination and testing). This provision requires at least monthly testing of electric equipment.

§ 208.177 (relating to electric conductors; capacity and insulation) incorporates by reference 30 CFR 77.503 (relating to electric conductors; capacity and insulation). This provision mandates size and current carrying capacity requirements for electric conductors.

§ 208.178 (relating to electric conductors) incorporates by reference 30 CFR 77.503-1 (relating to electric conductors). This provision requires electric conductors to meet size and minimum current carrying capacity requirements provided for in the National Electric Code. There is a similar minimum standard for trailing cables in this provision as well.

§ 208.179 (relating to electrical connections or splices; suitability) incorporates by reference 30 CFR 77.504 (relating to electrical connections or splices; suitability). This provision specifies that electrical connections or splices must be mechanically and electrically efficient.

§ 208.180 (relating to cable fittings; suitability) incorporates by reference 30 CFR 77.505 (relating to cable fittings; suitability). This provision dictates that cables must enter metal frames of motors, splice boxes and electric compartments only through proper fittings.

§ 208.181 (relating to electric equipment and circuits; overload and short-circuit protection) incorporates by reference 30 CFR 77.506 (relating to electric equipment and circuits; overload and short-circuit protection). This provision mandates that automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed to protect electric equipment and circuits from overload and short-circuit.

§ 208.182 (relating to electric equipment and circuits; overload and short-circuit protection; minimum requirements) incorporates by reference 30 CFR 77.506-1 (relating to electric equipment and circuits; overload and short circuit protection; minimum requirements). This provision requires devices providing overload or short-circuit protection to conform to the minimum requirements for protection of electric circuits and equipment in the National Electric Code.

§ 208.183 (relating to electric equipment; switches) incorporates by reference 30 CFR 77.507 (relating to electric equipment; switches). This provision requires all electric equipment to be provided with switches or other controls that are safely designed.

§ 208.184 (relating to lightning arresters; ungrounded and exposed power conductors and telephone wires) incorporates by reference 30 CFR 77.508 (relating to lightning arresters, ungrounded and exposed power conductors and telephone wires). This provision requires all underground, exposed power conductors and telephone wires to be equipped with suitable lightning arresters.

§ 208.185 (relating to lightning arresters; wires entering buildings) incorporates by reference 30 CFR 77.508-1 (relating to lightning arresters; wires entering buildings). This provision provides that lightning arresters shall be provided at the point where telephone wires enter a building.

§ 208.186 (relating to transformers; installation and guarding) incorporates by reference 30 CFR 77.509 (relating to transformers; installation and guarding). This provision dictates the installation and guarding requirements for transformers.

§ 208.187 (relating to resistors; location and guarding) incorporates by reference 30 CFR 77.510 (relating to resistors; location and guarding). This provision requires resistors, heaters and rheostats to be located to minimize fires and hazards.

§ 208.188 (relating to danger signs at electrical installations) incorporates by reference 30 CFR 77.511 (relating to danger signs at electrical installations). This provision specifies that suitable danger signs shall be posted at all major electrical installations.

§ 208.189 (relating to inspection and cover plates) incorporates by reference 30 CFR 77.512 (relating to inspection and cover plates). This provision dictates that inspection and cover plates on electrical equipment shall be kept in place at all times except during repair.

§ 208.190 (relating to insulating mats at power switches) incorporates by reference 30 CFR 77.513 (relating to insulating mats at power switches). This provision requires nonconductive material to be kept in place at all switchboards and power-control switches.

§ 208.191 (relating to switchboards; passageways and clearance) incorporates by reference 30 CFR 77.514 (relating to switchboards; passageways and clearance). This provision requires switchboards to be installed to provide passageways permitting access the back of the switchboard from both ends for inspection, adjustment or repair. Openings are to be guarded.

§ 208.192 (relating to bare signal or control wires; voltage) incorporates by reference 30 CFR 77.515 (relating to bare signal or control wires; voltage). This provision requires the voltage on bare signal or control wires accessible to personal contact to not exceed 40 volts.

§ 208.193 (relating to electric wiring and equipment; installation and maintenance) incorporates by reference 30 CFR 77.516 (relating to electric wiring and equipment; installation and maintenance). This provision requires all wiring and electric equipment to meet the requirements of the National Electric Code in effect at the time of installation.

Trailing cables

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing trailing cables.

§ 208.201 (relating to trailing cables; short-circuit protection; disconnecting devices) incorporates by reference 30 CFR 77.600 (relating to trailing cables; short-circuit protection; disconnecting devices). This provision requires short-circuit protection for trailing cables to be provided by automatic circuit breakers. Moreover, disconnecting devices used to disconnect power from trailing cables shall be plainly marked.

§ 208.202 (relating to trailing cables or portable cables; temporary splices) incorporates by reference 30 CFR 77.601 (relating to trailing cables or portable cables; temporary splices). This provision specifies how temporary splices in trailing or portable cables are to be made.

§ 208.203 (relating to permanent splicing of trailing cables) incorporates by reference 30 CFR 77.602 (relating to permanent splicing of trailing cables). This provision provides specifications for when permanent splices in trailing cables are made.

§ 208.204 (relating to clamping of trailing cables to equipment) incorporates by reference 30 CFR 77.603 (relating to clamping of trailing cables to equipment). This provision requires trailing cables to be clamped to machines in a manner that protects the cables from damage.

§ 208.205 (relating to protection of trailing cables) incorporates by reference 30 CFR 77.604 (relating to protection of trailing cables). This provision requires trailing cables to be adequately protected.

§ 208.206 (relating to breaking trailing cable and power cable connections) incorporates by reference 30 CFR 77.605 (relating to breaking trailing cable and power cable connections). This provision mandates that trailing and power cable connections may not be made or broken under load.

§ 208.207 (relating to energized trailing cables; handling) incorporates by reference 30 CFR 77.606 (relating to energized trailing cables; handling). This provision requires persons handling energized trailing cables to wear protective gloves.

§ 208.208 (relating to rubber gloves; minimum requirements) incorporates by reference 30 CFR 77.606-1 (relating to rubber gloves; minimum requirements). This provision provides the minimum requirements for the use of rubber gloves when handling energized trailing cables.

Grounding

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing grounding.

§ 208.211 (relating to grounding metallic sheaths, armors and conduits enclosing power conductors) incorporates by reference 30 CFR 77.700 (relating to grounding metallic sheaths, armors, and conduits enclosing power conductors). This provision requires the metallic sheaths, armors and conduits enclosing power conductors to be electrically continuous throughout and to be grounded by approved methods.

§ 208.212 (relating to approved methods of grounding) incorporates by reference 30 CFR 77.700-1 (relating to approved methods of grounding). This provision dictates the approved methods of grounding.

§ 208.213 (relating to grounding metallic frames, casings and other enclosures of electric equipment) incorporates by reference 30 CFR 77.701 (relating to grounding metallic frames, casings, and other enclosures of electric equipment). This provision provides that metallic frames, casings and other enclosures of electric equipment that may become live must be grounded.

§ 208.214 (relating to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems) incorporates by reference 30 CFR 77.701-1 (relating to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems). This provision specifies the approved methods of grounding equipment receiving power from underground alternating current systems.

§ 208.215 (relating to approved methods of grounding metallic frames, casings and other enclosures of electric equipment receiving power from a direct-current power system) incorporates by reference 30 CFR 77.701-2 (relating to approved methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system). This provision specifies the approved methods of grounding metallic frames, casings and other enclosures of electric equipment receiving power from a direct-current power system.

§ 208.216 (relating to grounding wires; capacity) incorporates by reference 30 CFR 77.701-3 (relating to grounding wires; capacity). This provision specifies the approval requirements when grounding wires are used to ground metallic sheaths, armors, conduits, frames, casings and other metallic enclosures.

§ 208.217 (relating to use of grounding connectors) incorporates by reference 30 CFR 77.701-4 (relating to use of grounding connectors). This provision requires clamps to be used or installed when attaching grounding wires to grounded power conductors.

§ 208.218 (relating to protection other than grounding) incorporates by reference 30 CFR 77.702 (relating to protection other than grounding). This provision permits the use of protective methods other than grounding when these methods are approved and no less effective than grounding.

§ 208.219 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems) incorporates by reference 30 CFR 77.703 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems). This provision requires the frames of stationary high-voltage equipment receiving power from ungrounded delta systems to be grounded.

§ 208.220 (relating to approved methods of grounding) incorporates by reference 30 CFR 77.703-1 (relating to approved methods of grounding). This provision specifies which methods of grounding will be approved with respect to the grounding of frames of high-voltage equipment.

§ 208.221 (relating to work on high-voltage lines; de-energizing and grounding) incorporates by reference 30 CFR 77.704 (relating to work on high-voltage lines; deenergizing and grounding). This provision requires high-voltage lines to be de-energized and grounded prior to work being started on them.

§ 208.222 (relating to work on high-voltage lines) incorporates by reference 30 CFR 77.704-1 (relating to work on high-voltage lines). This provision specifies requirements for working on high-voltage lines.

§ 208.223 (relating to repairs to energized high-voltage lines) incorporates by reference 30 CFR 77.704-2 (relating to repairs to energized high-voltage lines). This provision identifies the specifications for when and how high-voltage lines may be repaired.

§ 208.224 (relating to work on energized high-voltage surface lines; reporting) incorporates by reference 30 CFR 77.704-3 (relating to work on energized high-voltage surface lines; reporting). This provision requires records of repairs to high-voltage lines to be maintained.

§ 208.225 (relating to simultaneous repairs) incorporates by reference 30 CFR 77.704-4 (relating to simultaneous repairs). This provision requires workers to work simultaneously when working on high-voltage lines within reach of each other.

§ 208.226 (relating to installation of protective equipment) incorporates by reference 30 CFR 77.704-5 (relating to installation of protective equipment). This provision requires protective equipment to be installed prior to beginning work on high-voltage lines.

§ 208.227 (relating to protective clothing; use and inspection) incorporates by reference 30 CFR 77.704-6 (relating to protective clothing; use and inspection). This provision requires workers to wear protective clothing when performing work on high-voltage lines.

§ 208.228 (relating to protective equipment; inspection) incorporates by reference 30 CFR 77.704-7 (relating to protective equipment; inspection). This provision requires the visual inspection of protective equipment and clothing.

§ 208.229 (relating to protective equipment; testing and storage) incorporates by reference 30 CFR 77.704-8 (relating to protective equipment; testing and storage). This provision requires protective equipment to be tested and stored properly and in compliance with certain standards.

§ 208.230 (relating to operating disconnecting or cutout switches) incorporates by reference 30 CFR 77.704-9 (relating to operating disconnecting or cutout switches). This provision mandates that disconnecting or cutout switches on high-voltage lines shall only be operated with insulated sticks, fuse tongs or pullers which are adequately insulated.

d § 208.231 (relating to tying into energized high-voltage surface circuits) incorporates by reference 30 CFR 77.704-10 (relating to tying into energized high-voltage surface circuits). This provision requires workers tying into high-voltage surface circuits to wear protective clothing and employ protective equipment.

§ 208.232 (relating to use of grounded messenger wires; ungrounded systems) incorporates by reference 30 CFR 77.704-11 (relating to use of grounded messenger wires; ungrounded systems). This provision permits the use of grounded messenger wires to suspend cables of systems to serve as a grounding medium.

§ 208.233 (relating to guy wires; grounding) incorporates by reference 30 CFR 77.705 (relating to guy wires; grounding). This provision requires guy wires from poles supporting high-voltage transmission lines to be securely connected.

Surface high-voltage distribution

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing surface high-voltage distribution.

§ 208.241 (relating to high-voltage circuits; circuit breakers) incorporates by reference 30 CFR 77.800 (relating to high-voltage circuits; circuit breakers). This provision provides that high-voltage circuits providing power to portable or mobile equipment must be protected by suitable circuit breakers.

§ 208.242 (relating to testing, examination and maintenance of circuit breakers; procedures) incorporates by reference 30 CFR 77.800-1 (relating to testing, examination, and maintenance of circuit breakers; procedures). This provision provides the testing and examination procedures for circuit breakers.

§ 208.243 (relating to testing, examination and maintenance of circuit breakers; record) incorporates by reference 30 CFR 77.800-2 (relating to testing, examination, and maintenance of circuit breakers; record). This provision requires written records to be kept for tests of circuit breakers.

§ 208.244 (relating to grounding resistors) incorporates by reference 30 CFR 77.801 (relating to grounding resistors). This provision requires grounding resistors, when required, to be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to no more than 100 volts under fault conditions.

§ 208.245 (relating to grounding resistors; continuous current rating) incorporates by reference 30 CFR 77.801-1 (relating to grounding resistors; continuous current rating). This provision requires the current rating of grounding resistors to meet the extended time rating in American Institute of Electrical Engineering Standard No. 32.

§ 208.246 (relating to protection of high-voltage circuits; neutral grounding resistors; disconnecting devices) incorporates by reference 30 CFR 77.802 (relating to protection of high-voltage circuits; neutral grounding resistors; disconnecting devices). This provision requires high-voltage circuits supplying portable or mobile equipment to contain either a direct or derived neutral which must be grounded through a suitable resistor.

§ 208.247 (relating to fail safe ground check circuits on high-voltage resistance grounded systems) incorporates by reference 30 CFR 77.803 (relating to fail safe ground check circuits on high-voltage resistance grounded systems). This provision requires high-voltage, resistance grounded systems to include a fail safe ground check circuit or other no less effective device.

§ 208.248 (relating to fail safe ground check circuits; maximum voltage) incorporates by reference 30 CFR 77.803-1 (relating to fail safe ground check circuits; maximum voltage). This provision specifies that the maximum voltage used for ground check circuits under the previous subsection may not exceed 96 volts.

§ 208.249 (relating to ground check systems not employing pilot check wires; approval by the Secretary of the United States Department of Labor) incorporates by reference 30 CFR 77.803-2 (relating to ground check systems not employing pilot check wires; approval by the Secretary). This provision permits approval of ground check systems not employing pilot check wires when it is determined that the system includes a fail safe design.

§ 208.250 (relating to high-voltage trailing cables; minimum design requirements) incorporates by reference 30 CFR 77.804 (relating to high-voltage trailing cables; minimum design requirements). This provision provides the minimum design requirements for high-voltage trailing cables.

§ 208.251 (relating to cable couplers and connection boxes; minimum design requirements) incorporates by reference 30 CFR 77.805 (relating to cable couplers and connection boxes; minimum design requirements). This provision provides the minimum design requirements for cable couplers and connection boxes.

§ 208.252 (relating to connection of single-phase loads) incorporates by reference 30 CFR 77.806 (relating to connection of single-phase loads). This provision requires single-phase loads to be connected phase-to-phase in resistance grounded systems.

§ 208.253 (relating to installation of high-voltage transmission cables) incorporates by reference 30 CFR 77.807 (relating to installation of high-voltage transmission cables). This provision mandates that high-voltage transmission cables shall be installed or placed to afford protection against damage.

§ 208.254 (relating to high-voltage powerlines; clearances above ground) incorporates by reference 30 CFR 77.807-1 (relating to high-voltage powerlines; clearances above ground). This provision requires high-voltage powerlines located above driveways, haulageways and railroad tracks to be installed to provide the minimum vertical clearance specified in the National Electric Safety Code. A powerline may not be installed less than 15 feet above ground.

§ 208.255 (relating to booms and masts; minimum distance from high-voltage lines) incorporates by reference 30 CFR 77.807-2 (relating to booms and masts; minimum distance from high-voltage lines). This provision specifies that booms and masts of equipment operated on the surface may not be operated within 10 feet of an overhead energized powerline.

§ 208.256 (relating to movement of equipment; minimum distance from high-voltage lines) incorporates by reference 30 CFR 77.807-3 (relating to movement of equipment; minimum distance from high-voltage lines). This provision specifies the minimum distance requirements from high-voltage powerlines for moving equipment.

§ 208.257 (relating to disconnecting devices) incorporates by reference 30 CFR 77.808 (relating to disconnecting devices). This provision requires disconnecting devices to be installed at the beginning of each branch line in a high-voltage circuit.

§ 208.258 (relating to identification of circuit breakers and disconnecting switches) incorporates by reference 30 CFR 77.809 (relating to identification of circuit breakers and disconnecting switches). This provision requires circuit breakers and disconnection switches to be labelled to show the units they control.

§ 208.259 (relating to high-voltage equipment; grounding) incorporates by reference 30 CFR 77.810 (relating to high-voltage equipment; grounding). This provision requires frames, supporting structures and enclosures of stationary, portable or mobile high-voltage equipment to be grounded.

§ 208.260 (relating to movement of portable substations and transformers) incorporates by reference 30 CFR 77.811 (relating to movement of portable substations and transformers). This provision requires portable substations and transformers to be de-energized before moving.

Low-voltage and medium-voltage alternating current

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing low-voltage and medium-voltage alternating current.

§ 208.271 (relating to low-voltage and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers) incorporates by reference 30 CFR 77.900 (relating to low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers).

§ 208.272 (relating to testing, examination and maintenance of circuit breakers; procedures) incorporates by reference 30 CFR 77.900-1 (relating to testing, examination, and maintenance of circuit breakers; procedures).

§ 208.273 (relating to testing, examination and maintenance of circuit breakers; record) incorporates by reference 30 CFR 77.900-2 (relating to testing, examination, and maintenance of circuit breakers; record).

§ 208.274 (relating to protection of low-voltage and medium-voltage three-phase circuits) incorporates by reference 30 CFR 77.901 (relating to protection of low- and medium-voltage three-phase circuits).

§ 208.275 (relating to grounding resistor; continuous current rating) incorporates by reference 30 CFR 77.901-1 (relating to grounding resistor; continuous current rating).

§ 208.276 (relating to low-voltage and medium-voltage ground check monitor circuits) incorporates by reference 30 CFR 77.902 (relating to low- and medium-voltage ground check monitor circuits).

§ 208.277 (relating to fail safe ground check circuits; maximum voltage) incorporates by reference 30 CFR 77.902-1 (relating to fail safe ground check circuits; maximum voltage).

§ 208.278 (relating to approved ground check systems not employing pilot check wires) incorporates by reference 30 CFR 77.902-2 (relating to approved ground check systems not employing pilot check wires).

§ 208.279 (relating to attachment of ground conductors and ground check wires to equipment frames; use of separate connections) incorporates by reference 30 CFR 77.902-3 (relating to attachment of ground conductors and ground check wires to equipment frames; use of separate connections).

§ 208.280 (relating to disconnecting devices) incorporates by reference 30 CFR 77.903 (relating to disconnecting devices).

§ 208.281 (relating to identification of circuit breakers) incorporates by reference 30 CFR 77.904 (relating to identification of circuit breakers).

§ 208.282 (relating to connection of single-phase loads) incorporates by reference 30 CFR 77.905 (relating to connection of single-phase loads).

§ 208.283 (relating to trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires) incorporates by reference 30 CFR 77.906 (relating to trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires).

Ground control

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing ground control.

§ 208.291 (relating to highwalls, pits and spoil banks; plans) incorporates by reference 30 CFR 77.1000 (relating to highwalls, pits and spoil banks; plans).

§ 208.292 (relating to filing of plan) incorporates by reference 30 CFR 77.1000-1 (relating to filing of plan).

§ 208.293 (relating to stripping; loose material) incorporates by reference 30 CFR 77.1001 (relating to stripping; loose material).

§ 208.294 (relating to box cuts; spoil material placement) incorporates by reference 30 CFR 77.1002 (relating to box cuts; spoil material placement).

§ 208.295 (relating to benches) incorporates by reference 30 CFR 77.1003 (relating to benches).

§ 208.296 (relating to ground control; inspections and maintenance; general) incorporates by reference 30 CFR 77.1004 (relating to ground control; inspection and maintenance; general).

§ 208.297 (relating to scaling highwalls; general) incorporates by reference 30 CFR 77.1005 (relating to scaling highwalls; general).

§ 208.298 (relating to highwalls; men working) incorporates by reference 30 CFR 77.1006 (relating to highwalls; men working).

§ 208.299 (relating to drilling; general) incorporates by reference 30 CFR 77.1007 (relating to drilling; general).

§ 208.300 (relating to relocation of drills; safeguards) incorporates by reference 30 CFR 77.1008 (relating to relocation of drills; safeguards).

§ 208.301 (relating to drill; operation) incorporates by reference 30 CFR 77.1009 (relating to drill; operation).

§ 208.302 (relating to collaring holes) incorporates by reference 30 CFR 77.1010 (relating to collaring holes).

§ 208.303 (relating to drill holes; guarding) incorporates by reference 30 CFR 77.1011 (relating to drill holes; guarding).

§ 208.304 (relating to jackhammers; operation; safeguards) incorporates by reference 30 CFR 77.1012 (relating to jackhammers; operation; safeguards).

§ 208.305 (relating to air drills; safeguards) incorporates by reference 30 CFR 77.1013 (relating to air drills; safeguards).

Fire protection

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing fire protection.

§ 208.311 (relating to fire protection; training and organization) incorporates by reference 30 CFR 77.1100 (relating to fire protection; training and organization).

§ 208.312 (relating to escape and evacuation; plan) incorporates by reference 30 CFR 77.1101 (relating to escape and evacuation; plan).

§ 208.313 (relating to warning signs; smoking and open flame) incorporates by reference 30 CFR 77.1102 (relating to warning signs; smoking and open flame).

§ 208.314 (relating to flammable liquids; storage) incorporates by reference 30 CFR 77.1103 (relating to flammable liquids; storage).

§ 208.315 (relating to accumulations of combustible materials) incorporates by reference 30 CFR 77.1104 (relating to accumulations of combustible materials).

§ 208.316 (relating to internal combustion engines; fueling) incorporates by reference 30 CFR 77.1105 (relating to internal combustion engines; fueling).

§ 208.317 (relating to battery-charging stations; ventilation) incorporates by reference 30 CFR 77.1106 (relating to battery-charging stations; ventilation).

§ 208.318 (relating to belt conveyors) incorporates by reference 30 CFR 77.1107 (relating to belt conveyors).

§ 208.319 (relating to firefighting equipment; requirements; general) incorporates by reference 30 CFR 77.1108 (relating to firefighting equipment; requirements; general).

§ 208.320 (relating to type and capacity of firefighting equipment) incorporates by reference 30 CFR 77.1108-1 (relating to type and capacity of firefighting equipment).

§ 208.321 (relating to quantity and location of firefighting equipment) incorporates by reference 30 CFR 77.1109 (relating to quantity and location of firefighting equipment).

§ 208.322 (relating to examination and maintenance of firefighting equipment) incorporates by reference 30 CFR 77.1110 (relating to examination and maintenance of firefighting equipment).

§ 208.323 (relating to welding, cutting and soldering; use of fire extinguisher) incorporates by reference 30 CFR 77.1111 (relating to welding, cutting, soldering; use of fire extinguisher).

§ 208.324 (relating to welding, cutting or soldering with arc or flame; safeguards) incorporates by reference 30 CFR 77.1112 (relating to welding, cutting, soldering with arc or flame; safeguards).

Maps

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing maps.

§ 208.331 (relating to mine map) incorporates by reference 30 CFR 77.1200 (relating to mine map). This provision specifies the requirements for mine maps.

§ 208.332 (relating to certification of mine maps) incorporates by reference 30 CFR 77.1201 (relating to certification of mine maps). This provision identifies certification requirements for mine maps.

§ 208.333 (relating to availability of mine map) incorporates by reference 30 CFR 77.1202 (relating to availability of mine map). This provision requires mine maps to be available for inspection.

Personnel hoisting

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing personnel hoisting.

§ 208.341 (relating to personnel hoists and elevators) incorporates by reference 30 CFR 77.1400 (relating to personnel hoists and elevators).

§ 208.342 (relating to automatic controls and brakes) incorporates by reference 30 CFR 77.1401 (relating to automatic controls and brakes).

§ 208.343 (relating to rated capacity) incorporates by reference 30 CFR 77.1402 (relating to rated capacity).

§ 208.344 (relating to maximum load; posting) relates to posting a load maximum for elevators and hoists and incorporates by reference 30 CFR 77.1402-1 (relating to maximum load; posting).

§ 208.345 (relating to daily examination of hoisting equipment) incorporates by reference 30 CFR 77.1403 (relating to daily examination of hoisting equipment).

§ 208.346 (relating to certifications and records of daily examinations) incorporates by reference 30 CFR 77.1404 (relating to certifications and records of daily examinations).

§ 208.347 (relating to operation of hoisting equipment after repairs) incorporates by reference 30 CFR 77.1405 (relating to operation of hoisting equipment after repairs).

Wire ropes

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing wire ropes.

§ 208.351 (relating to wire ropes; scope) incorporates by reference 30 CFR 77.1430 (relating to wire ropes; scope).

§ 208.352 (relating to minimum rope strength) incorporates by reference 30 CFR 77.1431 (relating to minimum rope strength).

§ 208.353 (relating to initial measurement) incorporates by reference 30 CFR 77.1432 (relating to initial measurement).

§ 208.354 (relating to examinations) incorporates by reference 30 CFR 77.1433 (relating to examinations).

§ 208.355 (relating to retirement criteria) incorporates by reference 30 CFR 77.1434 (relating to retirement criteria).

§ 208.356 (relating to load end attachments) incorporates by reference 30 CFR 77.1435 (relating to load end attachments).

§ 208.357 (relating to drum end attachment) incorporates by reference 30 CFR 77.1436 (relating to drum end attachment).

§ 208.358 (relating to end attachment retermination) incorporates by reference 30 CFR 77.1437 (relating to end attachment retermination).

§ 208.359 (relating to end attachment replacement) incorporates by reference 30 CFR 77.1438 (relating to end attachment replacement).

Loading and haulage

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing loading and haulage.

§ 208.361 (relating to loading and haulage; general) incorporates by reference 30 CFR 77.1600 (relating to loading and haulage; general).

§ 208.362 (relating to transportation of persons; restrictions) incorporates by reference 30 CFR 77.1601 (relating to transportation of persons; restrictions).

§ 208.363 (relating to trains and locomotives; authorized persons) incorporates by reference 30 CFR 77.1603 (relating to trains and locomotives; authorized persons).

§ 208.364 (relating to transportation of persons; overcrowding) incorporates by reference 30 CFR 77.1604 (relating to transportation of persons; overcrowding). In response to IRRC's comment, the Board removed the modification to the prohibition of overcrowding man-trip vehicles or other conveyances, which applied the prohibition to "surface work areas of underground bituminous coal mines," to clarify that the final-form regulation is consistent with the Federal provision.

§ 208.365 (relating to loading and haulage equipment; installations) incorporates by reference 30 CFR 77.1605 (relating to loading and haulage equipment; installations).

§ 208.366 (relating to loading and haulage equipment; inspection and maintenance) incorporates by reference 30 CFR 77.1606 (relating to loading and haulage equipment; inspection and maintenance).

§ 208.367 (relating to loading and haulage equipment; operation) incorporates by reference 30 CFR 77.1607 (relating to loading and haulage equipment; operation).

§ 208.368 (relating to dumping facilities) incorporates by reference 30 CFR 77.1608 (relating to dumping facilities).

Miscellaneous

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing miscellaneous provisions from the Federal regulations.

§ 208.371 (relating to communications in work areas) incorporates by reference 30 CFR 77.1700 (relating to communications in work areas).

§ 208.372 (relating to first aid equipment; location; minimum requirements) incorporates by reference 30 CFR 77.1707 (relating to first aid equipment; location; minimum requirements).

§ 208.373 (relating to protective clothing; requirements) incorporates by reference 30 CFR 77.1710 (relating to protective clothing; requirements).

§ 208.374 (relating to distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners) incorporates by reference 30 CFR 77.1710-1 (relating to distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners).

§ 208.375 (relating to smoking prohibition) incorporates by reference 30 CFR 77.1711 (relating to smoking prohibition).

Trolley wires and trolley feeder wires

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing trolley wires and trolley feeder wires.

§ 208.381 (relating to cutout switches) incorporates by reference 30 CFR 77.1800 (relating to cutout switches).

§ 208.382 (relating to overcurrent protection) incorporates by reference 30 CFR 77.1801 (relating to overcurrent protection).

§ 208.383 (relating to devices for overcurrent protection) incorporates by reference 30 CFR 77.1801-1 (relating to devices for overcurrent protection).

§ 208.384 (relating to insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires) incorporates by reference 30 CFR 77.1802 (relating to insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires).

Slope and shaft sinking

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing slope and shaft sinking.

§ 208.391 (relating to slopes and shafts; approval of plans) incorporates by reference 30 CFR 77.1900 (relating to slopes and shafts; approval of plans), and clarifies that the Department, in addition to MSHA, will continue to approve plans related to slope and shaft sinking and construction. In response to IRRC's comment, the Board changed the word "modification" to "addition" to clarify that the final-form provision does not modify the language of any specific provision of the Federal Code, and is not an additional requirement. The Department currently accepts for approval plans submitted to MSHA pursuant to 30 CFR 77.1900. The final form regulation clarifies that although § 208.391 incorporates the Federal provision, the Department retains independent approval authority over such plans.

§ 208.392 (relating to compliance with approved slope and shaft sinking plans) incorporates by reference 30 CFR 77.1900-1 (relating to compliance with approved slope and shaft sinking plans).

§ 208.393 (relating to preshift and onshift inspections; reports) incorporates by reference 30 CFR 77.1901 (relating to preshift and onshift inspections; reports).

§ 208.394 (relating to methane and oxygen deficiency tests; approved devices) incorporates by reference 30 CFR 77.1901-1 (relating to methane and oxygen deficiency tests; approved devices).

§ 208.395 (relating to drilling and mucking operations) incorporates by reference 30 CFR 77.1902 (relating to drilling and mucking operations).

§ 208.396 (relating to permissible diesel-powered equipment) incorporates by reference 30 CFR 77.1902-1 (relating to permissible diesel-powered equipment).

§ 208.397 (relating to hoists and hoisting; minimum requirements) incorporates by reference 30 CFR 77.1903 (relating to hoists and hoisting; minimum requirements).

§ 208.398 (relating to communications between slope and shaft bottoms and hoist operators) incorporates by reference 30 CFR 77.1904 (relating to communications between slope and shaft bottoms and hoist operators).

§ 208.399 (relating to hoist safeguards; general) incorporates by reference 30 CFR 77.1905 (relating to hoist safeguards; general).

§ 208.400 (relating to hoists; daily inspection) incorporates by reference 30 CFR 77.1906 (relating to hoists; daily inspection).

§ 208.401 (relating to hoist construction; general) incorporates by reference 30 CFR 77.1907 (relating to hoist construction; general).

§ 208.402 (relating to hoist installations; use) incorporates by reference 30 CFR 77.1908 (relating to hoist installations; use).

§ 208.403 (relating to hoist operation; qualified hoistman) incorporates by reference 30 CFR 77.1908-1 (relating to hoist operation; qualified hoistman).

§ 208.404 (relating to explosives and blasting; use of permissible explosives and shot-firing units) incorporates by reference 30 CFR 77.1909 (relating to explosives and blasting; use of permissible explosives and shot-firing units).

§ 208.405 (relating to use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager) incorporates by reference 30 CFR 77.1909-1

(relating to use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager).

§ 208.406 (relating to explosives and blasting; general) incorporates by reference 30 CFR 77.1910 (relating to explosives and blasting; general) with a modification that operators comply with relevant provisions of 25 Pa. Code Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives). IRRC commented that the proposed "modification" within § 208.406 implies that the modification was an additional requirement from those in the Federal provision. The Board declines to change the language of the final-form regulation. Although § 208.406 incorporates the Federal provision, the final-form regulation clarifies that operators must still comply with the applicable Pennsylvania regulations regarding explosives and blasting.

§ 208.407 (relating to ventilation of slopes and shafts) incorporates by reference 30 CFR 77.1911 (relating to ventilation of slopes and shafts).

§ 208.408 (relating to ladders and stairways) incorporates by reference 30 CFR 77.1912 (relating to ladders and stairways).

§ 208.409 (relating to fire-resistant wood) incorporates by reference 30 CFR 77.1913 (relating to fire-resistant wood).

§ 208.410 (relating to electrical equipment) incorporates by reference 30 CFR 77.1914 (relating to electrical equipment).

§ 208.411 (relating to storage and handling of combustible materials) incorporates by reference 30 CFR 77.1915 (relating to storage and handling of combustible materials).

§ 208.412 (relating to welding, cutting and soldering; fire protection) incorporates by reference 30 CFR 77.1916 (relating to welding, cutting, and soldering; fire protection).

G. Benefits, Costs and Compliance

Benefits

The final rulemaking implements existing Federal regulations thereby making them independently enforceable in this Commonwealth. This promotes interaction between the regulated community and the Commonwealth. Furthermore, the definitions in § 208.1 improve the clarity of the regulatory scheme.

Compliance costs

The final rulemaking does not add compliance costs since it implements existing Federal regulations with which mining operators in this Commonwealth already comply.

Paperwork requirements

The final rulemaking does not generate additional paperwork because mining operators must comply with the existing Federal regulations that are implemented by this rulemaking.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) establishes a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

I. Sunset Review

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether they effectively fulfill the goals for which they are intended.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2014, the Department submitted a copy of this proposed rulemaking, published at 44 Pa.B. 5191 (August 2, 2014), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees, for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. The Board received no submittals from commentators regarding the proposed underground coal mine safety regulations during the public comment period. The Board received two comments from IRRC. In preparing the final rulemaking, the Department has considered all comments.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on _____, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, and approved the final-form rulemaking.

K. Public Comments

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) These regulations do not enlarge the purpose of the proposal published at 44 Pa.B. 5191 (August 02, 2014).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

**John Quigley,
Chairperson**



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

COMMENT AND RESPONSE DOCUMENT

UNDERGROUND COAL MINE SAFETY; STANDARDS FOR SURFACE FACILITIES

25 Pa. Code Chapter 208 (relating to Underground Coal Mine Safety)

See 44 Pa. B. 5191 (August 02, 2014)

Board of Coal Mine Safety Regulation #7-488

(Independent Regulatory Review Commission #3067)

Pennsylvania Underground Coal Mine Safety Regulations

On August, 02, 2014, the Board of Coal Mine Safety (Board) published a notice of a proposed rulemaking concerning amendments to 25 Pa. Code Chapter 208 (relating to underground coal mine safety). See 44 *Pa. B.* 5191 (August 02, 2014). The Board proposed to add regulatory provisions to Chapter 208. These additions include §§ 208.72 – 208.303 (relating to Standards for surface facilities) as well as the definitions of “Barricaded,” “Berm,” “Certified or registered,” “Flash point,” “Qualified person,” “Roll protection,” “Safety can,” and “Trailing cable” to read as set forth in Annex A. This rulemaking will codify existing federal regulations, thereby making them independently enforceable by the Commonwealth.

This rulemaking implements existing Federal regulations that broadly relate to the surface work areas of underground coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low-voltage and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing Federal regulations will become independently enforceable in this Commonwealth.

The Board received no submittals from commentators regarding the proposed underground coal mine safety regulations during the public comment period. The Board received two comments from the Independent Regulatory Review Commission (IRRC). This document summarizes the written comments received and provides the Board’s responses to each comment.

Training programs; slopes and shafts – approval of plans; explosives and blasting - general

Comment: The Board states that the provisions of 30 CFR 77.107 (relating to training programs) are “incorporated by reference, with the *exception* that [the Mine Safety and Health Administration within the United States Department of Labor (MSHA) will approve the training program.] [Emphasis added.] Since the regulated community must comply with 30 CFR 77.107, which requires that the Secretary of the Interior approve the training programs, the proposed language is not an *exception*, but rather an *additional* requirement. We recommend that the Board clarify its intent to require that training programs be approved by MSHA in addition to the existing Federal provision.

This comment applies similarly to Sections 208.391 (relating to slopes and shafts; approval of plans) and 208.406 (relating to explosives and blasting; general)

Response: Upon review of the Commission's comment, the Board removes the proposed exception to Sections 208.108 and instead incorporates in full the Federal provision at 30 CFR 77.107 to clarify that the final form regulation is consistent with the Federal provision. The final-form rulemaking will require operators to seek approval of training programs from the Secretary of Labor “or his delegate.” See 30 CFR 77.2 (Definitions) ((aa) *Secretary* means the Secretary of Labor or his delegate.).

Regarding Section 208.391, operators currently are required to submit plans related to slope and shaft safety for the Department’s approval; the Department accepts for approval plans submitted to MSHA pursuant to 30 CFR 77.1900. The final form regulation clarifies that although Section 208.391 incorporates the Federal provision, the Department retains independent approval authority over such plans.

Regarding Section 208.406, operators currently are required to comply with 25 Pa. Code Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives). The final form regulation clarifies that although Section 208.406 incorporates the Federal provision, operators must still comply with the applicable Pennsylvania regulations regarding explosives and blasting.

Transportation of persons; overcrowding

Comment: Section 208.364 incorporated by reference the provisions of 30 CFR 77.1604 with an “exception of the following modification. . . .” The Board then provides for a Subsection (a), printed in its entirety, making it unclear as to what has been modified from the language in Subsection (a) of the CFR. This was not an exception since the regulated community must comply with the existing 30 CFR 77.1604. If the Board intends to modify the provisions of 30 CFR 77.1604, this should be clearly stated as an additional requirement. Further, the Board’s modification changed the description of the work area, and asked the Board to explain the need for modifying the language in Subsection (a) of 30 CFR 77.1604.

Response: Upon review of the Commission's comment, the Board removes the proposed exception to Sections 208.364, and instead incorporates in full the Federal provision at 30 CFR 77.1604 to clarify that the final form regulation is consistent with the Federal provision.

Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH
AND SAFETY
ARTICLE IV. OCCUPATIONAL HEALTH
AND SAFETY
CHAPTER 208. UNDERGROUND COAL
MINE SAFETY
GENERAL PROVISIONS

§ 208.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AED—Automated external defibrillator—A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

Act—The Bituminous Coal Mine Safety Act (52 P. S. §§ 690-101—690-708).

Approval or approved—The term as defined in section 104 of the act (52 P. S. § 690-104).

Barricaded—To obstruct passage of persons, vehicles or flying materials.

Berm—A pile or mound of material capable of restraining a vehicle.

Certified or registered—A person certified or registered by the state in which the coal mine is located to perform duties prescribed by 30 CFR Part 77 (relating to mandatory safety standards, surface coal mines and surface work areas of underground coal mines), except that, in a state where a program of certification or registration is not provided or when the program does not meet at least minimum Federal standards established by the Secretary of the United States Department of Labor, the certification or registration shall be by the Secretary of the United States Department of Labor.

Flash point—The minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

MSHA—The term as defined in section 104 of the act.

Miner—The term as defined in section 104 of the act.

NIOSH—The term as defined in section 104 of the act.

Operator—The term as defined in section 104 of the act.

Overpressure—The pressure over the background atmospheric pressure that could result from an explosion, which includes the impact of the pressure wave on an object.

psi—Pounds per square inch.

Qualified person—The term means either of the following as determined by the context of the regulation:

(i) An individual deemed qualified by the Secretary of the United States Department of Labor and designated by the operator to make tests and examinations required under 30 CFR Part 77.

(ii) An individual deemed, in accordance with the minimum requirements to be established by the Secretary of the United States Department of Labor, qualified by training, education and experience to perform electrical work, to maintain electrical equipment, and to conduct examinations and make tests of all electrical equipment.

Representative of the miners—The term as defined in section 104 of the act.

Roll protection—A framework, safety canopy or similar protection for the operator when equipment overturns.

SCSR—Self-contained self-rescue device—A type of closed-circuit, self-contained breathing apparatus approved by MSHA and NIOSH under 42 CFR Part 84 (relating to approval of respiratory protective devices) for escape only from underground mines.

Safety can—An approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

Trailing cable—The cable connecting portable and mobile equipment to a power source. A cable is not considered a trailing cable if it connects to equipment which is installed in a stationary location and is permanently wired.

Underground bituminous coal mine or mine—The term as defined in section 104 of the act.

(*Editor's Note:* The following sections are new and printed in regular type to enhance readability.)

QUALIFIED AND CERTIFIED PERSONS

§ 208.101. Certified person.

The provisions of 30 CFR 77.100 (relating to certified person) are incorporated by reference.

§ 208.102. Tests for methane and for oxygen deficiency; qualified person.

The provisions of 30 CFR 77.101 (relating to tests for methane and for oxygen deficiency; qualified person) are incorporated by reference.

§ 208.103. Tests for methane; oxygen deficiency; qualified person, additional requirement.

The provisions of 30 CFR 77.102 (relating to tests for methane; oxygen deficiency; qualified person, additional requirement) are incorporated by reference.

§ 208.104. Electrical work; qualified person.

The provisions of 30 CFR 77.103 (relating to electrical work; qualified person) are incorporated by reference.

§ 208.105. Repair of energized surface high-voltage lines; qualified person.

The provisions of 30 CFR 77.104 (relating to repair of energized surface high-voltage lines; qualified person) are incorporated by reference.

§ 208.106. Qualified hoistman; slope or shaft sinking operation; qualifications.

The provisions of 30 CFR 77.105 (relating to qualified hoistman; slope or shaft sinking operation; qualifications) are incorporated by reference.

§ 208.107. Records of certified and qualified persons.

The provisions of 30 CFR 77.106 (relating to records of certified and qualified persons) are incorporated by reference.

§ 208.108. Training programs.

The provisions of 30 CFR 77.107 (relating to training programs) are incorporated by reference [~~with the exception that MSHA will approve the training program~~].

SURFACE INSTALLATIONS

§ 208.111. Surface installations; general.

The provisions of 30 CFR 77.200 (relating to surface installations; general) are incorporated by reference.

§ 208.112. Methane content in surface installations.

The provisions of 30 CFR 77.201 (relating to methane content in surface installations) are incorporated by reference.

§ 208.113. Tests for methane; qualified person; use of approved device.

The provisions of 30 CFR 77.201-1 (relating to tests for methane; qualified person; use of approved device) are incorporated by reference.

§ 208.114. Methane accumulations; change in ventilation.

The provisions of 30 CFR 77.201-2 (relating to methane accumulations; change in ventilation) are incorporated by reference.

§ 208.115. Dust accumulations in surface installations.

The provisions of 30 CFR 77.202 (relating to dust accumulations in surface installations) are incorporated by reference.

§ 208.116. Use of material or equipment overhead; safeguards.

The provisions of 30 CFR 77.203 (relating to use of material or equipment overhead; safeguards) are incorporated by reference.

§ 208.117. Openings in surface installations; safeguards.

The provisions of 30 CFR 77.204 (relating to openings in surface installations; safeguards) are incorporated by reference.

§ 208.118. Travelways at surface installations.

The provisions of 30 CFR 77.205 (relating to travelways at surface installations) are incorporated by reference.

§ 208.119. Ladders; construction; installation and maintenance.

The provisions of 30 CFR 77.206 (relating to ladders; construction; installation and maintenance) are incorporated by reference.

§ 208.120. Illumination.

The provisions of 30 CFR 77.207 (relating to illumination) are incorporated by reference.

§ 208.121. Storage of materials.

The provisions of 30 CFR 77.208 (relating to storage of materials) are incorporated by reference.

§ 208.122. Surge and storage piles.

The provisions of 30 CFR 77.209 (relating to surge and storage piles) are incorporated by reference.

§ 208.123. Hoisting of materials.

The provisions of 30 CFR 77.210 (relating to hoisting of materials) are incorporated by reference.

§ 208.124. Draw-off tunnels; stockpiling and reclaiming operations; general.

The provisions of 30 CFR 77.211 (relating to draw-off tunnels; stockpiling and reclaiming operations; general) are incorporated by reference.

§ 208.125. Continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment.

The provisions of 30 CFR 77.211-1 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment) are incorporated by reference.

§ 208.126. Draw-off tunnel ventilation fans; installation.

The provisions of 30 CFR 77.212 (relating to draw-off tunnel ventilation fans; installation) are incorporated by reference.

§ 208.127. Draw-off tunnel escapeways.

The provisions of 30 CFR 77.213 (relating to draw-off tunnel escapeways) are incorporated by reference.

THERMAL DRYERS

§ 208.131. Thermal dryers; general.

The provisions of 30 CFR 77.300 (relating to thermal dryers; general) are incorporated by reference.

§ 208.132. Dryer heating units; operation.

The provisions of 30 CFR 77.301 (relating to dryer heating units; operation) are incorporated by reference.

§ 208.133. Bypass stacks.

The provisions of 30 CFR 77.302 (relating to bypass stacks) are incorporated by reference.

§ 208.134. Hot gas inlet chamber dropout doors.

The provisions of 30 CFR 77.303 (relating to hot gas inlet chamber dropout doors) are incorporated by reference.

§ 208.135. Explosion release vents.

The provisions of 30 CFR 77.304 (relating to explosion release vents) are incorporated by reference.

§ 208.136. Access to drying chambers, hot gas inlet chambers and duct-work; installation and maintenance.

The provisions of 30 CFR 77.305 (relating to access to drying chambers, hot gas inlet chambers and ductwork; installation and maintenance) are incorporated by reference.

§ 208.137. Fire protection.

The provisions of 30 CFR 77.306 (relating to fire protection) are incorporated by reference.

§ 208.138. Thermal dryers; location and installation; general.

The provisions of 30 CFR 77.307 (relating to thermal dryers; location and installation; general) are incorporated by reference.

§ 208.139. Structures housing other facilities; use of partitions.

The provisions of 30 CFR 77.308 (relating to structures housing other facilities; use of partitions) are incorporated by reference.

§ 208.140. Visual check of system equipment.

The provisions of 30 CFR 77.309 (relating to visual check of system equipment) are incorporated by reference.

§ 208.141. Control stations; location.

The provisions of 30 CFR 77.309-1 (relating to control stations; location) are incorporated by reference.

§ 208.142. Control panels.

The provisions of 30 CFR 77.310 (relating to control panels) are incorporated by reference.

§ 208.143. Alarm devices.

The provisions of 30 CFR 77.311 (relating to alarm devices) are incorporated by reference.

§ 208.144. Fail safe monitoring systems.

The provisions of 30 CFR 77.312 (relating to fail safe monitoring systems) are incorporated by reference.

§ 208.145. Wet-coal feed bins; low-level indicators.

The provisions of 30 CFR 77.313 (relating to wet-coal feedbins; low-level indicators) are incorporated by reference.

§ 208.146. Automatic temperature control instruments.

The provisions of 30 CFR 77.314 (relating to automatic temperature control instruments) are incorporated by reference.

§ 208.147. Thermal dryers; examination and inspection.

The provisions of 30 CFR 77.315 (relating to thermal dryers; examination and inspection) are incorporated by reference.

SAFEGUARDS FOR MECHANICAL EQUIPMENT

§ 208.151. Mechanical equipment guards.

The provisions of 30 CFR 77.400 (relating to mechanical equipment guards) are incorporated by reference.

§ 208.152. Stationary grinding machines; protective devices.

The provisions of 30 CFR 77.401 (relating to stationary grinding machines; protective devices) are incorporated by reference.

§ 208.153. Hand-held power tools; safety devices.

The provisions of 30 CFR 77.402 (relating to hand-held power tools; safety devices) are incorporated by reference.

§ 208.154. Mobile equipment; falling object protective structures.

The provisions of 30 CFR 77.403 (relating to mobile equipment; falling object protective structures (FOPS)) are incorporated by reference.

§ 208.155. Mobile equipment; rollover protective structures.

All rubber-tired or crawler-mounted self-propelled scrapers front-end loaders, dozers, cranes, loaders and tractors, with or without attachments, at the surface work areas of underground coal

mines shall be provided with rollover protective structures, in accordance with the certification requirements approved by MSHA.

§ 208.156. Seat belts.

The provisions of 30 CFR 77.403-1(g) (relating to mobile equipment; rollover protective structures (ROPS)) are incorporated by reference.

§ 208.157. Machinery and equipment; operation and maintenance.

The provisions of 30 CFR 77.404 (relating to machinery and equipment; operation and maintenance) are incorporated by reference.

§ 208.158. Performing work from a raised position; safeguards.

The provisions of 30 CFR 77.405 (relating to performing work from a raised position; safeguards) are incorporated by reference.

§ 208.159. Drive belts.

The provisions of 30 CFR 77.406 (relating to drive belts) are incorporated by reference.

§ 208.160. Power-driven pulleys.

The provisions of 30 CFR 77.407 (relating to power-driven pulleys) are incorporated by reference.

§ 208.161. Welding operations.

The provisions of 30 CFR 77.408 (relating to welding operations) are incorporated by reference.

§ 208.162. Shovels, draglines and tractors.

The provisions of 30 CFR 77.409 (relating to shovels, draglines, and tractors) are incorporated by reference.

§ 208.163. Mobile equipment; automatic warning devices.

The provisions of 30 CFR 77.410 (relating to mobile equipment; automatic warning devices) are incorporated by reference.

§ 208.164. Compressed air and boilers; general.

The provisions of 30 CFR 77.411 (relating to compressed air and boilers; general) are incorporated by reference.

§ 208.165. Compressed air systems.

The provisions of 30 CFR 77.412 (relating to compressed air systems) are incorporated by reference.

§ 208.166. Boilers.

The provisions of 30 CFR 77.413 (relating to boilers) are incorporated by reference.

ELECTRICAL EQUIPMENT—GENERAL

§ 208.171. Electric power circuits and electric equipment; de-energization.

The provisions of 30 CFR 77.500 (relating to electric power circuits and electric equipment; deenergization) are incorporated by reference.

§ 208.172. Electric distribution circuits and equipment; repair.

The provisions of 30 CFR 77.501 (relating to electric distribution circuits and equipment; repair) are incorporated by reference.

§ 208.173. Qualified person.

The provisions of 30 CFR 77.501-1 (relating to qualified person) are incorporated by reference.

§ 208.174. Electric equipment; examination, testing and maintenance.

The provisions of 30 CFR 77.502 (relating to electric equipment; examination, testing, and maintenance) are incorporated by reference.

§ 208.175. Qualified person.

The provisions of 30 CFR 77.502-1 (relating to qualified person) are incorporated by reference.

§ 208.176. Electric equipment; frequency of examination and testing.

The provisions of 30 CFR 77.502-2 (relating to electric equipment; frequency of examination and testing) are incorporated by reference.

§ 208.177. Electric conductors; capacity and insulation.

The provisions of 30 CFR 77.503 (relating to electric conductors; capacity and insulation) are incorporated by reference.

§ 208.178. Electric conductors.

The provisions of 30 CFR 77.503-1 (relating to electric conductors) are incorporated by reference.

§ 208.179. Electrical connections or splices; suitability.

The provisions of 30 CFR 77.504 (relating to electrical connections or splices; suitability) are incorporated by reference.

§ 208.180. Cable fittings; suitability.

The provisions of 30 CFR 77.505 (relating to cable fittings; suitability) are incorporated by reference.

§ 208.181. Electric equipment and circuits; overload and short-circuit protection.

The provisions of 30 CFR 77.506 (relating to electric equipment and circuits; overload and short-circuit protection) are incorporated by reference.

§ 208.182. Electric equipment and circuits; overload and short-circuit protection; minimum requirements.

The provisions of 30 CFR 77.506-1 (relating to electric equipment and circuits; overload and short circuit protection; minimum requirements) are incorporated by reference.

§ 208.183. Electric equipment; switches.

The provisions of 30 CFR 77.507 (relating to electric equipment; switches) are incorporated by reference.

§ 208.184. Lightning arresters; ungrounded and exposed power conductors and telephone wires.

The provisions of 30 CFR 77.508 (relating to lightning arresters, ungrounded and exposed power conductors and telephone wires) are incorporated by reference.

§ 208.185. Lightning arresters; wires entering buildings.

The provisions of 30 CFR 77.508-1 (relating to lightning arresters; wires entering buildings) are incorporated by reference.

§ 208.186. Transformers; installation and guarding.

The provisions of 30 CFR 77.509 (relating to transformers; installation and guarding) are incorporated by reference.

§ 208.187. Resistors; location and guarding.

The provisions of 30 CFR 77.510 (relating to resistors; location and guarding) are incorporated by reference.

§ 208.188. Danger signs at electrical installations.

The provisions of 30 CFR 77.511 (relating to danger signs at electrical installations) are incorporated by reference.

§ 208.189. Inspection and cover plates.

The provisions of 30 CFR 77.512 (relating to inspection and cover plates) are incorporated by reference.

§ 208.190. Insulating mats at power switches.

The provisions of 30 CFR 77.513 (relating to insulating mats at power switches) are incorporated by reference.

§ 208.191. Switchboards; passageways and clearance.

The provisions of 30 CFR 77.514 (relating to switchboards; passageways and clearance) are incorporated by reference.

§ 208.192. Bare signal or control wires; voltage.

The provisions of 30 CFR 77.515 (relating to bare signal or control wires; voltage) are incorporated by reference.

§ 208.193. Electric wiring and equipment; installation and maintenance.

The provisions of 30 CFR 77.516 (relating to electric wiring and equipment; installation and maintenance) are incorporated by reference.

TRAILING CABLES

§ 208.201. Trailing cables; short-circuit protection; disconnecting devices.

The provisions of 30 CFR 77.600 (relating to trailing cables; short-circuit protection; disconnecting devices) are incorporated by reference.

§ 208.202. Trailing cables or portable cables; temporary splices.

The provisions of 30 CFR 77.601 (relating to trailing cables or portable cables; temporary splices) are incorporated by reference.

§ 208.203. Permanent splicing of trailing cables.

The provisions of 30 CFR 77.602 (relating to permanent splicing of trailing cables) are incorporated by reference.

§ 208.204. Clamping of trailing cables to equipment.

The provisions of 30 CFR 77.603 (relating to clamping of trailing cables to equipment) are incorporated by reference.

§ 208.205. Protection of trailing cables.

The provisions of 30 CFR 77.604 (relating to protection of trailing cables) are incorporated by reference.

§ 208.206. Breaking trailing cable and power cable connections.

The provisions of 30 CFR 77.605 (relating to breaking trailing cable and power cable connections) are incorporated by reference.

§ 208.207. Energized trailing cables; handling.

The provisions of 30 CFR 77.606 (relating to energized trailing cables; handling) are incorporated by reference.

§ 208.208. Rubber gloves; minimum requirements.

The provisions of 30 CFR 77.606-1 (relating to rubber gloves; minimum requirements) are incorporated by reference.

GROUNDING

§ 208.211. Grounding metallic sheaths, armors and conduits enclosing power conductors.

The provisions of 30 CFR 77.700 (relating to grounding metallic sheaths, armors, and conduits enclosing power conductors) are incorporated by reference.

§ 208.212. Approved methods of grounding.

The provisions of 30 CFR 77.700-1 (relating to approved methods of grounding) are incorporated by reference.

§ 208.213. Grounding metallic frames, casings and other enclosures of electric equipment.

The provisions of 30 CFR 77.701 (relating to grounding metallic frames, casings, and other enclosures of electric equipment) are incorporated by reference.

§ 208.214. Approved methods of grounding of equipment receiving power from ungrounded alternating current power systems.

The provisions of 30 CFR 77.701-1 (relating to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems) are incorporated by reference.

§ 208.215. Approved methods of grounding metallic frames, casings and other enclosures of electric equipment receiving power from a direct-current power system.

The provisions of 30 CFR 77.701-2 (relating to approved methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system) are incorporated by reference.

§ 208.216. Grounding wires; capacity.

The provisions of 30 CFR 77.701-3 (relating to grounding wires; capacity) are incorporated by reference.

§ 208.217. Use of grounding connectors.

The provisions of 30 CFR 77.701-4 (relating to use of grounding connectors) are incorporated by reference.

§ 208.218. Protection other than grounding.

The provisions of 30 CFR 77.702 (relating to protection other than grounding) are incorporated by reference.

§ 208.219. Grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems.

The provisions of 30 CFR 77.703 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems) are incorporated by reference.

§ 208.220. Approved methods of grounding.

The provisions of 30 CFR 77.703-1 (relating to approved methods of grounding) are incorporated by reference.

§ 208.221. Work on high-voltage lines; de-energizing and grounding.

The provisions of 30 CFR 77.704 (relating to work on high-voltage lines; deenergizing and grounding) are incorporated by reference.

§ 208.222. Work on high-voltage lines.

The provisions of 30 CFR 77.704-1 (relating to work on high-voltage lines) are incorporated by reference.

§ 208.223. Repairs to energized high-voltage lines.

The provisions of 30 CFR 77.704-2 (relating to repairs to energized high-voltage lines) are incorporated by reference.

§ 208.224. Work on energized high-voltage surface lines; reporting.

The provisions of 30 CFR 77.704-3 (relating to work on energized high-voltage surface lines; reporting) are incorporated by reference.

§ 208.225. Simultaneous repairs.

The provisions of 30 CFR 77.704-4 (relating to simultaneous repairs) are incorporated by reference.

§ 208.226. Installation of protective equipment.

The provisions of 30 CFR 77.704-5 (relating to installation of protective equipment) are incorporated by reference.

§ 208.227. Protective clothing; use and inspection.

The provisions of 30 CFR 77.704-6 (relating to protective clothing; use and inspection) are incorporated by reference.

§ 208.228. Protective equipment; inspection.

The provisions of 30 CFR 77.704-7 (relating to protective equipment; inspection) are incorporated by reference.

§ 208.229. Protective equipment; testing and storage.

The provisions of 30 CFR 77.704-8 (relating to protective equipment; testing and storage) are incorporated by reference.

§ 208.230. Operating disconnecting or cutout switches.

The provisions of 30 CFR 77.704-9 (relating to operating disconnecting or cutout switches) are incorporated by reference.

§ 208.231. Tying into energized high-voltage surface circuits.

The provisions of 30 CFR 77.704-10 (relating to tying into energized high-voltage surface circuits) are incorporated by reference.

§ 208.232. Use of grounded messenger wires; ungrounded systems.

The provisions of 30 CFR 77.704-11 (relating to use of grounded messenger wires; ungrounded systems) are incorporated by reference.

§ 208.233. Guy wires; grounding.

The provisions of 30 CFR 77.705 (relating to guy wires; grounding) are incorporated by reference.

SURFACE HIGH-VOLTAGE DISTRIBUTION

§ 208.241. High-voltage circuits; circuit breakers.

The provisions of 30 CFR 77.800 (relating to high-voltage circuits; circuit breakers) are incorporated by reference.

§ 208.242. Testing, examination and maintenance of circuit breakers; procedures.

The provisions of 30 CFR 77.800-1 (relating to testing, examination, and maintenance of circuit breakers; procedures) are incorporated by reference.

§ 208.243. Testing, examination and maintenance of circuit breakers; record.

The provisions of 30 CFR 77.800-2 (relating to testing, examination, and maintenance of circuit breakers; record) are incorporated by reference.

§ 208.244. Grounding resistors.

The provisions of 30 CFR 77.801 (relating to grounding resistors) are incorporated by reference.

§ 208.245. Grounding resistors; continuous current rating.

The provisions of 30 CFR 77.801-1 (relating to grounding resistors; continuous current rating) are incorporated by reference.

§ 208.246. Protection of high-voltage circuits; neutral grounding resistors; disconnecting devices.

The provisions of 30 CFR 77.802 (relating to protection of high-voltage circuits; neutral grounding resistors; disconnecting devices) are incorporated by reference.

§ 208.247. Fail safe ground check circuits on high-voltage resistance grounded systems.

The provisions of 30 CFR 77.803 (relating to fail safe ground check circuits on high-voltage resistance grounded systems) are incorporated by reference.

§ 208.248. Fail safe ground check circuits; maximum voltage.

The provisions of 30 CFR 77.803-1 (relating to fail safe ground check circuits; maximum voltage) are incorporated by reference.

§ 208.249. Ground check systems not employing pilot check wires; approval by the Secretary of the United States Department of Labor.

The provisions of 30 CFR 77.803-2 (relating to ground check systems not employing pilot check wires; approval by the Secretary) are incorporated by reference.

§ 208.250. High-voltage trailing cables; minimum design requirements.

The provisions of 30 CFR 77.804 (relating to high-voltage trailing cables; minimum design requirements) are incorporated by reference.

§ 208.251. Cable couplers and connection boxes; minimum design requirements.

The provisions of 30 CFR 77.805 (relating to cable couplers and connection boxes; minimum design requirements) are incorporated by reference.

§ 208.252. Connection of single-phase loads.

The provisions of 30 CFR 77.806 (relating to connection of single-phase loads) are incorporated by reference.

§ 208.253. Installation of high-voltage transmission cables.

The provisions of 30 CFR 77.807 (relating to installation of high-voltage transmission cables) are incorporated by reference.

§ 208.254. High-voltage powerlines; clearances above ground.

The provisions of 30 CFR 77.807-1 (relating to high-voltage powerlines; clearances above ground) are incorporated by reference.

§ 208.255. Booms and masts; minimum distance from high-voltage lines.

The provisions of 30 CFR 77.807-2 (relating to booms and masts; minimum distance from high-voltage lines) are incorporated by reference.

§ 208.256. Movement of equipment; minimum distance from high-voltage lines.

The provisions of 30 CFR 77.807-3 (relating to movement of equipment; minimum distance from high-voltage lines) are incorporated by reference.

§ 208.257. Disconnecting devices.

The provisions of 30 CFR 77.808 (relating to disconnecting devices) are incorporated by reference.

§ 208.258. Identification of circuit breakers and disconnecting switches.

The provisions of 30 CFR 77.809 (relating to identification of circuit breakers and disconnecting switches) are incorporated by reference.

§ 208.259. High-voltage equipment; grounding.

The provisions of 30 CFR 77.810 (relating to high-voltage equipment; grounding) are incorporated by reference.

§ 208.260. Movement of portable substations and transformers.

The provisions of 30 CFR 77.811 (relating to movement of portable substations and transformers) are incorporated by reference.

LOW-VOLTAGE AND MEDIUM-VOLTAGE ALTERNATING CURRENT

§ 208.271. Low-voltage and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers.

The provisions of 30 CFR 77.900 (relating to low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers) are incorporated by reference.

§ 208.272. Testing, examination and maintenance of circuit breakers; procedures.

The provisions of 30 CFR 77.900-1 (relating to testing, examination, and maintenance of circuit breakers; procedures) are incorporated by reference.

§ 208.273. Testing, examination and maintenance of circuit breakers; record.

The provisions of 30 CFR 77.900-2 (relating to testing, examination, and maintenance of circuit breakers; record) are incorporated by reference.

§ 208.274. Protection of low-voltage and medium-voltage three-phase circuits.

The provisions of 30 CFR 77.901 (relating to protection of low- and medium-voltage three-phase circuits) are incorporated by reference.

§ 208.275. Grounding resistor; continuous current rating.

The provisions of 30 CFR 77.901-1 (relating to grounding resistor; continuous current rating) are incorporated by reference.

§ 208.276. Low-voltage and medium-voltage ground check monitor circuits.

The provisions of 30 CFR 77.902 (relating to low- and medium-voltage ground check monitor circuits) are incorporated by reference.

§ 208.277. Fail safe ground check circuits; maximum voltage.

The provisions of 30 CFR 77.902-1 (relating to fail safe ground check circuits; maximum voltage) are incorporated by reference.

§ 208.278. Approved ground check systems not employing pilot check wires.

The provisions of 30 CFR 77.902-2 (relating to approved ground check systems not employing pilot check wires) are incorporated by reference.

§ 208.279. Attachment of ground conductors and ground check wires to equipment frames; use of separate connections.

The provisions of 30 CFR 77.902-3 (relating to attachment of ground conductors and ground check wires to equipment frames; use of separate connections) are incorporated by reference.

§ 208.280. Disconnecting devices.

The provisions of 30 CFR 77.903 (relating to disconnecting devices) are incorporated by reference.

§ 208.281. Identification of circuit breakers.

The provisions of 30 CFR 77.904 (relating to identification of circuit breakers) are incorporated by reference.

§ 208.282. Connection of single-phase loads.

The provisions of 30 CFR 77.905 (relating to connection of single-phase loads) are incorporated by reference.

§ 208.283. Trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires.

The provisions of 30 CFR 77.906 (relating to trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires) are incorporated by reference.

GROUND CONTROL

§ 208.291. Highwalls, pits and spoil banks; plans.

The provisions of 30 CFR 77.1000 (relating to highwalls, pits and spoil banks; plans) are incorporated by reference.

§ 208.292. Filing of plan.

The provisions of 30 CFR 77.1000-1 (relating to filing of plan) are incorporated by reference.

§ 208.293. Stripping; loose material.

The provisions of 30 CFR 77.1001 (relating to stripping; loose material) are incorporated by reference.

§ 208.294. Box cuts; spoil material placement.

The provisions of 30 CFR 77.1002 (relating to box cuts; spoil material placement) are incorporated by reference.

§ 208.295. Benches.

The provisions of 30 CFR 77.1003 (relating to benches) are incorporated by reference.

§ 208.296. Ground control; inspections and maintenance; general.

The provisions of 30 CFR 77.1004 (relating to ground control; inspection and maintenance; general) are incorporated by reference.

§ 208.297. Scaling highwalls; general.

The provisions of 30 CFR 77.1005 (relating to scaling highwalls; general) are incorporated by reference.

§ 208.298. Highwalls; men working.

The provisions of 30 CFR 77.1006 (relating to highwalls; men working) are incorporated by reference.

§ 208.299. Drilling; general.

The provisions of 30 CFR 77.1007 (relating to drilling; general) are incorporated by reference.

§ 208.300. Relocation of drills; safeguards.

The provisions of 30 CFR 77.1008 (relating to relocation of drills; safeguards) are incorporated by reference.

§ 208.301. Drill; operation.

The provisions of 30 CFR 77.1009 (relating to drill; operation) are incorporated by reference.

§ 208.302. Collaring holes.

The provisions of 30 CFR 77.1010 (relating to collaring holes) are incorporated by reference.

§ 208.303. Drill holes; guarding.

The provisions of 30 CFR 77.1011 (relating to drill holes; guarding) are incorporated by reference.

§ 208.304. Jackhammers; operation; safeguards.

The provisions of 30 CFR 77.1012 (relating to jackhammers; operation; safeguards) are incorporated by reference.

§ 208.305. Air drills; safeguards.

The provisions of 30 CFR 77.1013 (relating to air drills; safeguards) are incorporated by reference.

FIRE PROTECTION

§ 208.311. Fire protection; training and organization.

The provisions of 30 CFR 77.1100 (relating to fire protection; training and organization) are incorporated by reference.

§ 208.312. Escape and evacuation; plan.

The provisions of 30 CFR 77.1101 (relating to escape and evacuation; plan) are incorporated by reference.

§ 208.313. Warning signs; smoking and open flame.

The provisions of 30 CFR 77.1102 (relating to warning signs; smoking and open flame) are incorporated by reference.

§ 208.314. Flammable liquids; storage.

The provisions of 30 CFR 77.1103 (relating to flammable liquids; storage) are incorporated by reference.

§ 208.315. Accumulations of combustible materials.

The provisions of 30 CFR 77.1104 (relating to accumulations of combustible materials) are incorporated by reference.

§ 208.316. Internal combustion engines; fueling.

The provisions of 30 CFR 77.1105 (relating to internal combustion engines; fueling) are incorporated by reference.

§ 208.317. Battery-charging stations; ventilation.

The provisions of 30 CFR 77.1106 (relating to battery-charging stations; ventilation) are incorporated by reference.

§ 208.318. Belt conveyors.

The provisions of 30 CFR 77.1107 (relating to belt conveyors) are incorporated by reference.

§ 208.319. Firefighting equipment; requirements; general.

The provisions of 30 CFR 77.1108 (relating to firefighting equipment; requirements; general) are incorporated by reference.

§ 208.320. Type and capacity of firefighting equipment.

The provisions of 30 CFR 77.1108-1 (relating to type and capacity of firefighting equipment) are incorporated by reference.

§ 208.321. Quantity and location of firefighting equipment.

The provisions of 30 CFR 77.1109 (relating to quantity and location of firefighting equipment) are incorporated by reference.

§ 208.322. Examination and maintenance of firefighting equipment.

The provisions of 30 CFR 77.1110 (relating to examination and maintenance of firefighting equipment) are incorporated by reference.

§ 208.323. Welding, cutting and soldering; use of fire extinguisher.

The provisions of 30 CFR 77.1111 (relating to welding, cutting, soldering; use of fire extinguisher) are incorporated by reference.

§ 208.324. Welding, cutting or soldering with arc or flame; safeguards.

The provisions of 30 CFR 77.1112 (relating to welding, cutting, soldering with arc or flame; safeguards) are incorporated by reference.

MAPS

§ 208.331. Mine map.

The provisions of 30 CFR 77.1200 (relating to mine map) are incorporated by reference.

§ 208.332. Certification of mine maps.

The provisions of 30 CFR 77.1201 (relating to certification of mine maps) are incorporated by reference.

§ 208.333. Availability of mine map.

The provisions of 30 CFR 77.1202 (relating to availability of mine map) are incorporated by reference.

PERSONNEL HOISTING

§ 208.341. Personnel hoists and elevators.

The provisions of 30 CFR 77.1400 (relating to personnel hoists and elevators) are incorporated by reference.

§ 208.342. Automatic controls and brakes.

The provisions of 30 CFR 77.1401 (relating to automatic controls and brakes) are incorporated by reference.

§ 208.343. Rated capacity.

The provisions of 30 CFR 77.1402 (relating to rated capacity) are incorporated by reference.

§ 208.344. Maximum load; posting.

The provisions of 30 CFR 77.1402-1 (relating to maximum load; posting) are incorporated by reference.

§ 208.345. Daily examination of hoisting equipment.

The provisions of 30 CFR 77.1403 (relating to daily examination of hoisting equipment) are incorporated by reference.

§ 208.346. Certifications and records of daily examinations.

The provisions of 30 CFR 77.1404 (relating to certifications and records of daily examinations) are incorporated by reference.

§ 208.347. Operation of hoisting equipment after repairs.

The provisions of 30 CFR 77.1405 (relating to operation of hoisting equipment after repairs) are incorporated by reference.

WIRE ROPES

§ 208.351. Wire ropes; scope.

The provisions of 30 CFR 77.1430 (relating to wire ropes; scope) are incorporated by reference.

§ 208.352. Minimum rope strength.

The provisions of 30 CFR 77.1431 (relating to minimum rope strength) are incorporated by reference.

§ 208.353. Initial measurement.

The provisions of 30 CFR 77.1432 (relating to initial measurement) are incorporated by reference.

§ 208.354. Examinations.

The provisions of 30 CFR 77.1433 (relating to examinations) are incorporated by reference.

§ 208.355. Retirement criteria.

The provisions of 30 CFR 77.1434 (relating to retirement criteria) are incorporated by reference.

§ 208.356. Load end attachments.

The provisions of 30 CFR 77.1435 (relating to load end attachments) are incorporated by reference.

§ 208.357. Drum end attachment.

The provisions of 30 CFR 77.1436 (relating to drum end attachment) are incorporated by reference.

§ 208.358. End attachment retermination.

The provisions of 30 CFR 77.1437 (relating to end attachment retermination) are incorporated by reference.

§ 208.359. End attachment replacement.

The provisions of 30 CFR 77.1438 (relating to end attachment replacement) are incorporated by reference.

LOADING AND HAULAGE

§ 208.361. Loading and haulage; general.

The provisions of 30 CFR 77.1600 (relating to loading and haulage; general) are incorporated by reference.

§ 208.362. Transportation of persons; restrictions.

The provisions of 30 CFR 77.1601 (relating to transportation of persons; restrictions) are incorporated by reference.

§ 208.363. Trains and locomotives; authorized persons.

The provisions of 30 CFR 77.1603 (relating to trains and locomotives; authorized persons) are incorporated by reference.

§ 208.364. Transportation of persons; overcrowding.

The provisions of 30 CFR 77.1604 (relating to transportation of persons; overcrowding) are incorporated by reference[, ~~with the exception of the following modification:~~

~~—(a) No man-trip vehicle or other conveyance used to transport persons to and from the surface work areas of underground bituminous coal mines shall be overcrowded and all persons shall ride in a safe position].~~

§ 208.365. Loading and haulage equipment; installations.

The provisions of 30 CFR 77.1605 (relating to loading and haulage equipment; installations) are incorporated by reference.

§ 208.366. Loading and haulage equipment; inspection and maintenance.

The provisions of 30 CFR 77.1606 (relating to loading and haulage equipment; inspection and maintenance) are incorporated by reference.

§ 208.367. Loading and haulage equipment; operation.

The provisions of 30 CFR 77.1607 (relating to loading and haulage equipment; operation) are incorporated by reference.

§ 208.368. Dumping facilities.

The provisions of 30 CFR 77.1608 (relating to dumping facilities) are incorporated by reference.

MISCELLANEOUS

§ 208.371. Communications in work areas.

The provisions of 30 CFR 77.1700 (relating to communications in work areas) are incorporated by reference.

§ 208.372. First aid equipment; location; minimum requirements.

The provisions of 30 CFR 77.1707 (relating to first aid equipment; location; minimum requirements) are incorporated by reference.

§ 208.373. Protective clothing; requirements.

The provisions of 30 CFR 77.1710 (relating to protective clothing; requirements) are incorporated by reference.

§ 208.374. Distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners.

The provisions of 30 CFR 77.1710-1 (relating to distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners) are incorporated by reference.

§ 208.375. Smoking prohibition.

The provisions of 30 CFR 77.1711 (relating to smoking prohibition) are incorporated by reference.

TROLLEY WIRES AND TROLLEY FEEDER WIRES

§ 208.381. Cutout switches.

The provisions of 30 CFR 77.1800 (relating to cutout switches) are incorporated by reference.

§ 208.382. Overcurrent protection.

The provisions of 30 CFR 77.1801 (relating to overcurrent protection) are incorporated by reference.

§ 208.383. Devices for overcurrent protection.

The provisions of 30 CFR 77.1801-1 (relating to devices for overcurrent protection) are incorporated by reference.

§ 208.384. Insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires.

The provisions of 30 CFR 77.1802 (relating to insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires) are incorporated by reference.

SLOPE AND SHAFT SINKING

§ 208.391. Slopes and shafts; approval of plans.

The provisions of 30 CFR 77.1900 (relating to slopes and shafts; approval of plans) are incorporated by reference, with the following **[modifications] addition**:

The Department will approve plans relating to slope and shaft sinking and construction.

§ 208.392. Compliance with approved slope and shaft sinking plans.

The provisions of 30 CFR 77.1900-1 (relating to compliance with approved slope and shaft sinking plans) are incorporated by reference.

§ 208.393. Preshift and onshift inspections; reports.

The provisions of 30 CFR 77.1901 (relating to preshift and onshift inspections; reports) are incorporated by reference.

§ 208.394. Methane and oxygen deficiency tests; approved devices.

The provisions of 30 CFR 77.1901-1 (relating to methane and oxygen deficiency tests; approved devices) are incorporated by reference.

§ 208.395. Drilling and mucking operations.

The provisions of 30 CFR 77.1902 (relating to drilling and mucking operations) are incorporated by reference.

§ 208.396. Permissible diesel-powered equipment.

The provisions of 30 CFR 77.1902-1 (relating to permissible diesel-powered equipment) are incorporated by reference.

§ 208.397. Hoists and hoisting; minimum requirements.

The provisions of 30 CFR 77.1903 (relating to hoists and hoisting; minimum requirements) are incorporated by reference.

§ 208.398. Communications between slope and shaft bottoms and hoist operators.

The provisions of 30 CFR 77.1904 (relating to communications between slope and shaft bottoms and hoist operators) are incorporated by reference.

§ 208.399. Hoist safeguards; general.

The provisions of 30 CFR 77.1905 (relating to hoist safeguards; general) are incorporated by reference.

§ 208.400. Hoists; daily inspection.

The provisions of 30 CFR 77.1906 (relating to hoists; daily inspection) are incorporated by reference.

§ 208.401. Hoist construction; general.

The provisions of 30 CFR 77.1907 (relating to hoist construction; general) are incorporated by reference.

§ 208.402. Hoist installations; use.

The provisions of 30 CFR 77.1908 (relating to hoist installations; use) are incorporated by reference.

§ 208.403. Hoist operation; qualified hoistman.

The provisions of 30 CFR 77.1908-1 (relating to hoist operation; qualified hoistman) are incorporated by reference.

§ 208.404. Explosives and blasting; use of permissible explosives and shot-firing units.

The provisions of 30 CFR 77.1909 (relating to explosives and blasting; use of permissible explosives and shot-firing units) are incorporated by reference.

§ 208.405. Use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager.

The provisions of 30 CFR 77.1909-1 (relating to use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager) are incorporated by reference.

§ 208.406. Explosives and blasting; general.

The provisions of 30 CFR 77.1910 (relating to explosives and blasting; general) are incorporated by reference, with the exception of the following modification:

(b) All explosive materials, detonators and any other related blasting material employed in the development of any slope or shaft shall be stored, transported, carried, charged and fired in accordance with 25 Pa. Code Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives). Except as provided in paragraph (c) of this section, all shots shall be fired from the surface.

§ 208.407. Ventilation of slopes and shafts.

The provisions of 30 CFR 77.1911 (relating to ventilation of slopes and shafts) are incorporated by reference.

§ 208.408. Ladders and stairways.

The provisions of 30 CFR 77.1912 (relating to ladders and stairways) are incorporated by reference.

§ 208.409. Fire-resistant wood.

The provisions of 30 CFR 77.1913 (relating to fire-resistant wood) are incorporated by reference.

§ 208.410. Electrical equipment.

The provisions of 30 CFR 77.1914 (relating to electrical equipment) are incorporated by reference.

§ 208.411. Storage and handling of combustible materials.

The provisions of 30 CFR 77.1915 (relating to storage and handling of combustible materials) are incorporated by reference.

§ 208.412. Welding, cutting and soldering; fire protection.



The provisions of 30 CFR 77.1916 (relating to welding, cutting, and soldering; fire protection) are incorporated by reference.



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3. The third part of the document is a list of names and addresses.

September 9, 2015

David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Re: Final Rulemaking: Standards for Surface Facilities (#7-488)

Dear Mr. Sumner:

Pursuant to Section 5.1(a) of the Regulatory Review Act, please find enclosed the Standards for Surface Facilities final rulemaking for review and comment by the Independent Regulatory Review Commission (IRRC). The Board of Coal Mine Safety (Board) adopted the final rulemaking at its June 23, 2015 meeting.

The enclosed final-form rulemaking adds regulatory provisions to Chapter 208; including §§ 208.101 – 208.412 (relating to Standards for surface facilities) as well as the definitions of “Barricaded,” “Berm,” “Certified or registered,” “Flash point,” “Qualified person,” “Roll protection,” “Safety can,” and “Trailing cable” to read as set forth in Annex A.

Currently in Pennsylvania, safety practices and procedures at the surface areas of underground bituminous coal mines are mainly implemented pursuant to federal Mine Safety and Health Administration (MSHA) regulations. As such, there is no state basis for enforcing many of the safety practices and procedures with which underground bituminous coal mining companies must comply. This final-form rulemaking addresses this gap in the state regulatory scheme and implements many of the federal regulations in 30 CFR Part 77, thereby making those federal regulations independently enforceable by the Commonwealth.

More specifically, this final rulemaking implements existing federal regulations relative to surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. These rules and standards ensure that the surface areas of underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents, injuries, and property loss. Such regulations benefit persons in and about mine sites and mine operators.



There are nine operators of underground bituminous coal mines in Pennsylvania that will be subject to this rulemaking, and three of those operators are small businesses. However, the rulemaking is not expected to affect operators because the rulemaking only implements existing federal regulations with which the operators must already comply.

The development and drafting of this rulemaking was aided by input from the Board which received recommendations and advice on the rulemaking from its constituents. The Board is chaired by the Secretary of the Department of Environmental Protection (Department) and consists of three members representing the interests of mine workers and three members representing the interests of underground bituminous coal mine operators.

The proposed regulation was adopted by the Board at its June 10, 2014 meeting and was published for comment in the *Pennsylvania Bulletin* as proposed on August 2, 2014. The public comment period closed on September 2, 2014. The Independent Regulatory Review Commission (IRRC) comments were received on October 2, 2014. Comments were received only from IRRC. No public comments were received. IRRC requested clarification in sections 208.108, 208.391, and 208.406, and clarification and additional explanation in section 208.364 of the final rulemaking. All comments, responses, and changes that were incorporated into the final-form rulemaking are included in the Comment and Response Document that accompanies this final rulemaking.

The Department will provide assistance as necessary to facilitate IRRC's review of the enclosed final-form rulemaking under Section 5.1(e) of the Regulatory Review Act.

Please contact me by e-mail at ledinger@pa.gov or by telephone at 717.783.8727 if you have any questions or need additional information.

Sincerely,



Laura Edinger
Regulatory Coordinator

Enclosures



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**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 7-488
SUBJECT: Standards for Surface Facilities
AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

2015 SEP -9 PM 3:16

RECEIVED
IRRC

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY</i>
9/9/15	<i>Shelly Deane</i>	MAJORITY CHAIR <i>Representative John Maher</i>
9/9/15	<i>Ira Gull</i>	MINORITY CHAIR <i>Representative Greg Vitali</i>
		<i>SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY</i>
9/9/15	<i>Patricia Wilroy</i>	MAJORITY CHAIR <i>Senator Gene Yaw</i>
9/9/15	<i>[Signature]</i>	MINORITY CHAIR <i>Senator John Yudichak</i>
9/9/15	<i>K Cooper</i>	<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i> <i>David Sumner</i>
		<i>ATTORNEY GENERAL (for Final Omitted only)</i>
		<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>

