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December 24, 1987

Division of Safety Research
NIOSH
944 Chestnut Ridge Road
Morgantown, West Virginia 26505

Attn: Director Moran

RE: Comments on "42 CFR Part 84"
Proposed Rule
Respiratory Protective Devices Certification

Dear Mr. Moran:

The Atlantic City Electric Company (the Company), a public utility serving the southern portions of New Jersey, appreciates the opportunity to present timely and meaningful comments on the proposed rule "42 CFR Part 84" (the Rule).

The Company has long been aware and sensitive to the need to minimize any potential exposure of hazardous substances to our employees. As such, the Company has established various procedures to minimize any potential exposures to the employees including informing our employees of the proper selection, use and fit of certified respiratory protection. These procedures were adopted from compliance regulations, rules and recommendations prepared by the Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), American Conference of Governmental Industrial Hygienist's (ACGIH), American National Standards Institute (ANSI), Mine Safety and Health Administration (MSHA), and the National Institute of Occupational Safety and Health (NIOSH).

The Company, recognizes and supports the basic intent of the Rule which is mainly directed toward the manufacturers of the respiratory protective devices and their ability to certify said devices under existing and proposed MSHA/NIOSH requirements. The Company has an established Respirator Program which employees respiratory protective devices that are certified in accordance with MSHA/NIOSH requirements 30 CFR Part 11 and are subject to the proposed Rule. As such, the Company requests that the following views and comments be given appropriate consideration and ultimately incorporated into any new rulemaking process:

Atlantic City Electric
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Pleasantville, N.J. 08232
609-645-4100

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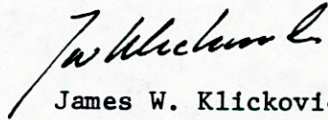
1. The Company contends that 42 CFR Part 84, should it become accepted in its proposed form, would have a profound, negative impact on not only the manufacturers but ultimately on the end user; the employer. The employer would be required to amend established procedures and alter respiratory protective devices inventory to accommodate the use, selection and fit of respiratory protective devices in accordance with the proposed Rule while assuring compliance with other applicable regulations. This would be an administrative and economic burden to the employer recognizing that new procedures and practices would need to be developed and a new inventory of said devices would need to replace existing MSHA/NIOSH certified devices (certified under 30 CFR Part 11) to conform to the certification requirements of the proposed Rule.
2. The Company suggests the amendment of 42 CFR Part 84, Subpart A (84.2)(b) expanding the five year grandfathering of previously certified respiratory protective devices (certified under 30 CFR Part 11) to allow for a smoother transition into the requirements of the proposed Rule. This would also allow for the depletion through use of existing inventories of the previously certified devices.
3. The Company contends that the proposed Rule would compromise worker safety since NIOSH proposes the abandonment of the respiratory protective device certification for use in general industry.
4. The Company, contrary to NIOSH's "Regulatory Impact Analysis," expects the Rule to have significant economic impact on the employer. Due to costs accrued by the extensive certification process the Rule subjects the manufacturer to perform, the manufacturer will pass these costs to the end user. The end user, the employer, will experience additional costs in updating the existing certified inventory of respirator protective devices to accommodate compliance with the Rule and other applicable regulations.

Again, the Company has long been aware and sensitive to the need to minimize the potential exposure of hazardous substances to our employees and has established a Respiratory Protection Program in accordance with all applicable requirements which includes the use of MSHA/NIOSH certified respiratory protective devices to minimize any potential for exposure. The Company suggests that the Institute prudently explore every avenue prior to further development of the proposed Rule that will accommodate a less burdensome transition into the Rule for end users, while providing general industry with a respiratory protective device certification process, thus assuring continued worker safety.

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If questions arise, please feel free to call Deborah Turner-Fox,
Industrial Hygienist, at (609) 645-4533 or myself at (609) 645-4839. Thank
you.

Sincerely,



James W. Klickovich
Project Supervisor

JWK/clg

cc: R. F. Daugherty
D. T. Fox