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Subject: COMMENTS - RIN-1219-AB53 and RIN 1219-AB56

Attachments: To MSHA_Comments on New MINER Act.doc

Attached are the Pennsylvania Bureau of Mine Safety's comments on the proposed rules 30 CFR Parts 49 and 75 (RIN 1219-AB53) Mine Rescue Teams and (RIN 1219-AB56) Mine Rescue Team Agreements. If you have any questions regarding these comments, please e-mail Bureau of Mine Safety Director Joseph Sbaffoni at jsbaffoni@state.pa.us or by phone at 724-439-7469. Thank you.

<<To MSHA_Comments on New MINER Act.doc>> Allison D. Gaida
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Department of Labor, Mine Safety and Health Administration
Proposed Rules 30 CFR Parts 49 and 75
Bureau of Mine Safety Comments on RIN 1219-AB53 & RIN 1219-AB56

The Pennsylvania Bureau of Mine Safety (Bureau) has the following comments on the Proposed Rules for CFR 30 Parts 49 and 75 (Federal Register / Vol. 72, No. 172).

New Subpart B and the Reorganization of Part 49.

The Bureau agrees with the proposed re-organizational change to 30 CFR Part 49 to retain all existing standards as a separate subpart A applicable to underground metal and nonmetal mines and creating a new subpart B containing existing standards and proposed new MINER Act provisions for underground coal mines.

Section 49.12 (b) - Alternative Composition Requirements for Mine Rescue Teams for Anthracite Coal Mines.

The proposed rule would allow the anthracite coal mines, which have no electrical equipment at the face or working section, to have two mine rescue teams consisting of at least three members per team and one alternate shared between both teams. The Bureau has evaluated this new proposal and its possible affects upon the existing program in the anthracite region. The Bureau operates the only mine rescue station in the anthracite region.

Presently, all anthracite mines belong to an association called "Anthracite Underground Rescue" (AUGR). AUGR and the Bureau have an agreement for mine rescue training. The Bureau provides a mine rescue station, equipment, and a trainer. AUGR provides qualified miners to be trained in mine rescue. All of the anthracite mines are small (average 5 employees) and could not have their own mine site teams. The state-trained teams cover all of the anthracite mines. Since 2 mines have electrical face equipment, the proposed three-man team alternative would not benefit the small anthracite mines. It is unrealistic that these two mines start up their own company teams.

The Bureau is prepared to increase the amount of rescue equipment to equip 2 six-man teams if this is the direction that AUGR wants to pursue. The additional equipment needed (additional SCBA, caplights, gas detectors, and supplies) is estimated at approximately \$75,000.

Each mine belongs to AUGR, but not all mines have a representative on the team.

The Bureau feels that these teams should be considered 'Composite Teams' and not be required to have team members from each covered mine. The teams would be able to meet the experience requirements with a 'composite' designation, but would have problems if they were to be designated as a 'contract' team. The pool of anthracite miners is quite limited, and finding a miner from each mine that meets experience and physical requirements is unlikely. A variance would be needed to not require team members from each covered mine

Section 49.12(f) - Available Within 1 Hour Ground Travel Time from the Mine Rescue Station.

The Bureau has done an evaluation of the existing program to determine how the change from 2-hour response to 1 hour would affect the program. The anthracite mine rescue station in Tremont would meet the 1-hour response. This will not be the case in the bituminous region.

A new mine rescue station will need to be built in order to service the majority of the bituminous mines in the north central part of the state. The Bureau is currently seeking a location in northern Indiana County. This proposed station would service approximately 14 mines. The existing mine rescue station in Ebensburg would remain and service approximately 14 mines. The Bureau proposes to have each mine provide 2 members. This would result in 4 teams of 7 to 8 members at each station.

The initial cost of a new station, including equipment and new instructors, is estimated at \$700,000. An estimate for the operating cost for personnel, rent and supplies would be approximately \$250,000 per year. Additional expenses are also anticipated for the existing station in Ebensburg resulting from the increased training (mine rescue contests and mine site visits) that is required by the MINER Act.

It also should be noted that one mine presently participating in the bureau's program would not be within the 1-hour response time for either the Ebensburg or proposed new station. This small and remote mine would need to pursue some alternative or variance.

Section 49.18(b) - Training for Mine Rescue Teams.

The new requirement (b)(6) for annual training that includes wearing mine rescue apparatus while in smoke, simulated smoke, or an equivalent environment will not affect the Bureau's training program. The Bureau presently trains annually in smoke as part of the underground exercises. The Bureau also

does monthly training (6 hours) and would meet the proposed increase of 64 hours annually.

Regarding the proposed section 49.18(d) and experience requirements for instructors, the Bureau agrees qualified instructors should conduct the mine rescue training courses. The Bureau also agrees that existing instructors should be grand fathered once the new requirements are in place.

The Bureau believes that requiring one year of the last five restricts the selection and hiring process for the position of mine rescue instructor. **Example:** A miner can serve as a team captain for 15 years from 1986 through 2001, then depart the team to attain a new position at the mine. In 2007 this person seeks employment as a mine rescue instructor. According to the new proposed rule, this person does not meet the requirements for a certified mine rescue instructor. This will potentially limit the number of individuals who could qualify to be mine rescue instructors.

Section 49.20 (a)(1) - Familiarity with Operations of All Covered Mines & Section 49.20(e) Mine Rescue Training at each Covered Mine.

The Bureau has had discussions with the covered mining operations regarding the proposed regulation and how they would handle an underground training by the teams covering their operation. The small operators have indicated that providing transportation into the mine for a team and maintaining production operations at the same time would be a problem. Many operations only have enough transportation equipment to support their normal crews and supervisors (mine examiners). They also have self-contained self-rescuer (SCSR) plans that cache the units on the transportation equipment and must be with the working crew. The smaller units used by the supervisors are only capable of carrying 2 people. An alternative to taking the entire team into the mine would be to have each team break up into smaller groups and then have a debriefing after all team members have returned reassembled.

Section 49.20(a)(2) - Participation in Two Local Mine Rescue Contests.

The Bureau conducted an in-house mine rescue contest for the state covered teams in September 2007. This contest was done in accordance with the National Rules and judged by individuals who received the appropriate training. Mine rescue contests require a significant time in design, set-up, and judging. The Bureau is committed to continue to conduct an in-house mine rescue contest each year in accordance with Section 49.60. The Bureau also conducted Mine Emergency Response Development (MERD) programs in previous years. A well-defined MERD exercise provides additional training opportunities to mine

management personnel, government officials, and teams. The Bureau feels that MSHA should consider MERD exercises as meeting one of the two required mine rescue contests.

Section 49.20(b) - Requirements for Types of Mine Rescue Teams.

The Bureau provides training to both coal and metal and nonmetal mining operations. In some cases we have teams that have both coal and M/NM team members. Will there be any opportunities for this type of arrangement to mix coal and M/NM miners to comprise a team?

The Bureau reviewed the different types of teams and feels that the teams in the anthracite and bituminous regions are composite teams and will be following the requirements for this type of team.

Section 49.50 - Certification of Mine Rescue Teams.

The Bureau will maintain records of training conducted for each person trained. The participating operators will be provided reports of the training for each member on the team. The Bureau will maintain the rescue stations and equipment in accordance with Part 49.16 and accommodate inspection of the stations by MSHA without delay.

Mine Rescue Team Equipment RIN 1219-AB56.

The Bureau has reviewed the proposed changes to Sections 49.6 and 49.16 and has the following comments and questions:

The Bureau is presently maintaining the additional oxygen bottles and supplies that are proposed. The Bureau does not have the gas detectors that meet the new requirements and will need to purchase these units. We have contacted vendors and received cost estimates for units that are capable of meeting the new detection requirements. The cost of these units ranges from \$2,500 to \$3,000 per unit.

The Bureau needs a determination from MSHA as to the amount of equipment that will be required at each station. As outlined previously, the Bureau plans on opening an additional rescue station and add additional teams. Two of the rescue stations will have 4 teams. What are the equipment requirements for a station that will have 4 teams?