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From: Sanich, Ralph [mailto:Ralph.Sanich@PacifiCorp.com]

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To: zzMSHA-Standards - Comments to Fed Reg Group

Subject: RIN 1219-AB58

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AB58-COMM-31



Energy West Mining Company
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August 18, 2008

Mine Safety and Health Administration (MSHA)
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, Virginia 22209-3939

RE: Written Comments on 30 CFR 7 and 75
Refuge Alternatives for Underground Coal Mines - Proposed Rules
RIN 1219-AB58
Deer Creek Mine 42-00121

Dear Sirs:

Listed below are our written comments on the Proposed Rules for Refuge Alternatives, RIN 1219-AB58. Should you have any questions concerning these written comments please feel free to contact me at (435) 687-6642.

Sincerely

Kevin Tuttle

Kevin Tuttle
Manager of Safety
Energy West Mining Company

Cc: Earl Snow
Ralph Sanich
Gary Christensen

Written Comments for 30 CFR Parts 7 and 75

Refuse Alternatives for Underground Coal Mines: Proposed Rule

1. **Section 7.504:** Shall be intrinsically safe for use and designed with fire and explosion-proof features for use with an oxygen supply component.

Comments/Rationale: The chamber purchased by our company has a carbon dioxide scrubber. MSHA has required the electrical portion of the device to be permissible in design. We would request wording in the regulation exempting this equipment from a weekly permissibility examination. This equipment will not be used except in an emergency and will most like be tagged out. There is no reason why we should have to open up a shelter on a weekly basis and expose the interior of the chamber to mine conditions such as water, mud, etc to perform this examination. An initial examination could be required to determine that the permissible components were in a permissible condition at the time the unit was placed underground. This certification could be kept in the chamber or at a surface location for reference.

2. **Section 7.504(c)(1)(4): First aid supplies; and**

Comments/Rationale: This section of the regulation requires first aid supplies to be kept in the chamber. Will the amount of first aid supplies be left up to the operator or will MSHA leave this up to individual inspector interpretation. If the latter, it would be better to identify what MSHA is wanting in the chamber with respect to first aid supplies.

3. **Section 7.505(a)(1):** Provide at least 15 square feet of floor space and at least 60 cubic feet of volume per person:

Comments/Rationale: We believe MSHA is requiring more space per individual than is actually needed. There needs to be enough space per person so they are not packed into a chamber but still allow the maximum number to provide for people working at specific areas within the mine. If the wording of the regulation remains as is the current chambers will be cut in half for full occupancy. This could require more than one unit in a section to meet requirements especially on hot seat change out sections. MSHA needs to remember that these chambers are to be used in emergency situations.

4. **Section 7.505 (d)(1):** To conduct a preshift examination, without entering the structure, of components critical for activation; and

Comments/Rationale: We disagree with the provision to require a pre-shift examination to be made of the chamber. See our comments within this document concerning a preshift examination.

5. **Section 506(b)(1): The breathable air sustains each person for 96 hours,**

Comments/Rationale: NIOSH was given the responsibility to evaluate the designs and functions of chambers. We would question why MSHA would choose 96 hours over the recommendation of NIOSH of 48 and also that of 48 hours approved by some state certifications.

6. **Section 75.221(a)(12): A description of the roof and rib support necessary for the refuge alternatives.**

Comments/Rationale: The mine's roof and ribs are supported in accordance with the approved roof control plan. We see no reasons to address roof support for metal chambers in supported areas. These are constructed of metal that is capable of withstanding an explosion and will be placed in supported areas.

7. **Section 75.360(d): The person conducting the preshift examination shall check the refuge alternative for damage, the integrity of the tamper-evident seal and the mechanisms required to activate the refuge alternative, and the ready availability of compressed oxygen and air.**

Comments/Rationale: We are opposed to having a preshift examination include examining the rescue alternatives. The preshift examination is designed to check for hazardous conditions and not the functionality of equipment. In the document "**Training Course on Workplace Examinations**" issued in 1992, MSHA discusses pre-shift examinations and what is to be examined. The following statement is found on page four (4) of this document:

"The first priority of all workplace examinations is for the person conducting the examination to examine for hazardous conditions."

"For the purpose of workplace examinations, hazards are considered to be conditions that are likely to cause death or bodily injury to persons exposed to such conditions. Most hazardous conditions are violations of mandatory standards. The examiner should be concerned with the type of hazards that threaten the safety of the miner, such as loose roof and ribs, excessive levels of methane, oxygen deficiency, damaged or improperly installed ventilation controls on the section, dangerous accumulations of loose coal or coal dust, rock dust not applied in required quantities, electrical hazards from trolley wires, fire hazards from damaged or improperly operating belt conveyors, or other obvious fire hazards. The preshift examiner will not operate machinery to examine such items as brakes and lights, defects will be promptly corrected through compliance with other provisions of the standards. Requiring the mine examiner to look for all violations could distract the examiner from the more important aspects of the examination."

The purpose of preshift examination is the identification of hazardous conditions within the mine. The examination of a rescue alternative is not the identification of a hazardous condition. Also this portion of the proposed regulation would require the examiner to

access the availability of compressed oxygen and air. In order to do this on many rescue alternative the seal would need to be broken every shift and the examiner enter the alternative to access the oxygen gauges. This would be very prohibitive in relation to a preshift examination with little or no benefit. These rescue alternatives will not be moved every shift and may be in one location for weeks at a time or at a fixed location in an outby area. We would request that this portion of the proposed rules be removed.

8. Section 75.120201(b)(4): Escapeways and refuge alternatives designated by means of symbols.

Comments/Rationale: Symbols may be an alternative used for identifying escapeways and refuge alternatives but nothing in the regulations should prohibit the use of wording as a description. What would be wrong with wording that states “Refuge Alternative” or “Rescue Chamber”?

9. Section 75.1501(a)(1): The responsible person shall have current knowledge of the assigned location and expected movements of miners underground, the operation of the mine ventilation system, the locations of the mine escapeways and refuge alternatives, the mine communications system any mine monitoring system if used, locations of firefighting equipment, the mine’s Emergency Response Plan, the Mine Rescue Notification Plan, and the Mine Emergency Evacuation and Fire fighting Program of Instruction.

Comments/Rationale: The responsible person should have a general knowledge of the location of the refuge alternatives. He may not know to the exact crosscut of the location, especially within the section where they are being moved. This information is marked on the mine map and is updated which could be easily accessed. The responsible person should know where to obtain this information which would be the mine map which is updated daily.

10. Section 75.1504(b)(3)(ii): Physically locates and practices using the continuous directional lifelines or equivalent devices and tethers, and physically locates the stored SCSRs and refuge alternatives;

Comments/Rationale: The physical locating of the rescue alternative should be specific to the route of travel of the individual person from their work area and not all refuge alternatives within the mine. MSHA should be more specific as to what refuge alternatives would need to be located so there is no misunderstanding that all refuge alternatives must be located.

11. Section 75.1506(a): Each operator shall provide refuge alternatives with sufficient capacity to accommodate all persons working underground.

Comments/Rationale: ????

12. **Section 75.1506(a)(1): Refuge alternatives shall provide at least 15 square feet of floor space and at least 60 cubic feet of volume per person.**

Comments/Rationale: ?????

13. **Section 75.1506(b)(3): Roof and rib support for the refuge alternative locations shall be specified in the mine's roof control plan.**

Comments/Rationale: See comments in # 7 above.

14. **Section 75.1507(a)(11)(i): Not within direct line of sight of the working face; and**

Comments/Rationale: In a section this chamber will be in the crosscut. Will MSHA consider the chamber to not be in line of sight if located in a crosscut?

15. **Section 75.1507(a)(11)(ii): Where feasible, not placed in areas directly across from , nor closer than 500 feet radially from, belt drives, take-ups, transfer points, air compressors, explosive magazines, seals, entrances to abandoned areas, and fuel, oil, or other flammable or combustible material storage.**

Comments/Rationale: We feel MSHA needs to review this proposal closely. The distances specified may cause problems for the location of refuge alternatives. For example: A continuous miner section is driven seven hundred (700) feet off the main line. The section is then shut down for construction of overcasts, belt drives, etc. In many instances the head roller will be on the main belt (center entry of a multiple entry section), there is the potential of two overcasts between the head roller and the drive (intake and return entries). The drive could be up to four hundred (400) feet from the head roller. You will then place a take-up behind the drive. This take-up could take up two hundred (200) feet of the entry. You now have a distance of six hundred (600) feet from the head roller or transfer point to the end of the take-up. You only have two hundred (200) feet from the take-up to the working faces so the refuge chamber cannot be in by the take-up. The refuge alternative cannot be placed between the take-up and transfer point. It must be at least five hundred (500) outby the head roller. You now have 1,100 feet of entries that would prohibit the refuge alternative. As the section advances you have five hundred (500) feet of distance from the face to the take-up where a refuge alternative could be installed but this would put it within five hundred (500) feet of the face which would make it vulnerable to a considerable amount of section equipment and also in our option to close to the working face.

The recommended 500 foot radius is too restrictive for the installation of refuge alternatives. If MSHA does not want the refuge alternative next to a belt drive, or other such location, then state that the refuge alternative will not be placed in a crosscut next to a potential fire source such as a belt drive. It is hard to understand how MSHA would require a refuge alternative then be so restrictive on where we can locate it.