From: KENDRICK, GERALD E [mailto:GEKENDRICK@sunocoinc.com]
Sent: Monday, September 08, 2008 8:12 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: Reference RIN 1219-AB59 Comments

Please see enclosed comments in the above reference.

<<Comments on MSHA Belt Air Proposed Regulations 2008.doc>>

AB59-COMM-15

Dominion Coal Corporation
P.O. Box 70
Vansant, Virginia 24656
276-935-8810

September 8, 2008

U.S. Department of Labor
Mine Safety and Health Administration
Office of Standards, Regulations and Variances
1100 Wilson Blvd., Room 2350
Arlington, Virginia 22209-3939

Re: Regulation Identifier Number (RIN) 1219-AB59

Dear Sir or Madam:

We appreciate this opportunity to comment on proposed standard regarding the technical panel recommendations on the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mines.
Dominion coal Corporation operates 5 underground mines in southwest Virginia. We have 6 active small contract mines in southwest Virginia and southern West Virginia. Two of our company mines and all of our contract mines employ less than 20 employees.
We at Dominion coal Corporation take the safety of our employees very seriously. Our company has not had a single MSHA reportable injury since September 2007. We presently employ 180 underground miners and 52 surface miners.
We feel in order to fully comply with this regulation our company will have to hire one to two extra employees per mine to do nothing but work on items identified in the proposed regulations. At our company mines this means an additional cost of approximately $100,000 per employee (wages and benefits). This is a cost that may or may not have been included in the economic impact study on small mines.
Our company has already placed carbon monoxide (CO) monitoring systems in 4 of our 5 company mines within the last 24 months. This was done because we fell it is a much safer method of detecting fires than the point type heat detection systems. We do not use belt air to ventilate any of our working sections. 75.1103-4 9 (a) (1) (iii) would require CO sensors to be installed at 1000' intervals. Our system has been installed with sensors every 2000' which has proven itself to be very effective. This 2000' was based on an equivalency study performed by MSHA in 1979 when belt air is not being used in the face, adding sensors every 1000' provides little to no additional protection. These sensors are so sensitive that the smallest amount of combustion can easily set these things off. This complicates the maintenance, cost and operation of the system and provides almost no added benefit. The additional safety provided by this does not justify the cost to install and maintain the additional sensors.
Since we do not use belt air in the face, we also must object to the 10 ppm carbon monoxide requirement as proposed in the regulations. We presently have our systems set up to give a warning at 10 ppm CO and an alarm at 15 ppm CO. This has been a very effective system at our mines and those warning levels seem appropriate. We initially had our alarm levels set at 10 ppm CO but were constantly answering false alarms. Once we moved the alarm levels to 15 ppm CO, those false alarms were

dramatically reduced. We feel this has been in no way a diminution of safety for our employees.
If the 7 day functional testing includes the application of CO gas to the sensors it will decrease the life of the sensors. It has been my experience the more you apply CO gas to a sensor, the shorter its life expectancy. This would dramatically increase the cost associated with the system by having to replace the sensors more often without adding a great benefit to them and the safety of our employees. If the warning signal can be activated without adding CO gas to the sensor then the life expectancy of the CO sensors is increased. The monthly calibration of the sensors should suffice for this requirement and still not jeopardize the safety of our miners plus adding a great burden as far as testing at our larger mines.
75.1108 (b) would require all conveyor belt "purchased" one year after the rule is published to meet the new standard. It should be noted that it is very important that companies such as ours, which remove the belt, trim it down and re-install the belt in our company and contract mines, be allowed to continue to perform this activity. For example, Dominion always keeps in inventory at least 6 - 12 months worth of belt. So, belt that we are purchasing now may not be installed until early 2010. If a 48" belt is then run for 4 years, then in 2014 this belt will be removed, from the mine, taken into a shop and trimmed into 36" belt for our advancing sections. The belt will be sent to our contract mines and company mines. If for some reason the mine is pillaring this belt may be removed and reused at the same or other company and contract operations several times during the next several years. It is very safe to say that we have belt operating right now that is at least 10 years old.
75.1731 (a) - States that damaged rollers and other malfunctioning belt conveyor components must be immediately repaired or replaced. This statement must take into consideration the cases as for example a roller has a bearing "knocking". This is a situation where the component is damaged, "BUT DOES NOT PRESENT ANY HAZARDOUS CONDITION" to the miners. This, in our opinion, is excessively open to interpretation and the definition of the words “damaged” and “malfunctioning” could be interpreted many different ways by both industry and enforcement personnel. It does not allude to any indication that the components are creating an unsafe condition. If one roller is damaged but not in an unsafe condition, the proposed rule still requires it to be replaced immediately even though it may be safer to do it at a later time with more than one person. If this is regulation is left as it is proposed, an inspector can have a field day. Immediately repaired or replaced gives some heartburn as to its meaning. Immediately throughout the present regulations is defined as 15 minutes. In many instances, it could take much longer just to travel to the outside to get the equipment or parts to repair or replace that. We feel the term immediately should be replaced with some other wording that would allow for this type of situation. With miles of underground belt at a couple of our mines, it is virtually impossible to keep all of them aligned at all times. There may be times when a belt will run out of line for whatever reason. A roller becomes dislodged; a rock falls off the belt and lodges between the belt and the structure, etc. and is not detected for some time. There must be some allowance for a misalignment of belts so that they are re-aligned in a timely manner when something like this occurs without the operator’s knowledge.
75.1731 (C) - States that the belt entry must be kept clear of Noncombustible materials - Again this must state that the entry should be kept clear of Noncombustible material that places miners at risk when traveling the entry or otherwise presents a hazardous condition. Especially in mines that may be several miles deep, it is important to keep

extra rollers, belt, etc. underground should it be needed to replace damaged rollers or damaged belt. This provision would prevent us from keeping that material underground in the belt entry which also contains our trackway by which we supply our mines and transport our employees. This could cause us to take two to three hours in some cases to have someone travel to the outside, pick up the rollers or belt needed to make repairs, and to travel back into the mine to the location where those are needed. In some situations, this may mean that the mine might be shut down for some time while those are being obtained whereas some material stored underground could mean the difference between being down for hours versus minutes. This requirement is totally open to various different interpretations by enforcement personnel. Past history with enforcement personnel's vastly different interpretations of what constitutes an accumulation of combustible materials has proven to be a nightmare for our company and I can only envision the same inconsistency with the interpretations of non-combustible materials. This definitely needs clarification to avoid unnecessary conflicting interpretations.

75.350 D (7) requires that point feed regulators along the belt entry be equipped with remotely controlled closing devices. In order to maintain 50 FPM in all areas of the belt entry, point feed regulators are going to become much more common. A remotely controlled regulator could easily malfunction and close when it is not intended to close and change the ventilation throughout the mine. Presently, the ventilation system is independent, with the exception of the mine fan, to any moving parts. When we make the ventilation system dependent on more mechanical, electrical and moving parts, which will fail at some point, the ventilation systems integrity is at jeopardy. The risk from Point Feed Regulators is minimal. In addition, the cost for such a device will be staggering!

75.323 concerns the lowering of methane concentration in the belt entry. All present MSHA regulations limits methane to below one percent in the intake entry and we feel this should also apply to the belt entry. Although we do not currently have a problem with methane along our belt lines, there is always the potential sometime in the future. Currently there are many regulations that cover preshift examinations, onshift examinations, belt examinations, and weekly examinations and the requirement that all personnel who work in a group or an individual working by themselves are required to carry a combination detector. With these requirements, it appears that a one percent level should be acceptable in the belt entry as it is in other parts of the regulations. If one percent of methane is detected in the belt entry, more than likely additional ventilation would have to be added to the belt entry as it does in face areas or along intake airways.

75.351(q)(2) would require that at least once every six months all AMS operators must travel to all working sections to retain familiarity with underground mining systems, including haulage, ventilation, communication and escapeways. We feel bases upon the responsibilities of the AMS operator that this requirement is unnecessary for several reasons and would eliminate some qualified and experienced persons from operating atmospheric monitoring systems. We currently have three employees who until recently were underground miners working on a section every day. Due to a physical problem they are no longer able to work underground. These were excellent employees that do not want to retire, go on disability, or social security. The requirement to go underground once every six months could eliminate these types of workers from consideration for this duty, even though they bring years of experience to that position and who do a great job

at that position. They also track the underground travel of all personnel at the mine and it in no way takes away from their responsibility of keeping up with the CO monitoring system at those mines. We currently have employees that have been trained as a responsible person and those employees are available to take charge and make critical decisions in addition to the AMS operator. We feel the benefit of requiring this versus the potential loss of experienced miners who are operating the AMS system does not adequately justify the proposed requirements under this section.

75.351(q)(3) requires that the training records for AMS operators be maintained for two years. I have read the explanation for requiring this in the regulations but it is inconsistent with all other retention periods for training. The one year retention would permit any authorized representative from MSHA to inspect those training requirements and training records at any time during the year of training. Let me say that I welcome any help from MSHA in providing training material for our CO system operators because I feel that additional training for those persons would in deed be beneficial.

I truly believe that the regulations requiring lifelines underground was very good. Again, we have had vastly different interpretations by enforcement personnel as to what is required on those lifelines, from reflective tape, reflective tags hanging down from the lifelines, what they are attached to the roof with, etc. Now we are faced with again changing the way our lifelines are installed underground. It seems to be a never ending process. I can't honestly say that I'm not against standardization but I do feel that there should be some leeway in regards to what is used to effectively locate SCSR caches, safe havens, etc. Why use a spiral indicator to indicate the refuse chamber or refuse alternative. My recommendation would be that 6 cones be used for those refuse chambers or refuse alternatives, 4 cones for SCSR caches, 3 cones for personnel doors, and two cones for escapeways. This would eliminate the need for the spiral indicator as was eluded in the preamble to the regulations. This will still be burdensome to the operator in just installing these indicators on the present lifelines underground at our operations.

Again I would like to take this opportunity to thank you for the opportunity to comment on these proposed regulations.

Sincerely,

Gerald Kendrick,
Manager of Health and Safety for
Dominion Coal Corporation