

# 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

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(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, 717-783-8727; ledinger@pa.gov; RCSOB 16<sup>th</sup> Floor, Harrisburg, PA 17105

Secondary Contact: Hayley Book, 717-783-8727; hbook@pa.gov; RCSOB 16<sup>th</sup> Floor, Harrisburg, PA 17105

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

- Proposed 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 proposed regulation will add regulatory provisions to 25 Pa. Code Chapter 208. These proposed 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 rulemaking proposes to implement existing federal regulations, thereby making them independently enforceable by the Commonwealth. Specifically, this proposed regulation will implement 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 will be incorporated into this proposed 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.

(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 proposed regulation will implement 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 proposed 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 proposal is difficult, miners, their families, mining companies, and others will benefit from safe surface areas of underground mines. As a result of this proposed 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 proposed 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 proposed 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 proposed rulemaking conforms to existing federal MSHA requirements in 30 CFR Part 77. Because other states must also comply with the federal MSHA requirements to be adopted by this proposed rulemaking, Pennsylvania's ability to compete for business with other states will not be weakened.

The Board of Coal Mine Safety (Board) is proposing the 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 will 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 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 proposed 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 proposed 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 proposal. 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 proposed regulation will affect the nine underground bituminous mining companies, there is no opposition to the proposed 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 will be implemented by this proposed 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 will be implemented by this proposed regulation. Therefore, this proposed rulemaking will not impose any additional regulatory requirements on the underground bituminous coal mine operators in Pennsylvania. Moreover, this proposed rulemaking will make the existing federal

requirements to be implemented by this proposed 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 proposed rulemaking will implement 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 will be implemented by this proposed rulemaking. As a result, the proposed rulemaking will not have any additional financial, economic, or social impact on the public or regulated community.

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

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

There will be no additional costs and adverse effects associated with this proposed 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 will 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 proposed rulemaking are not anticipated since the regulated community must already comply with the federal MSHA provisions this proposed rulemaking will implement. Given that the proposed state regulation would merely provide the Board with the independent authority to enforce the regulation, mine operators would not incur any additional costs.

Moreover, although the proposed 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 proposed rulemaking are expected to be negligible. The mine operators subjected to this proposed rulemaking must already comply with the federal regulations this rulemaking proposes to implement, and the state already conducts mine safety inspections. Nothing in this proposed 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 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 rulemaking. Moreover, since the regulated community already incurs costs to comply with the existing federal MSHA requirements that this rulemaking proposes to implement, 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 proposed 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.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Costs</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	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.

<b>Program</b>	<b>FY-3</b>	<b>FY-2</b>	<b>FY-1</b>	<b>Current FY</b>
<b>Environmental Protection Operations (#160-10381)</b>	\$78,021,000	\$77,359,000	\$74,547,000	\$76,221,000
<b>Environmental Program Management (#161-10382)</b>	\$28,881,000	\$27,755,000	\$24,965,000	\$26,297,000

(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 proposed rulemaking will 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 proposes to implement.

- (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 proposed rulemaking since the regulated community must already comply with federal provisions of 30 CFR Part 77, many of which will be implemented by this proposed regulation.

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

This proposed 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 proposes to implement. 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 proposed 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 proposes to implement. 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 proposes to implement 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 proposes to implement 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 proposes to implement 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 proposes to implement 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 proposes to implement 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 proposed 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 <sup>rd</sup> 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: | 1 <sup>st</sup> Quarter 2015 |
| D. The expected effective date of the final-form regulation:                             | 1 <sup>st</sup> Quarter 2015 |



E. The date by which compliance with the final-form regulation will be required:

1<sup>st</sup> Quarter 2015

F. The date by which required permits, licenses or other approvals must be obtained:

1<sup>st</sup> 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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Copy below is hereby approved as to form and legality.  
Attorney General

By: Amy M. Elliott  
(Deputy Attorney General)

JUL 09 2014  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be true and  
correct copy of a document issued, prescribed or  
promulgated by:

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
BOARD OF COAL MINE SAFETY  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-488

DATE OF ADOPTION June 10, 2014

BY E. Christopher Abruzzo  
TITLE E. CHRISTOPHER ABRUZZO  
CHAIRMAN  
EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and legality  
Executive or Independent Agencies

By: [Signature] [Signature]  
JUN 23 2014  
DATE OF APPROVAL

(~~Exec. 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 PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BOARD OF COAL MINE SAFETY

Standards for Surface Facilities

25 Pa. Code Chapter 208



**NOTICE OF PROPOSED RULEMAKING  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BOARD OF COAL MINE SAFETY  
[25 PA CODE CHAPTER 208]  
STANDARDS FOR SURFACE FACILITIES**

The Board of Coal Mine Safety (Board) proposes to add regulatory provisions to Chapter 208. These proposed 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 rulemaking proposes to implement existing federal regulations, thereby making them independently enforceable by the Commonwealth.

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

This notice of proposed rulemaking was given under Board order at its meeting of June 10, 2014.

*A. Effective Date*

This proposed 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 Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060, rreiley@pa.gov. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble.

*C. Statutory Authority*

The proposed rulemaking is authorized under Sections 106 and 106.1 of BCMSA which grant the Board the authority to adopt regulations to implement 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, Pennsylvania's General Assembly enacted BCMSA which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961 (52 P.S. § 690-103(a)). BCMSA provides broad authority to promulgate regulations that are necessary or appropriate to implement the act and to protect the health, safety, and welfare of miners and other individuals in and about mines (52 P.S. § 690-106.1(a)). Final regulations consistent with federal standards may also be promulgated (52 P.S. § 690-106.1(c)). Such regulations are to be promulgated by the Board which consists of three members representing mine workers, three members representing underground bituminous coal mine operators, and the Secretary of the Department of Environmental Protection (DEP) who serves as the Board's chair (52 P.S. § 690-106).

This proposed rulemaking will implement 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- 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 Pennsylvania.

At the outset, the proposed rulemaking will implement the federal regulations relating to 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 proposed rulemaking will implement the federal regulations governing surface installations. These rules ensure that all underground bituminous coal mine structures, enclosures, and other facilities located on the surface are maintained in good repair in order 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 proposed rulemaking will implement 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 proposed rulemaking will also implement 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 proposed rulemaking will adopt the federal requirements relative

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 that will be implemented by this proposed rulemaking relates to 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 proposed regulation also implements the federal regulations regarding the grounding of electricity-conducting materials. Included in these regulations are requirements for grounding wires, equipment receiving power from underground alternating power current systems, and enclosures of electric equipment.

In addition, this proposed rulemaking will implement the federal regulations governing surface high-voltage distribution. These regulations promote safety at a mine site by ensuring high-voltage power supplies and transmission are properly maintained, connected, grounded, and tested. This proposed rulemaking will likewise implement the federal requirements relative to low- 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- and medium-voltage currents.

The federal ground control mine safety regulations will also be implemented by this proposed 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.

Additionally, the proposed rulemaking will adopt 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 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 also loading and haulage requirements in the federal regulations that will be adopted by this proposed rulemaking. These regulations ensure that loading and haulage equipment will be properly installed, inspected, maintained, and operated.

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

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

Finally, this proposed rulemaking will implement federal mine safety regulations relative to slope and shaft sinking. These regulations ensure that the operations associated with slopes and shafts are conducted in a safe manner.

Also, included in this proposed rulemaking are the definitions for “Barricaded,” “Berm,” “Certified or registered,” “Flash point,” “Qualified person,” “Roll protection,” “Safety can,” and “Trailing cable.” These definitions will improve the clarity of the proposed regulation and facilitate compliance with its requirements.

Adopting these proposed regulations will ensure 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 regulations, implementing them in the Pennsylvania Code will provide DEP with the independent authority to enforce the federal requirements. This will result in improved efficiency and enhanced autonomy for the Commonwealth.

#### *E. Summary of Proposed Regulatory Requirements*

##### *§ 208.1. Definitions.*

The proposed rulemaking proposes the following definitions to be added to § 208.1:

**Barricaded**—means to obstruct passage of persons, vehicles, or flying materials.

**Berm**-- means a pile or mound of material capable of restraining a vehicle.

**Certified or registered**—As applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by 30 CFR Part 77, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary of the United States Department of Labor.

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

**Qualified person**—means, as the context requires: (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 by 30 CFR Part 77; and (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.



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

Safety can—means 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. It is not considered a trailing cable if it connects to equipment which is installed in a stationary location and is permanently wired.

### *Qualified and Certified Persons*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing qualified and certified persons:

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

Proposed § 208.102 relates to tests for methane and for oxygen deficiency and to qualified person and incorporates by reference the provisions of 30 CFR 77.101 (related 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.

Proposed § 208.103 relates to an additional requirement for tests for methane and oxygen deficiency and incorporates by reference the provisions of 30 CFR 77.102 (related 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 such testing.

Proposed § 208.104 relates to electrical work and incorporates by reference the provisions of 30 CFR 77.103 (related to Electrical work; qualified person). This provision describes qualification procedures to become a qualified person to perform electrical work.

Proposed § 208.105 relates to repair of energized surface high-voltage lines and incorporates by reference the provisions of 30 CFR 77.104 (related 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.

Proposed § 208.106 relates to qualified hoistman at slope or shaft sinking operations and incorporates by reference the provisions of 30 CFR 77.105 (related to a 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.

Proposed § 208.107 relates to records of certified and qualified persons and incorporates by reference the provisions of 30 CFR 77.106 (related to Records of certified and qualified persons). This provision requires an operator to maintain records of all certified and qualified persons.

Proposed § 208.108 relates to training programs and incorporates by reference the provisions of 30 CFR 77.107 (related to Training programs), with the exception that MSHA will approve the training program. This provision requires operators to provide a program of training and retraining certified and qualified persons.

### *Surface Installations*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing surface installations:

Proposed § 208.111 relates to surface installations and incorporates by reference the provisions of 30 CFR 77.200 (related 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.

Proposed § 208.112 relates to methane content in surface installations and incorporates by reference the provisions of 30 CFR 77.201 (related 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.

Proposed § 208.113 relates to tests for methane and incorporates by reference the provisions of 30 CFR 77.201-1 (related 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.

Proposed § 208.114 relates to methane accumulations and a change in ventilation and incorporates by reference the provisions of 30 CFR 77.201-2 (related 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 such structure, enclosure, or other facility contains more than 1% methane.

Proposed § 208.115 relates to dust accumulations in surface installations and incorporates by reference the provisions of 30 CFR 77.202 (related 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.

Proposed § 208.116 relates to the use of material or equipment overhead and incorporates by reference the provisions of 30 CFR 77.203 (related 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.

Proposed § 208.117 relates to openings in surface installations and incorporates by reference the provisions of 30 CFR 77.204 (related 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.

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

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

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

Proposed § 208.121 relates to storage of materials and incorporates by reference the provisions of 30 CFR 77.208 (related to Storage of materials). This provision requires materials to be stored in such a way so as to minimize unsafe conditions.

Proposed § 208.122 relates to surge and storage piles and incorporates by reference the provisions of 30 CFR 77.209 (related to Surge and storage piles). This provision prohibits any person from walking or standing immediately above a reclamation area or any other area at or near a surge or storage pile where the reclamation operation may expose the person to a hazard.

Proposed § 208.123 relates to hoisting of materials and incorporates by reference the provisions of 30 CFR 77.210 (related 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.

Proposed § 208.124 relates to draw-off tunnels and stockpiling and reclaiming operations and incorporates by reference the provisions of 30 CFR 77.211 (related 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 such 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.

Proposed § 208.125 relates to continuous methane monitoring devices and the automatic deenergization of electric equipment and incorporates by reference the provisions of 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 deenergize electric equipment automatically when

such a monitor is not operating properly and give a warning signal to alert of a certain concentration of methane not above 1%.

Proposed § 208.126 relates to the installation of draw-off tunnel ventilation fans and incorporates by reference the provisions of 30 CFR 77.212 (relating to Draw-off tunnel ventilation fans; installation). This provision dictates installation requirements for draw-off tunnel ventilation fans.

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

### *Thermal Dryers*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing thermal dryers:

Proposed § 208.131 relates to thermal dryers generally and incorporates by reference the provisions of 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 77.301-306.

Proposed § 208.132 relates to the operation of dryer heating units and incorporates by reference the provisions of 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.

Proposed § 208.133 relates to bypass stacks and incorporates the provisions of 30 CFR 77.302 (relating to Bypass stacks) by reference. 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.

Proposed § 208.134 relates to hot gas inlet chamber dropout doors and incorporates by reference the provisions of 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.

Proposed § 208.135 relates to explosion release vents and incorporates by reference the provisions of 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.

Proposed § 208.136 relates to access to and installation and maintenance of drying chambers, hot gas inlet chambers, and duct-work; installation and maintenance and incorporates by reference the provisions of 30 CFR 77.305 (relating to Access to drying chambers, hot gas inlet chambers and duct work; 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.

Proposed § 208.137 relates to fire protection and incorporates by reference the provisions of 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.

Proposed § 208.138 relates to the location and installation of thermal dryers and incorporates by reference the provisions of 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 related to enclosing thermal dryers.

Proposed § 208.139 relates to structures housing other facilities and the use of partitions and incorporates by reference the provisions of 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 all other working areas by a substantial partition.

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

Proposed § 208.141 relates to the location of control stations and incorporates by reference the provisions of 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.

Proposed § 208.142 relates to control panels and incorporates by reference the provisions of 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.

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

Proposed § 208.144 relates to fail safe monitoring systems and incorporates by reference the provisions of 30 CFR 77.312 (relating to Fail safe monitoring systems). This provision provides that fail safe monitoring systems and controls shall 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.

Proposed § 208.145 relates to wet-coal feed bins and low-level indicators and incorporates by reference the provisions of 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 shall be equipped with audible and visual low-coal-level indicators.

Proposed § 208.146 relates to automatic temperature control instruments and incorporates by reference the provisions of 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.

Proposed § 208.147 relates to the examination and inspection of thermal dryers and incorporates by reference the provisions of 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 proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing safeguards for mechanical equipment:

Proposed § 208.151 relates to mechanical equipment guards and incorporates by reference the provisions of 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.

Proposed § 208.152 relates to protective devices for stationary grinding machines and incorporates by reference the provisions of 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.

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

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

Proposed § 208.155 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 rollover protective structures, in accordance with the certification requirements approved by MSHA.

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

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

Proposed § 208.158 relates to safeguards for performing work from a raised position and incorporates by reference the provisions of 30 CFR 77.405 (relating to Performing work from a raised position; safeguards). This provision provides that workers shall not work on or from a piece of mobile equipment in a raised position unless it has been securely blocked in place. Moreover, no work shall be performed under machinery or equipment that is raised until it is securely blocked in place.

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

Proposed § 208.160 relates to power-driven pulleys and incorporates by reference the provisions of 30 CFR 77.407 (relating to Power-driven pulleys). This provision mandates that belts, chains, and ropes shall not be guided onto a power-driven moving pulley or similar system with the hands nor shall pulleys of conveyors be manually cleaned while the conveyor is in motion.

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

Proposed § 208.162 relates to shovels, draglines and tractors and incorporates by reference the provisions of 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.

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

Proposed § 208.164 relates to compressed air and boilers and incorporates by reference the provisions of 30 CFR 77.411 (relating to Compressed air and boilers; general). This provision requires all 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.

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

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

### *Electrical Equipment-General*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing electrical equipment:

Proposed § 208.171 relates to the deenergization of electric power circuits and electric equipment and incorporates by reference the provisions of 30 CFR 77.500 (relating to Electric power circuits and electric equipment; deenergization). This provision requires power circuits and electric equipment to be deenergized before work is done on such circuits and equipment.

Proposed § 208.172 relates to the repair of electric distribution circuits and equipment and incorporates by reference the provisions of 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.

Proposed § 208.173 relates to a qualified person and incorporates by reference the provisions of 30 CFR 77.501-1 (relating to qualified person). This provision provides that a qualified person for the purposes of proposed § 208.131 is one that meets the requirements of § 208.74.

Proposed § 208.174 relates to the examination, testing, and maintenance of electric equipment and incorporates by reference the provisions of 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.

Proposed § 208.175 relates to a qualified person and incorporates by reference the provisions of 30 CFR 77.502-1 (relating to Qualified person). This provision provides that a qualified person for the purposes of proposed § 208.133 is one that meets the requirements of § 208.74.

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

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

Proposed § 208.178 relates to electric conductors and incorporates by reference the provisions of 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.



Proposed § 208.179 relates to the suitability of electrical connections or splices and incorporates by reference the provisions of 30 CFR 77.504 (relating to Electrical connections or splices; suitability). This provision specifies that electrical connections or splices shall be mechanically and electrically efficient.

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

Proposed § 208.181 relates to overload and short-circuit protections for electric equipment and circuits and incorporates by reference the provisions of 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.

Proposed § 208.182 relates to the minimum requirements for overload and short-circuit protections for electric equipment and circuits and incorporates by reference the provisions of 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.

Proposed § 208.183 relates to switches for electric equipment and incorporates by reference the provisions of 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.

Proposed § 208.184 relates to lightning arresters, ungrounded and exposed power conductors and telephone wires and incorporates by reference the provisions of 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.

Proposed § 208.185 relates to lightning arresters and wires entering buildings and incorporates by reference the provisions of 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.

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

Proposed § 208.187 relates to the location and guarding of resistors and incorporates by reference the provisions of 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.

Proposed § 208.188 relates to danger signs at electrical installations and incorporates by reference the provisions of 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.

Proposed § 208.189 relates to inspection and cover plates and incorporates by reference the provisions of 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.

Proposed § 208.190 relates to insulating mats at power switches and incorporates by reference the provisions of 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.

Proposed § 208.191 relates to passageways and clearance for switchboards; passageways and clearance and incorporates by reference the provisions of 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.

Proposed § 208.192 relates to the voltage of bare signal or control wires and incorporates by reference the provisions of 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.

Proposed § 208.193 relates to the installation and maintenance of electric wiring and equipment and incorporates by reference the provisions of 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 proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing trailing cables:

Proposed § 208.201 relates to trailing cables, short-circuit protection, and disconnecting devices and incorporates by reference the provisions of 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.

Proposed § 208.202 relates to temporary splices of trailing cables or portable cables; temporary splices and incorporates by reference the provisions of 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.

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

Proposed § 208.204 relates to the clamping of trailing cables to equipment and incorporates by reference the provisions of 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.

Proposed § 208.205 relates to the protection of trailing cables and incorporates by reference the provisions of 30 CFR 77.604 (relating to Protection of trailing cables). This provision requires trailing cables to be adequately protected.

Proposed § 208.206 relates to breaking trailing cable and power cable connections and incorporates by reference the provisions of 30 CFR 77.605 (relating to Breaking trailing cable and power cable connections). This provision mandates that trailing and power cable connections shall not be made or broken under load.

Proposed § 208.207 relates to the handling of energized trailing cables and incorporates by reference the provisions of 30 CFR 606 (relating to Energized trailing cables; handling). This provision requires persons handling energized trailing cables to wear protective gloves.

Proposed § 208.208 relates to the minimum requirements for the use of rubber gloves and incorporates by reference the provisions of 30 CFR 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 proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing grounding:

Proposed § 208.211 relates to grounding metallic sheaths, armors, and conduits enclosing power conductors and incorporates by reference the provisions of 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.

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

Proposed § 208.213 relates to grounding metallic frames, casings, and other enclosures of electric equipment and incorporates by reference the provisions of 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 shall be grounded.

Proposed § 208.214 relates to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems and incorporates by reference the provisions of 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.

Proposed § 208.215 relates to approved methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system and incorporates by reference 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). 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.

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

Proposed § 208.217 relates to the use of grounding connectors and incorporates by reference the provisions of 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.

Proposed § 208.218 relates to protection other than grounding and incorporates by reference the provisions of 30 CFR 77.702 (relating to Protection other than grounding). This provision permits the use of protective methods other than grounding where such methods are approved and no less effective than grounding.

Proposed § 208.219 relates to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems and incorporates by reference the provisions of 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 all stationary high-voltage equipment receiving power from ungrounded delta systems to be grounded.

Proposed § 208.220 relates to approved methods of grounding and incorporates by reference the provisions of 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.

Proposed § 208.221 relates to deenergizing and grounding work on high-voltage lines and incorporates by reference the provisions of 30 CFR 77.704 (relating to Work on high-voltage lines; de-energizing and grounding). This provision requires high-voltage lines to be deenergized and grounded prior to work being commenced on them.

Proposed § 208.222 relates to work on high-voltage lines and incorporates by reference the provisions of 30 CFR 77.704-1 (relating to Work on high-voltage lines). This provision specifies requirements for working on high-voltage lines.

Proposed § 208.223 relates to repairs to energized high voltage lines and incorporates by reference the provisions of 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.

Proposed § 208.224 relates to reporting work on energized high voltage surface lines and incorporates by reference the provisions of 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.

Proposed § 208.225 relates to simultaneous repairs and incorporates the provisions of 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.

Proposed § 208.226 relates to the installation of protective equipment and incorporates by reference the provisions of 30 CFR 77.704-5 (relating to Installation of protective equipment). This provision requires protective equipment to be installed prior to commencing work on high-voltage lines.

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

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

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

Proposed § 208.230 relates to operating disconnecting or cutout switches and incorporates by reference the provisions of 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.

Proposed § 208.231 relates to tying into energized high-voltage surface circuits and incorporates by reference the provisions of 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.

Proposed § 208.232 relates to the use of grounded messenger wires and ungrounded systems and incorporates by reference the provisions of 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 such systems to serve as a grounding medium.

Proposed § 208.233 relates to grounding guy wires and incorporates by reference the provisions of 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 proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing surface high-voltage distribution:

Proposed § 208.241 relates to high-voltage circuits and circuit breakers and incorporates by reference the provisions of 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 shall be protected by suitable circuit breakers.

Proposed § 208.242 relates to the procedures for the testing, examination, and maintenance of circuit breakers and incorporates by reference the provisions of 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.

Proposed § 208.243 relates to the records of the testing, examination, and maintenance of circuit breakers and incorporates by reference the provisions of 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.

Proposed § 208.244 relates to grounding resistors and incorporates by reference the provisions of 30 CFR 77.801 (relating to Grounding resistors) are incorporated by reference. This provision requires grounding resistors, where 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.

Proposed § 208.245 relates to the continuous current rating for grounding resistors and incorporates by reference the provisions of 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” set forth in the American Institute of Electrical Engineering, Standard No. 32.

Proposed § 208.246 relates to the protection of high-voltage circuits, neutral grounding resistors, and disconnecting devices and incorporates by reference the provisions of 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 shall be grounded through a suitable resistor.

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

Proposed § 208.248 relates to the maximum voltage for fail safe ground check circuits and incorporates by reference the provisions of 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.

Proposed § 208.249 relates to the approval of check systems not employing pilot check wires and incorporates by reference the provisions of 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 where it is determined that the system includes a fail-safe design.

Proposed § 208.250 relates to minimum design requirements for high-voltage trailing cables and incorporates by reference the provisions of 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.

Proposed § 208.251 relates to the minimum design requirements for cable couplers and connection boxes and incorporates by reference the provisions of 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.

Proposed § 208.252 relates to the connection of single-phase loads and incorporates by reference the provisions of 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.

Proposed § 208.253 relates to the installation of high-voltage transmission cables and incorporates by reference the provisions of 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 so as to afford protection against damage.

Proposed § 208.254 relates to above-ground clearances at high-voltage powerlines and incorporates by reference the provisions of 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. Such a powerline shall not be installed less than 15 feet above ground.

Proposed § 208.255 relates to the minimum distance from high-voltage lines booms and masts must be and incorporates by reference the provisions of 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 shall not be operated within 10 feet of an overhead energized powerline.

Proposed § 208.256 relates to the minimum distance requirements from high-voltage powerlines for the movement of equipment and incorporates by reference the provisions of 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.

Proposed § 208.257 relates to disconnecting devices and incorporates by reference the provisions of 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.

Proposed § 208.258 relates to the identification of circuit breakers and disconnecting switches and incorporates by reference the provisions of 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.

Proposed § 208.259 relates to the grounding of high-voltage equipment and incorporates by reference the provisions of 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.

Proposed § 208.260 relates to the movement of portable substations and transformers and incorporates by reference the provisions of 30 CFR 77.811 (relating to Movement of portable substations and transformers). This provision requires portable substations and transformers to be deenergized before moving.

#### *Low- and Medium-Voltage Alternating Current*

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

Proposed § 208.271 relates to low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment and circuit breakers and incorporates by reference 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).

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

Proposed § 208.273 relates to the records kept for the testing, examination, and maintenance of circuit breakers and incorporates by reference the provisions of 30 CFR 77.900-2 (relating to Testing, examination, and maintenance of circuit breakers; record).

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

Proposed § 208.275 relates to the continuous current rating for grounding resistors and incorporates by reference the provisions of 30 CFR 77.901-1 (relating to Grounding resistor; continuous current rating).

Proposed § 208.276 relates to low- and medium-voltage ground check monitor circuits and incorporates by reference the provisions of 30 CFR 77.902 (relating to Low- and medium-voltage ground check monitor circuits).

Proposed § 208.277 relates to the maximum voltage for fail safe ground check circuits and incorporates by reference the provisions of 30 CFR 77.902-1 (relating to Fail safe ground check circuits; maximum voltage).

Proposed § 208.278 relates to the approved ground check systems not employing pilot check wires and incorporates by reference the provisions of 30 CFR 77.902-2 (relating to Approved ground check systems not employing pilot check wires).

Proposed § 208.279 relates to the use of separate connections for the attachment of ground conductors and ground check wires to equipment frames and incorporates by reference 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).

Proposed § 208.280 relates to disconnecting devices and incorporates by reference the provisions of 30 CFR 77.903 (relating to Disconnecting devices).

Proposed § 208.281 relates to the identification of circuit breakers and incorporates by reference the provisions of 30 CFR 77.904 (relating to Identification of circuit breakers).

Proposed § 208.282 relates to the connection of single-phase loads and incorporates by reference the provisions of 30 CFR 77.905 (relating to Connection of single-phase loads).

Proposed § 208.283 relates to ground wires and ground check wires for trailing cables supplying power to low-voltage mobile equipment and incorporates by reference the provisions of 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 proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing ground control:

Proposed § 208.291 relates to plans for highwalls, pits and spoil banks and incorporates by reference the provisions of 30 CFR 77.1000 (relating to Highwalls, pits and spoil banks; plans).

Proposed § 208.292 relates to the filing of a plan and incorporates by reference the provisions of 30 CFR 77.1000-1 (relating to Filing of plans).

Proposed § 208.293 relates to the stripping of loose material and incorporates by reference the provisions of 30 CFR 77.1001 (relating to Stripping; loose material).

Proposed § 208.294 relates to spoil material placement at box cuts and incorporates by reference the provisions of 30 CFR 77.1002 (relating to Box cuts; spoil material placement).

Proposed § 208.295 relates to benches and incorporates by reference the provisions of 30 CFR 77.1003 (relating to Benches).

Proposed § 208.296 relates to ground control and inspections and maintenance and incorporates by reference the provisions of 30 CFR 77.1004 (relating to Ground control; inspections and maintenance; general).

Proposed § 208.297 relates to scaling highwalls and incorporates by reference the provisions of 30 CFR 77.1005 (relating to Scaling highwalls; general).

Proposed § 208.298 relates to workers at highwalls and incorporates by reference the provisions of 30 CFR 77.1006 (relating to Highwalls; men working).

Proposed § 208.299 relates to drilling and incorporates by reference the provisions of 30 CFR 77.1007 (relating to Drilling; general).

Proposed § 208.300 relates to necessary safeguards for the relocation of drills and incorporates by reference the provisions of 30 CFR 77.1008 (relating to Relocation of drills; safeguards).

Proposed § 208.301 relates to the operation of a drill and incorporates by reference the provisions of 30 CFR 77.1009 (relating to Drill; operation).

Proposed § 208.302 relates to collaring holes and incorporates by reference the provisions of 30 CFR 77.1010 (relating to Collaring holes).

Proposed § 208.303 relates to guarding drill holes and incorporates by reference the provisions of 30 CFR 77.1011 (relating to Drill holes; guarding).

Proposed § 208.304 relates to the operation of and safeguards to be put in place for jackhammers and incorporates by reference the provisions of 30 CFR 77.1012 (relating to Jackhammers; operation; safeguards).

Proposed § 208.305 relates to the safeguards for air drills; safeguards and incorporates by reference the provisions of 30 CFR 77.1013 (relating to Air drills; safeguards).

#### *Fire Protection*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing fire protection:

Proposed § 208.311 relates to training and organization precautions for fire protection and incorporates by reference the provisions of 30 CFR 77.1100 (relating to Fire protection; training and organization).

Proposed § 208.312 relates to escape and evacuation plans and incorporates by reference the provisions of 30 CFR 77.1101 (relating to Escape and evacuation; plan).

Proposed § 208.313 relates to warning signs for smoking and open flames and incorporates by reference the provisions of 30 CFR 77.1102 (relating to Warning signs; smoking and open flame).

Proposed § 208.314 relates to the storage of flammable liquids and incorporates by reference the provisions of 30 CFR 77.1103 (relating to Flammable liquids; storage).

Proposed § 208.315 relates to the accumulation of combustible materials and incorporates by reference the provisions of 30 CFR 77.1104 (relating to Accumulations of combustible materials).

Proposed § 208.316 relates to the fueling of internal combustion engines and incorporates by reference the provisions of 30 CFR 77.1105 (relating to Internal combustion engines; fueling).

Proposed § 208.317 relates to ventilation requirements for battery-charging stations and incorporates the provisions of 30 CFR 77.1106 (relating to Battery-charging stations; ventilation).

Proposed § 208.318 relates to belt conveyors and incorporates by reference the provisions of 30 CFR 77.1107 (relating to Belt conveyors).

Proposed § 208.319 relates to the requirements for firefighting equipment and incorporates by reference the provisions of 30 CFR 77.1108 (relating to Firefighting equipment; requirements; general).

Proposed § 208.320 relates to requirements for the type and capacity of firefighting equipment and incorporates by reference the provisions of 30 CFR 77.1108-1 (relating to Type and capacity of firefighting equipment).

Proposed § 208.321 relates to the quantity and location of firefighting equipment and incorporates by reference the provisions of 30 CFR 77.1109 (relating to Quantity and location of firefighting equipment).

Proposed § 208.322 relates to the examination and maintenance of firefighting equipment and incorporates by reference the provisions of 30 CFR 77.1110 (relating to Examination and maintenance of firefighting equipment).

Proposed § 208.323 relates to the use of a fire extinguisher for welding, cutting, and soldering operations and incorporate by reference the provisions of 30 CFR 77.1111 (relating to Welding, cutting, soldering; use of fire extinguisher).

Proposed § 208.324 relates to requirements for safeguards for welding, cutting, or soldering operations and incorporates by reference the provisions of 30 CFR 77.1112 (relating to Welding, cutting, or soldering with arc or flame; safeguards).

#### *Maps*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing maps:

Proposed § 208.331 relates to mine maps and incorporates by reference the provisions of 30 CFR 77.1200 (relating to Mine map). This provision specifies the requirements for mine maps.

Proposed § 208.332 relates to the certification of mine maps and incorporates by reference the provisions of 30 CFR 77.1201 (relating to Certification of mine maps). This provision identifies certification requirements for mine maps.

Proposed § 208.333 relates to the availability of a mine map and incorporates by reference the provisions of 30 CFR 77.1202 (relating to Availability of mine map). This provision requires mine maps to be available for inspection.

#### *Personnel Hoisting*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing personnel hoisting:

Proposed § 208.341 relates to requirements for personnel hoists and elevators and incorporates by reference the provisions of 30 CFR 77.1400 (relating to Personnel hoists and elevators).

Proposed § 208.342 relates to requirements for automatic controls and brakes for hoists and elevators and incorporates by reference the provisions of 30 CFR 77.1401 (relating to Automatic controls and brakes).

Proposed § 208.343 relates to rated capacities for hoists and elevators and incorporates by reference the provisions of 30 CFR 77.1402 (relating to Rated capacity).

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

Proposed § 208.345 relates to the requirement to examine hoisting equipment daily and incorporates by reference the provisions of 30 CFR 77.1403 (relating to Daily examination of hoisting equipment).

Proposed § 208.346 relates to the certifications and records of daily examinations kept for hoists and elevators and incorporates by reference the provisions of 30 CFR 77.1404 (relating to Certifications and records of daily examinations).

Proposed § 208.347 relates to the operation of hoisting equipment after repairs have taken place and incorporates by reference the provisions of 30 CFR 77.1405 (relating to Operation of hoisting equipment after repairs).

#### *Wire Ropes*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing wire ropes:

Proposed § 208.351 relates to requirements for the use of wire ropes and incorporates by reference the provisions of 30 CFR 77.1430 (relating to Wire ropes; scope).

Proposed § 208.352 relates to the requirement for the minimum strength of the wire rope and incorporates by reference the provisions of 30 CFR 77.1431 (relating to Minimum rope strength).

Proposed § 208.353 relates to the requirements for the initial measurement of wire ropes and incorporates by reference the provisions of 30 CFR 77.1432 (relating to Initial measurement).

Proposed § 208.354 relates to examination specifications for wire ropes and incorporates by reference the provisions of 30 CFR 77.1433 (relating to Examinations).

Proposed § 208.355 identifies the criteria for retiring wire ropes and incorporates by reference the provisions of 30 CFR 77.1434 (relating to Retirement criteria).

Proposed § 208.356 relates to the requirements for load end attachments to wire ropes and incorporates by reference the provisions of 30 CFR 77.1435 (relating to Load end attachments).

Proposed § 208.357 relates to drum end attachments to wire ropes and incorporates by reference the provisions of 30 CFR 77.1436 (relating to Drum end attachment).

Proposed § 208.358 relates to the retermination of end attachments of wire ropes and incorporates by reference the provisions of 30 CFR 77.1437 (relating to End attachment retermination).

Proposed § 208.359 relates to the replacement of end attachments and incorporates by reference the provisions of 30 CFR 77.1438 (relating to End attachment replacement).

### *Loading and Haulage*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing loading and haulage:

Proposed § 208.361 relate to the requirements for loading and haulage and incorporate by reference the provisions of 30 CFR 77.1600 (relating to Loading and haulage; general).

Proposed § 208.362 identifies restrictions for the transportation of persons and incorporates by reference the provisions of 30 CFR 77.1601 (relating to Transportation of persons; restrictions).

Proposed § 208.363 permits only authorized persons to ride on trains and locomotives and incorporates by reference the provisions of 30 CFR 77.1603 (relating to Trains and locomotives; authorized persons).

Proposed § 208.364 places overcrowding limits on the transportation of persons and incorporates by reference the provisions of 30 CFR 77.1604 (relating to Transportation of persons; overcrowding), with the modification that the mine work areas will be the surface areas of underground coal mines.

Proposed § 208.365 regulates the installations associated with loading and haulage equipment and incorporates by reference the provisions of 30 CFR 77.1605 (relating to Loading and haulage equipment; installations).

Proposed § 208.366 specifies the inspection and maintenance requirements for loading and haulage equipment and incorporates by reference the provisions of 30 CFR 77.1606 (relating to Loading and haulage equipment; inspection and maintenance).

Proposed § 208.367 relates to the operation of loading and haulage equipment and incorporates by reference the provisions of 30 CFR 77.1607 (relating to Loading and haulage equipment; operation).

Proposed § 208.368 regulates dumping facilities and incorporates by reference the provisions of 30 CFR 77.1608 (relating to Dumping facilities).

### *Miscellaneous*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing those miscellaneous provisions selected from the federal rule.

Proposed § 208.371 relates to proper communications in work areas and incorporates by reference the provisions of 30 CFR 77.1700 (relating to Communications in work areas).

Proposed § 208.372 specifies the minimum location requirements for first aid equipment and incorporates by reference the provisions of 30 CFR 77.1707 (relating to First aid equipment; location; minimum requirements).

Proposed § 208.373 identifies the requirements for protective clothing and incorporates by reference the provisions of 30 CFR 77.1710 (relating to Protective clothing; requirements).

Proposed § 208.374 relates to the coloration of hard hats and requires distinctively colored hard hats or hard caps for newly employed or inexperienced miners and incorporates by reference the provisions of 30 CFR 77.1710-1 (relating to Distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners).

Proposed § 208.375 relates to the prohibition of smoking prohibition and incorporates by reference the provisions of 30 CFR 77.1711 (relating to Smoking prohibition).

### *Trolley Wires and Trolley Feeder Wires*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing trolley wires and trolley feeder wires:

Proposed § 208.381 relates to cutout switches and incorporates by reference the provisions of 30 CFR 77.1800 (relating to Cutout switches).

Proposed § 208.382 requires overcurrent protection and incorporates by reference the provisions of 30 CFR 77.1801 (relating to Overcurrent protection).

Proposed § 208.383 requires devices for overcurrent protection and incorporates by reference the provisions of 30 CFR 77.1800-1 (relating to Devices for overcurrent protection).

Proposed § 208.384 requires the guarding and insulation of trolley wires, trolley feeder wires and bare signal wires and incorporates by reference 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).

### *Slope and Shaft Sinking*

The following proposed additions to Chapter 208 incorporate by reference the federal mine safety regulations governing slope and shaft sinking:

Proposed § 208.391 requires plans for installing slopes and shafts to be approved and incorporates by reference those provisions of 30 CFR 77.1900 (relating to Slopes and shafts; approval of plans) with the following modifications:

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

Proposed § 208.392 requires compliance with approved slope and shaft sinking plans and incorporates by reference those provisions of 30 CFR 77.1900-1 (relating to Compliance with approved slope and shaft sinking plans).

Proposed § 208.393 requires reports to be maintained of preshift and onshift inspections and incorporates by reference the provisions of 30 CFR 77.1901 (relating to Preshift and onshift inspections; reports).

Proposed § 208.394 specifies the approved devices for conducting methane and oxygen deficiency tests and incorporates by reference the provisions of 30 CFR 77.1901-1 (relating to Methane and oxygen deficiency tests; approved devices).

Proposed § 208.395 regulates drilling and mucking operations and incorporates by reference the provisions of 30 CFR 77.1902 (relating to Drilling and mucking operations).

Proposed § 208.396 identifies permissible diesel-powered equipment and incorporates by reference the provisions of 30 CFR 77.1902-1 (relating to Permissible diesel-powered equipment).

Proposed § 208.397 specifies the minimum requirements for hoists and hoisting and incorporates by reference the provisions of 30 CFR 77.1903 (relating to Hoists and hoisting; minimum requirements).

Proposed § 208.398 regulates communications between slope and shaft bottoms and hoist operators and incorporates by reference the provisions of 30 CFR 77.1904 (relating to Communications between slope and shaft bottoms and hoist operators).

Proposed § 208.399 relates to the safeguards for hoists safeguards and incorporates by reference the provisions of 30 CFR 77.1905 (relating to Hoist safeguards; general).

Proposed § 208.400 requires daily inspections of hoists and incorporates by reference the provisions of 30 CFR 77.1906 (relating to Hoists; daily inspection).

Proposed § 208.401 identifies the general requirements for the construction of hoists and incorporates by reference the provisions of 30 CFR 77.1907 (relating to Hoist construction; general).

Proposed § 208.402 regulates the use of hoist installations and incorporates by reference the provisions of 30 CFR 77.1908 (relating to Hoist installations; use).



Proposed § 208.403 requires a hoist to be operated by a qualified hoistman and incorporates by reference the provisions of 30 CFR 77.1908-1 (relating to Hoist operation; qualified hoistman).

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

Proposed § 208.405 permits the use of nonpermissible explosives and shot-firing units when approved and incorporates by reference the provisions of 30 CFR 77.1909-1 (relating to Use of nonpermissible explosives and non-permissible shot-firing units; approval by Health and Safety District Manager).

Proposed § 208.406 relates to explosives and blasting and incorporates by reference the provisions of 30 CFR 77.1910 (relating to Explosives and blasting; general) 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 the provisions of 25 Pa Code Chapters 210 and 211. Except as provided in paragraph (c) of this section, all shots shall be fired from the surface.

Proposed § 208.407 regulates the ventilation of slopes and shafts and incorporates by reference the provisions of 30 CFR 77.1911 (relating to Ventilation of slopes and shafts).

Proposed § 208.408 regulates ladders and stairways and incorporates by reference the provisions of 30 CFR 77.1912 (relating to Ladders and stairways).

Proposed § 208.409 requires fire-resistant wood installed in slopes and shafts and incorporates by reference the provisions of 30 CFR 77.1913 (relating to Fire-resistant wood).

Proposed § 208.410 regulates electrical equipment and incorporates by reference the provisions of 30 CFR 77.1914 (relating to Electrical equipment).

Proposed § 208.411 relates to the storage and handling of combustible material and incorporates by reference the provisions of 30 CFR 77.1915 (relating to Storage and handling of combustible materials).

Proposed § 208.412 identifies fire protection precautions for welding, cutting, and soldering operations and incorporates by reference the provisions of 30 CFR 77.1916 (relating to Welding, cutting, and soldering; fire protection).

## F. *Benefits, Costs and Compliance*

### *Benefits*

The proposed regulation will implement existing federal regulations thereby making them independently enforceable in the Commonwealth. This will promote interaction between the regulated community and the state. Furthermore, the definitions that will be added to Chapter 208 by this proposed rulemaking will improve the clarity of the regulatory scheme.

### *Compliance Costs*

The proposed rulemaking will not add any compliance costs since it will implement existing federal regulations with which mining operators in Pennsylvania already comply.

### *Paperwork Requirements*

The proposed regulations will not generate additional paperwork because mining operators must comply with the existing federal regulations that will be implemented by this rulemaking.

## G. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established 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.

## H. *Sunset Review*

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

## I. *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 the proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the House and Senate Committees with a copy of a detailed regulatory analysis form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), the Commission may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for comment, recommendation, or objection review by the Department, the General Assembly and the Governor prior to final publication of the regulation.

*J. Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board of Coal Mine Safety. Comments, suggestions or objections must be received by the Board by September 2, 2014. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by September 2, 2014. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board by email, by mail or express mail as follows. Please note, if an acknowledgement of comments submitted by email is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

**Email:** Comments may be submitted to the Board by email at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

**Mail:** Board of Coal Mine Safety  
P.O. Box 8477  
Harrisburg, PA 17105-8477

**Express Mail:** Board of Coal Mine Safety  
Rachel Carson State Office Building  
16<sup>th</sup> Floor  
400 Market Street  
Harrisburg, PA 17101-2301

E. Christopher Abruzzo  
Chairperson



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:

\* \* \* \* \*

**Barricaded**—means to obstruct passage of persons, vehicles, or flying materials.

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

**Certified or registered**—As applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by 30 CFR Part 77, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary of the United States Department of Labor.

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

\* \* \* \* \*

**Qualified person**—means, as the context requires: (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 by 30 CFR Part 77; and (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.

\* \* \* \* \*

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

**Safety can—means 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. It is not considered a trailing cable if it connects to equipment which is installed in a stationary location and is permanently wired.**

\* \* \* \* \*

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

### **QUALIFIED AND CERTIFIED PERSONS**

#### **§ 208.101. Certified person.**

The provisions of 30 CFR 77.100 (related 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 (related 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 (related 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 (related 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 (related 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 (related to a 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 (related to Records of certified and qualified persons) are incorporated by reference.

**§ 208.108. Training programs.**

The provisions of 30 CFR 77.107 (related 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 (related to Surface installations; general) are incorporated by reference.

**§ 208.112. Methane content in surface installations.**

The provisions of 30 CFR 77.201 (related 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 (related 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 (related to Methane accumulations; change in ventilation) are incorporated by reference.

**§ 208.115. Dust accumulations in surface installations.**

The provisions of 30 CFR 77.202 (related 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 (related 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 (related to Openings in surface installations; safeguards) are incorporated by reference.

**§ 208.118. Travelways at surface installations.**

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

**§ 208.119. Ladders; construction; installation and maintenance.**

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

**§ 208.120. Illumination.**

The provisions of 30 CFR 77.207 (related to Illumination) are incorporated by reference.

**§ 208.121. Storage of materials.**

The provisions of 30 CFR 77.208 (related to Storage of materials) are incorporated by reference.

**§ 208.122. Surge and storage piles.**

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

**§ 208.123. Hoisting of materials.**

The provisions of 30 CFR 77.210 (related 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 (related 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 duct work; 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 feed bins; 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 (FOPS)**

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 (ROPS)**

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 seat belts) 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; deenergization.**

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 606 (relating to Energized trailing cables; handling) are incorporated by reference.

**§ 208.208. Rubber gloves; minimum requirements.**

The provisions of 30 CFR 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; deenergizing and grounding.**

The provisions of 30 CFR 77.704 (relating to Work on high-voltage lines; de-energizing 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.**

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- AND MEDIUM-VOLTAGE ALTERNATING CURRENT**

### **§ 208.271. Low- 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- 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- 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 plans) 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; inspections 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, 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, or 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)

### § 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 77.1800-1 (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:

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 non-permissible 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 the provisions of 25 Pa Code Chapters 210 and 211. 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.



July 17, 2014

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

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

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of a proposed regulation for review and comment by the Independent Regulatory Review Commission (Commission). This proposal is scheduled for publication in the *Pennsylvania Bulletin* on August 2, 2014, with a 30-day public comment period. The Board of Coal Mine Safety (Board) adopted this proposal on June 10, 2014.

The enclosed proposed rulemaking would add regulatory provisions to 25 *Pa Code*, Chapter 208. These proposed 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 rulemaking proposes to implement existing federal regulations, thereby making them independently enforceable by the Commonwealth.

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 rulemaking has been proposed to address this gap in the state regulatory scheme.

More specifically, this rulemaking will implement 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 proposed rulemaking, and three of those operators are small businesses. However,



July 17, 2014

the proposed rulemaking is not expected to affect the nine operators because the rulemaking only proposes to implement existing federal regulations with which the operators must already comply.

The development and drafting of this proposed rulemaking was aided by input from the Board which received recommendations and advice on the rulemaking from its constituents. The Board consists of three members representing the interests of mine workers and three members representing the interests of underground bituminous coal mine operators.

The Department will provide the Commission with the assistance required to facilitate a thorough review of this proposal. Section 5(g) of the Regulatory Review Act provides that the Commission may, within 30 days of the close of the comment period, convey to the agency its comments, recommendations and objections to the proposed regulation. The Department will consider any comments, recommendations or suggestions made by the Commission, as well as the Committees and public commentators, prior to final adoption of this rulemaking.

Please contact me by e-mail at [ledinger@pa.gov](mailto: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





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

I.D. NUMBER: 7-488 Standards for Surface Facilities

SUBJECT:

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

**TYPE OF REGULATION**

- Proposed Regulation
- 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 Tolloed Regulation
  - a.  With Revisions
  - b.  Without Revisions

2014 JUL 17 PM 2:09

RECEIVED  
IRRC

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
7-17-14		Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Rep. Ron Miller
7-17-14		Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Rep. Greg Vitali
7/17/14		Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Senator Gene Yaw
7/17/14		Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY Senator John Yudichak
7/17/14		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
7.19.14		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

