



## Advent Mining, LLC

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May 10, 2006

Mine Safety and Health Administration  
Office of Standards, Regulations, and Variances  
1100 Wilson Blvd., Room 2350  
Arlington, VA 22209-3939

RE: Comments to Emergency Temporary Standards, RIN 1219-AB46

Dear Sir or Madam:

Please consider the following comments on MSHA's Emergency Temporary Standards ("ETS").

First, regarding the emergency evacuation drills, the new regulations require miners to travel to the surface or bottom of shaft or slope. Current training does not require miners to physically travel the entire distance of the escape way. The current practice ensures that all miners have familiarity with the primary and secondary escape ways. For example, when miners go to work they travel one of the escape ways into the mine. All miners know where the escape ways are located and which direction to travel. Requiring miners to participate in a physically exhausting practice drill does not increase safety. In fact, it may actually increase risk by making miners walk (or, in some cases, crawl) thousands of feet through the mine. At the very least, miners should be allowed to travel the escape way by mechanical means, rather than on foot.

Second, we are also concerned about the "expectations training" mentioned in the ETS commentary, in particular the suggestion that drills be practiced in smoke. While everyone supports increased training, safety is the most important consideration underground. No training should expose miners to smoke or other dangerous conditions. The risk, no matter how small, of actual injury is too great. The stakes are too high to encourage "more realistic" training, which exposes miner to actual harm mentioned in the ETS commentary.

Third, since pumpers, examiners, fire bosses and others are not assigned to one location in the mine often travel through the mine on foot, I would suggest that the caches along the escape ways contain extra SCSRs for these individuals. Otherwise, they may be required to actually carry an extra unit with them.

Fourth, in response to the solicitation of comments on the storage of SCSRs, and in particular regarding those SCSRs stored for pumpers, outby crews and examiners, we are concerned that the ETS is too vague on what satisfies the requirement for an additional SCSR for each person underground. Caches of extra SCSRs for those at the working face or working with mechanized equipment can be placed close to those workers. Pumpers, examiners, fire bosses and others are not assigned to one location in the mine and often travel through the mine on foot. The ETS requires that an extra SCSR be available to them, too. We suggest that the caches along the escape ways contain extra SCSRs for these individuals. Otherwise, they may be required to actually carry an extra unit with them. We would also request that a cache that is accessible to both escape ways be considered sufficient under the standard, rather than requiring two caches as the rule literally reads.

Fifth, MSHA has solicited comments on the spacing of the SCSR caches required by the ETS. The question is whether they should be spaced at certain maximum distances in feet. The commentary to the ETS suggests what is called the "heart rate" method to determine the appropriate distance. We are very concerned about this suggested method. We do not believe it is practical or effective to expect those working underground to determine a "worst case scenario." This method requires a judgment about which miner appears to be the slowest to be able to evacuate. This could change day to day, depending on the employees, whether someone is injured or even whether one miner doesn't feel well on a particular day. We do not believe this method is reliable. The need to monitor hearts rates and require a miner to do the drill **three times** makes this onerous and ineffective. Mining is physically demanding enough without asking one of our miners to engage in a physically demanding exercise, especially when this may be a person most poorly suited, physically, to perform the drill. We understand that the height/distance chart contained in the MSHA Policy Manual has been adopted in West Virginia. We suggest that this chart or some other objective standard be adopted by MSHA.

Finally, we believe the commentary on the cost to the industry is inaccurate. We estimate that this company alone will spend at least \$176,700 for SCSR's to comply with the ETS. This number does not include the cost of training and lost production.

Thank you for your attention to our comments and concerns.

Sincerely,

A handwritten signature in cursive script that reads "Chris Williams".

Chris Williams  
Manager