

PROPOSED RULEMAKING

BOARD OF COAL MINE SAFETY

[25 PA. CODE CH. 208]

Standards for Surface Facilities

The Board of Coal Mine Safety (Board) proposes to amend Chapter 208 (relating to underground coal mine safety) 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 (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations for its implementation including additional safety standards. The BCMSA further authorizes the Board to promulgate necessary or appropriate regulations to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

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

D. *Background and Purpose*

On July 7, 2008, the General Assembly enacted the BCMSA, which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). The BCMSA provides broad authority to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. See section 106.1(a) of the BCMSA. Final regulations consistent with Federal standards may also be promulgated under section 106.1(c) of the BCMSA. Regulations were to be promulgated by the Board. Under section 106 of the BCMSA, the Board consists of three members representing mine workers, three members representing underground bituminous coal

mine operators and the Secretary of the Department of Environmental Protection (Department) who serves as the Board's chairperson.

This 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-voltage and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing Federal regulations will become independently enforceable in this Commonwealth.

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

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

Additionally, the 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 regarding electrical equipment at the surface operations of underground bituminous coal mines. These requirements ensure that electrical equipment is adequately maintained, insulated and used.

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

This proposed rulemaking also implements the Federal regulations regarding the grounding of electricity-conducting materials. Included in these Federal regulations are requirements for grounding wires, equipment

receiving power from underground alternating power current systems and enclosures of electric equipment.

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

The Federal ground control mine safety regulations 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.

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

There are loading and haulage requirements in the Federal regulations that will be adopted by this proposed rulemaking. These Federal 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 and first aid equipment, and wear protective clothing. The proposed rulemaking adopts the Federal regulations governing mine maps.

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

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

Also included in this proposed rulemaking are 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 regulations 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 Federal regulations, implementing them in Chapter 208 will provide the Department 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 of "barricaded," "berm," "certified or registered," "flash point," "qualified person," "roll protection," "safety can" and "trailing cable" to § 208.1 (relating to definitions).

Qualified and certified persons

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

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

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

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

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

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

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

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

Proposed § 208.108 (relating to training programs) incorporates by reference 30 CFR 77.107 (relating to training programs), with the exception that the 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 (relating to surface installations; general) incorporates by reference 30 CFR 77.200 (relating to surface installations; general). This provision requires all mine structures, enclosures or other facilities to be maintained in good repair to prevent accidents and injuries.

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

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

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

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

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

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

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

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

Proposed § 208.120 (relating to illumination) incorporates by reference 30 CFR 77.207 (relating to illumina-

tion). This provision requires safe illumination of surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

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

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

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

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

Proposed § 208.125 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment) incorporates by reference 30 CFR 77.211-1 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment). This provision provides that continuous methane monitoring devices must be set to de-energize electric equipment automatically when a monitor is not operating properly and give a warning signal to alert of a certain concentration of methane not above 1%.

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

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

Thermal Dryers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Safeguards for mechanical equipment

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

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

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

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

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

Proposed § 208.155 (relating to mobile equipment; roll-over protective structures) relates to rollover protective structures (ROPS) for mobile equipment and provides that all rubber-tired or crawler-mounted self-propelled scrapers front-end loaders, dozers, cranes, loaders and tractors, with or without attachments, at the surface

work areas of underground coal mines shall be provided with ROPS in accordance with the certification requirements approved by the MSHA.

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

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

Proposed § 208.158 (relating to performing work from a raised position; safeguards) incorporates by reference 30 CFR 77.405 (relating to performing work from a raised position; safeguards). This provision provides that workers may not work on or from a piece of mobile equipment in a raised position unless it has been securely blocked in place. Moreover, work may not be performed under machinery or equipment that is raised until it is securely blocked in place.

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

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

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

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

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

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

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

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

Electrical equipment—general

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

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

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

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

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

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

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

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

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

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

Proposed § 208.180 (relating to cable fittings; suitability) incorporates by reference 30 CFR 77.505 (relating to cable fittings; suitability). This provision dictates that

cables must enter metal frames of motors, splice boxes and electric compartments only through proper fittings.

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

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

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

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

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

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

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

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

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

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

Proposed § 208.191 (relating to switchboards; passageways and clearance) incorporates by reference 30 CFR 77.514 (relating to switchboards; passageways and clear-

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

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

Trailing cables

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

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

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

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

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

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

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

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

Proposed § 208.208 (relating to rubber gloves; minimum requirements) incorporates by reference 30 CFR 77.606-1 (relating to rubber gloves; minimum require-

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

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

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

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

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

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

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

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

Proposed § 208.219 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems) incorporates by reference 30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surface high-voltage distribution

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

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

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

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

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

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

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

Proposed § 208.247 (relating to fail safe ground check circuits on high-voltage resistance grounded systems) incorporates by reference 30 CFR 77.803 (relating to fail

safe ground check circuits on high-voltage resistance grounded systems). This provision requires high-voltage, resistance grounded systems to include a fail safe ground check circuit or other no less effective device.

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

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

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

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

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

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

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

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

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

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

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

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

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

Low-voltage and medium-voltage alternating current

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ground control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed § 208.305 (relating to air drills; safeguards) incorporates by reference 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 (relating to fire protection; training and organization) incorporates by reference 30 CFR 77.1100 (relating to fire protection; training and organization).

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

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

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

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

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

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

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

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

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

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

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

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

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

Maps

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

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

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

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

Personnel hoisting

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

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

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

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

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

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

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

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

Wire ropes

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

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

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

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

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

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

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

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

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

Proposed § 208.359 (relating to end attachment replacement) incorporates by reference 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 (relating to loading and haulage; general) incorporates by reference 30 CFR 77.1600 (relating to loading and haulage; general).

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

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

Proposed § 208.364 (relating to transportation of persons; overcrowding) incorporates by reference 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 (relating to loading and haulage equipment; installations) incorporates by reference 30 CFR 77.1605 (relating to loading and haulage equipment; installations).

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

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

Proposed § 208.368 (relating to dumping facilities) incorporates by reference 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 miscellaneous provisions from the Federal regulations.

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

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

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

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

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

Trolley wires and trolley feeder wires

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

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

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

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

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

Slope and shaft sinking

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

Proposed § 208.391 (relating to slopes and shafts; approval of plans) incorporates by reference 30 CFR 77.1900 (relating to slopes and shafts; approval of plans) with the modifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed § 208.406 (relating to explosives and blasting; general) incorporates by reference 30 CFR 77.1910 (relating to explosives and blasting; general) with a modification.

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

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

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

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

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

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

F. *Benefits, Costs and Compliance*

Benefits

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

Compliance costs

The proposed rulemaking will not add compliance costs since it will implement existing Federal regulations with which mining operators in this Commonwealth already comply.

Paperwork requirements

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

G. *Pollution Prevention*

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

H. *Sunset Review*

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

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 this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking 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 review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. 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 e-mail, mail or express mail as follows. If an acknowledgement of comments submitted by e-mail 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.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Board of Coal Mine Safety, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Board of Coal Mine Safety, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

E. CHRISTOPHER ABRUZZO,
Chairperson

Fiscal Note: 7-488. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 208. UNDERGROUND COAL MINE SAFETY

GENERAL PROVISIONS

§ 208.1. Definitions.

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

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

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

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

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

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

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

Labor, the certification or registration shall be by the Secretary of the United States Department of Labor.

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

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

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

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

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

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

psi—Pounds per square inch.

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

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

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

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

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

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

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

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

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

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

QUALIFIED AND CERTIFIED PERSONS

§ 208.101. Certified person.

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

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

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

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

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

§ 208.104. Electrical work; qualified person.

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

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

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

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

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

§ 208.107. Records of certified and qualified persons.

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

§ 208.108. Training programs.

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

SURFACE INSTALLATIONS

§ 208.111. Surface installations; general.

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

§ 208.112. Methane content in surface installations.

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

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

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

§ 208.114. Methane accumulations; change in ventilation.

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

§ 208.115. Dust accumulations in surface installations.

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

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

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

§ 208.117. Openings in surface installations; safeguards.

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

§ 208.118. Travelways at surface installations.

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

§ 208.119. Ladders; construction; installation and maintenance.

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

§ 208.120. Illumination.

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

§ 208.121. Storage of materials.

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

§ 208.122. Surge and storage piles.

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

§ 208.123. Hoisting of materials.

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

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

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

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

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

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

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

§ 208.127. Draw-off tunnel escapeways.

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

THERMAL DRYERS

§ 208.131. Thermal dryers; general.

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

§ 208.132. Dryer heating units; operation.

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

§ 208.133. Bypass stacks.

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

§ 208.134. Hot gas inlet chamber dropout doors.

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

§ 208.135. Explosion release vents.

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

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

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

§ 208.137. Fire protection.

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

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

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

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

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

§ 208.140. Visual check of system equipment.

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

§ 208.141. Control stations; location.

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

§ 208.142. Control panels.

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

§ 208.143. Alarm devices.

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

§ 208.144. Fail safe monitoring systems.

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

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

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

§ 208.146. Automatic temperature control instruments.

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

§ 208.147. Thermal dryers; examination and inspection.

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

SAFEGUARDS FOR MECHANICAL EQUIPMENT

§ 208.151. Mechanical equipment guards.

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

§ 208.152. Stationary grinding machines; protective devices.

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

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

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

§ 208.154. Mobile equipment; falling object protective structures.

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

§ 208.155. Mobile equipment; rollover protective structures.

All rubber-tired or crawler-mounted self-propelled scrapers front-end loaders, dozers, cranes, loaders and tractors, with or without attachments, at the surface work areas of underground coal mines shall be provided with rollover protective structures, in accordance with the certification requirements approved by MSHA.

§ 208.156. Seat belts.

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

§ 208.157. Machinery and equipment; operation and maintenance.

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

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

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

§ 208.159. Drive belts.

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

§ 208.160. Power-driven pulleys.

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

§ 208.161. Welding operations.

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

§ 208.162. Shovels, draglines and tractors.

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

§ 208.163. Mobile equipment; automatic warning devices.

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

§ 208.164. Compressed air and boilers; general.

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

§ 208.165. Compressed air systems.

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

§ 208.166. Boilers.

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

ELECTRICAL EQUIPMENT—GENERAL**§ 208.171. Electric power circuits and electric equipment; de-energization.**

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

§ 208.172. Electric distribution circuits and equipment; repair.

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

§ 208.173. Qualified person.

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

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

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

§ 208.175. Qualified person.

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

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

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

§ 208.177. Electric conductors; capacity and insulation.

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

§ 208.178. Electric conductors.

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

§ 208.179. Electrical connections or splices; suitability.

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

§ 208.180. Cable fittings; suitability.

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

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

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

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

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

§ 208.183. Electric equipment; switches.

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

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

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

§ 208.185. Lightning arresters; wires entering buildings.

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

§ 208.186. Transformers; installation and guarding.

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

§ 208.187. Resistors; location and guarding.

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

§ 208.188. Danger signs at electrical installations.

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

§ 208.189. Inspection and cover plates.

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

§ 208.190. Insulating mats at power switches.

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

§ 208.191. Switchboards; passageways and clearance.

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

§ 208.192. Bare signal or control wires; voltage.

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

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

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

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

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

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

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

§ 208.203. Permanent splicing of trailing cables.

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

§ 208.204. Clamping of trailing cables to equipment.

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

§ 208.205. Protection of trailing cables.

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

§ 208.206. Breaking trailing cable and power cable connections.

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

§ 208.207. Energized trailing cables; handling.

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

§ 208.208. Rubber gloves; minimum requirements.

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

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

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

§ 208.212. Approved methods of grounding.

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

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

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

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

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

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

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

§ 208.216. Grounding wires; capacity.

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

§ 208.217. Use of grounding connectors.

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

§ 208.218. Protection other than grounding.

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

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

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

§ 208.220. Approved methods of grounding.

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

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

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

§ 208.222. Work on high-voltage lines.

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

§ 208.223. Repairs to energized high-voltage lines.

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

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

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

§ 208.225. Simultaneous repairs.

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

§ 208.226. Installation of protective equipment.

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

§ 208.227. Protective clothing; use and inspection.

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

§ 208.228. Protective equipment; inspection.

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

§ 208.229. Protective equipment; testing and storage.

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

§ 208.230. Operating disconnecting or cutout switches.

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

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

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

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

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

§ 208.233. Guy wires; grounding.

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

SURFACE HIGH-VOLTAGE DISTRIBUTION

§ 208.241. High-voltage circuits; circuit breakers.

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

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

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

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

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

§ 208.244. Grounding resistors.

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

§ 208.245. Grounding resistors; continuous current rating.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 208.252. Connection of single-phase loads.

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

§ 208.253. Installation of high-voltage transmission cables.

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

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

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

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

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

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

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

§ 208.257. Disconnecting devices.

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

§ 208.258. Identification of circuit breakers and disconnecting switches.

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

§ 208.259. High-voltage equipment; grounding.

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

§ 208.260. Movement of portable substations and transformers.

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

LOW-VOLTAGE AND MEDIUM-VOLTAGE ALTERNATING CURRENT

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

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

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

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

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

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

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

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

§ 208.275. Grounding resistor; continuous current rating.

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

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

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

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

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

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

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

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

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

§ 208.280. Disconnecting devices.

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

§ 208.281. Identification of circuit breakers.

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

§ 208.282. Connection of single-phase loads.

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

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

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

GROUND CONTROL

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

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

§ 208.292. Filing of plan.

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

§ 208.293. Stripping; loose material.

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

§ 208.294. Box cuts; spoil material placement.

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

§ 208.295. Benches.

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

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

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

§ 208.297. Scaling highwalls; general.

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

§ 208.298. Highwalls; men working.

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

§ 208.299. Drilling; general.

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

§ 208.300. Relocation of drills; safeguards.

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

§ 208.301. Drill; operation.

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

§ 208.302. Collaring holes.

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

§ 208.303. Drill holes; guarding.

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

§ 208.304. Jackhammers; operation; safeguards.

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

§ 208.305. Air drills; safeguards.

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

FIRE PROTECTION

§ 208.311. Fire protection; training and organization.

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

§ 208.312. Escape and evacuation; plan.

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

§ 208.313. Warning signs; smoking and open flame.

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

§ 208.314. Flammable liquids; storage.

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

§ 208.315. Accumulations of combustible materials.

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

§ 208.316. Internal combustion engines; fueling.

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

§ 208.317. Battery-charging stations; ventilation.

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

§ 208.318. Belt conveyors.

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

§ 208.319. Firefighting equipment; requirements; general.

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

§ 208.320. Type and capacity of firefighting equipment.

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

§ 208.321. Quantity and location of firefighting equipment.

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

§ 208.322. Examination and maintenance of firefighting equipment.

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

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

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

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

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

MAPS

§ 208.331. Mine map.

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

§ 208.332. Certification of mine maps.

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

§ 208.333. Availability of mine map.

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

PERSONNEL HOISTING

§ 208.341. Personnel hoists and elevators.

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

§ 208.342. Automatic controls and brakes.

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

§ 208.343. Rated capacity.

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

§ 208.344. Maximum load; posting.

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

§ 208.345. Daily examination of hoisting equipment.

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

§ 208.346. Certifications and records of daily examinations.

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

§ 208.347. Operation of hoisting equipment after repairs.

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

WIRE ROPES

§ 208.351. Wire ropes; scope.

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

§ 208.352. Minimum rope strength.

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

§ 208.353. Initial measurement.

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

§ 208.354. Examinations.

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

§ 208.355. Retirement criteria.

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

§ 208.356. Load end attachments.

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

§ 208.357. Drum end attachment.

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

§ 208.358. End attachment retermination.

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

§ 208.359. End attachment replacement.

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

LOADING AND HAULAGE

§ 208.361. Loading and haulage; general.

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

§ 208.362. Transportation of persons; restrictions.

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

§ 208.363. Trains and locomotives; authorized persons.

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

§ 208.364. Transportation of persons; overcrowding.

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

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

§ 208.365. Loading and haulage equipment; installations.

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

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

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

§ 208.367. Loading and haulage equipment; operation.

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

§ 208.368. Dumping facilities.

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

MISCELLANEOUS

§ 208.371. Communications in work areas.

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

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

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

§ 208.373. Protective clothing; requirements.

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

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

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

§ 208.375. Smoking prohibition.

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

TROLLEY WIRES AND TROLLEY FEEDER WIRES

§ 208.381. Cutout switches.

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

§ 208.382. Overcurrent protection.

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

§ 208.383. Devices for overcurrent protection.

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

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

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

SLOPE AND SHAFT SINKING

§ 208.391. Slopes and shafts; approval of plans.

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

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

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

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

§ 208.393. Preshift and onshift inspections; reports.

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

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

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

§ 208.395. Drilling and mucking operations.

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

§ 208.396. Permissible diesel-powered equipment.

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

§ 208.397. Hoists and hoisting; minimum requirements.

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

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

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

§ 208.399. Hoist safeguards; general.

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

§ 208.400. Hoists; daily inspection.

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

§ 208.401. Hoist construction; general.

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

§ 208.402. Hoist installations; use.

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

§ 208.403. Hoist operation; qualified hoistman.

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

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

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

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

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

§ 208.406. Explosives and blasting; general.

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

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

§ 208.407. Ventilation of slopes and shafts.

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

§ 208.408. Ladders and stairways.

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

§ 208.409. Fire-resistant wood.

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

§ 208.410. Electrical equipment.

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

§ 208.411. Storage and handling of combustible materials.

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

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

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

[Pa.B. Doc. No. 14-1626. Filed for public inspection August 1, 2014, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 10, 2014, meeting, proposed to amend § 141.42 (relating to parties hunting big game) by deleting voided roster requirement text in subsections (a)—(d) and (f).

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 10, 2014, meeting of the Commission. Comments can be sent, until September 19, 2014, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On January 27, 2014, the act of November 27, 2013 (P. L. 1148, No. 103) (Act 103) became effective. Act 103 amended section 2324 of the code (relating to parties hunting big game) to eliminate the roster requirement and remove the Commission's authority to establish roster requirements. The Commission is proposing to amend § 141.42 by deleting the voided roster requirement text in subsections (a)—(d) and (f).

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.42 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.42 by deleting voided roster requirement text remaining in subsections (a)—(d) and (f).

3. *Persons Affected*

Persons wishing to hunt Eurasian collared-doves or mourning doves within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking will not result in additional cost or paperwork. Rather, it will reduce paperwork requirements for parties cooperating to hunt big game.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-367. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.42. [**Big game animal hunting roster**] Parties hunting big game.

[(a) **Rosters are required for groups of five or more persons who are members of a permanent camp and hunt together for deer, bear or elk or cooperate with others to hunt for deer, bear or elk.**

(b) **Rosters shall conform to the following:**

(1) **Be prepared in duplicate with one copy being carried by the leader, and the other permanently posted at the headquarters.**

(2) **Include the following information:**

(i) **Name of the camp or party.**

(ii) **Name of the leader.**

(iii) **Name of each person hunting along with his current hunting license number.**

(iv) **Date the person joined the party.**

(v) **Date of departure.**

(vi) **Caliber of firearm used.**

(vii) **Big game killed.**

(viii) **Sex, approximate weight and total number of points if a deer, and the date the animal was killed.**

(c) **A roster containing false, fraudulent or misleading information, or failing to set forth the information in subsection (b) is deemed not in compliance with the act and this part.**

(d) **The roster shall remain posted at a permanent camp for 30 days after the close of the season so that it can be read from outside the camp.**

(e) [(a) Parties hunting deer, bear or elk shall be limited to 25 persons.

[(f)] (b) Penalties in section 2324(c) of the act (relating to [**roster of**] parties hunting big game) pertain to this section. Each person may be liable for penalties in this section.

[Pa.B. Doc. No. 14-1627. Filed for public inspection August 1, 2014, 9:00 a.m.]

**[58 PA. CODE CH. 147]
Special Permits; Falconry**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 10, 2014, meeting, proposed to amend §§ 147.101 and 147.103 (relating to definitions; and classes) to make it clear that “hybrid” applies to all offspring of species listed in 50 CFR 10.13 (relating to list of migratory birds).

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 10, 2014, meeting of the Commission. Comments can be sent, until September 19, 2014, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The United States Fish and Wildlife Service (Service) recently amended the definition of “hybrid” in 50 CFR 21.3 (relating to definitions) to include any bird that results from a cross of genetic material between two separate taxa when one or both are listed in 50 CFR 10.13. See 78 FR 65576 (November 1, 2013). This revision clarified that “hybrid” includes any bird resulting from propagation when only one parent is defined as a migratory bird. The previous definition required both parents to be defined as a migratory bird. The previous definition created difficulties due to its inconsistency with the Service’s longstanding interpretation of the same term under the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as requiring only one parent to be defined as a migratory bird. The Commission is proposing to amend §§ 147.101 and 147.103 to make it clear that “hybrid” applies to all offspring of species listed in 50 CFR 10.13. Adoption of this amendment will maintain the Commonwealth’s necessary compliance with the applicable Federal regulations concerning falconry to continue this program in this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides that “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.101 and 147.103 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 147.101 and 147.103 to make it clear that “hybrid” applies to all offspring of species listed in 50 CFR 10.13.

3. *Persons Affected*

Persons wishing to engage in falconry activities within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-368. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.101. Definitions.

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

* * * * *

Hybrid—[**The offspring of birds listed as two or more distinct species in 50 CFR 10.13 (relating to list of migratory birds), offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 CFR 10.13 and the offspring of any hybrid birds.**] Any bird that results from a cross of genetic material between two separate taxa when one or both are listed in 50 CFR 10.13 (relating to list of migratory birds) and any progeny of those birds.

* * * * *

§ 147.103. Classes.

* * * * *

(b) *General.* Permittees of the general class shall be subject to the following requirements and limitations:

* * * * *

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of two raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of three raptors with two replacements during each permit year. Captive-bred **and hybrid** raptors shall be included in these quota limits.

* * * * *

(c) *Master.* Permittees of the master class shall be subject to the following requirements and limitations:

* * * * *

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of four raptors with only one replacement during the first permit year. Other permittees of this class may each possess a total of five raptors with two replacements during each permit year. **Hybrid raptors shall be included in**

these quota limits. Captive-bred raptors **not defined as hybrid** will not be included in these quota limits.

* * * * *

[Pa.B. Doc. No. 14-1628. Filed for public inspection August 1, 2014, 9:00 a.m.]

**STATE BOARD OF
CHIROPRACTIC**

[49 PA. CODE CH. 5]

Distance Education

The State Board of Chiropractic (Board) proposes to add § 5.79 (relating to distance education) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The proposed rulemaking is authorized under section 302(3) of the Chiropractic Practice Act (act) (63 P.S. § 625.302(3)).

Background and Need for the Proposed Rulemaking

Section 507(a) of the act (63 P.S. § 625.507(a)) requires each licensed chiropractor to complete at least 24 hours of continuing chiropractic education within the immediately preceding 2-year period as a condition of biennial license renewal. Section 507(b) of the act provides permitted and prohibited subject matter and requires that the programs be approved by the Board. The balance of section 507 of the act and Subchapter G (relating to continuing education) lay out various requirements for licensees and providers to follow. Without explicitly saying so, the tenor of these requirements suggests that all continuing education must be in the traditional classroom lecture or clinical presentation. Yet, useful education can be delivered through other methods such as real-time web-cast or Internet presentation. To the extent the subject matter of the education requires hands-on participation, the Board would approve only those courses that are presented in person. While other learning can occur through nontraditional methods such as prerecorded video, these tools present the opportunity for an individual so inclined to go through the formalities without actual participation. In this proposed rulemaking, the Board proposes to clearly permit nontraditional methods of continuing education while limiting the amount.

Description of the Proposed Amendments

The proposed rulemaking would add § 5.79. Subsection (a) would define "distance learning" as instruction delivered in an independent format or in an instructor-led format during which the participant and the instructor are separated by distance and time. This definition would explicitly exclude live, interactive webinars and online courses in which the participant and instructor are able to interact in real time. Subsection (b) would state the general rule that continuing education used to satisfy the requirements be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time web-cast or other live sessions when a presenter

is involved. Subsection (c) would restrict licensees to obtaining no more than 50% of the required hours by distance learning.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 21, 2014, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking 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 review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of

State, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4323 (distance learning) when submitting comments.

KATHLEEN G. McCONNELL, DC,
Chairperson

Fiscal Note: 16A-4323. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter G. CONTINUING EDUCATION

§ 5.79. Distance education.

(a) As used in this section, “distance education” means instruction delivered in an independent format or in an instructor-led format during which the participant and the instructor are separated by distance and time. The term does not include live, interactive webinars or online courses in which the participant and instructor are able to interact in real time.

(b) Except as provided in subsection (c), continuing education hours used to satisfy the requirement of section 507(a) of the act (63 P. S. § 625.507(a)) shall be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved.

(c) No more than 50% of the required number of continuing education hours may be obtained through distance education.

[Pa.B. Doc. No. 14-1629. Filed for public inspection August 1, 2014, 9:00 a.m.]