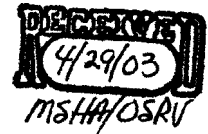


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April 28, 2003



United States Department of Labor  
Mine Safety and Health Administration  
Office of Standards, Regulations and Variances  
1100 Wilson Boulevard, Room 2313  
Arlington, VA 22209-3939

Dear Sir,

The Health and Safety Committee of the United Mine Workers Local 2397 appreciate the opportunity to submit comments to the Agency regarding the proposed rule; Underground Coal Mine Ventilation-Safety standards for the use of a belt entry as an intake air course to ventilate working sections and areas where mechanized mining equipment is being installed or removed.

The UMWA Local 2397 Health and Safety Committee are concerned with the new regulations in that is significantly reduces the safety protection miners currently enjoy

The National Institute for Occupational Safety and Health (NIOSH) previously concluded, "the practice of ventilation with belt air at any velocity unsafe and unhealthy." NIOSH also stated, "The use of belt air to ventilate the working faces was not a safe practice, the allowance and use of belt air to ventilate the working areas of the mine is a diminution of the protections miners safety and health as provided by the Mine Safety and Health Act of 1977".

Section 75.351 (A) states in part that 75.350b and 75.350c will not apply after the 24 hour idle period. We strongly disagree with this language in that the belt line that is being used to ventilate the working sections or where people are working inby this area should be monitored. There has been several occasions where there has been a smoldering fire burning for several days before the fire finally flamed up causing a severe fire on the belt line. You could have a smoldering fire that did not produce enough C.O. for the monitors to give an alarm and once you stop monitoring the fire could get out of hand and cause a severe health risk to miners and cause severe damage to the mine. Therefore the belt line that is being used to ventilate working sections should be continuously monitored.

Section 75.351 B(1) states that the operator must designate a surface location at the mine or at another location approved by the district manager where signals from the AMS will be received and two way communication is maintained with each working

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section, areas where equipment is being installed or removed and other areas designated in the approved program of instruction.

This section should not allow the District manager to approve other locations for the responsible person that is in charge of monitoring the AMS system. This person and location should be on the surface. The way this section reads the location for monitoring the AMS system could be underground if approved by the District manager. This would be a great mistake if you had a major disaster underground. This section needs to be addressed to specifically state where the location will be for monitoring the AMS.

Section 75.351 b(1) should also require communication to be maintained at locations where miners are assigned to work, such as belt headers

Section 75.351 b(2) is in conflict with 75.351 b(1) in that it requires the AMS operator to be on the surface but 75.351b(1) allows the district manager to approve other locations

Section 75.351(C) only requires an alert signal to be seen or heard by the AMS operator. The alert signal should be able to be seen or heard by anyone that is working inby the AMS sensor that is in the alert stage or that could be in danger of C.O concentration.

Section 75.351(N) only require sensors to be visually inspected once a shift when belts are operated. It does not address visually examination of sensors that are being used to monitor underground transformer stations, battery charging stations, sub-stations, rectifiers or water pumps.

A record of all visual examinations of the sensor should be made in an official book for that purpose, by the person that conducted the examination.

The new proposed regulation requires the operator to train all persons annually during the required retraining of miners. MSHA has been adding all types of training to be included in the required 8 hour retraining session. This includes the evacuation regulations and would include the new proposed concentration of responsible coal mine dust. It has become impossible for the miners to receive adequate training.

It has become evident that the public comment hearing process is not working because MSHA has turned a deaf ear to the stake holders due to the fact that after every hearing the proposed rule has been implemented as written.

The AMS sensors should not only be located in the middle of the entry. The sensors should be in staggered locations or use a smoke tube to determine the best location.

Section 75.351 K states that AMS system must be installed and maintained by personnel trained in installation and maintenance of the system. This does not require the person to be retrained on proper maintenance of the AMS sensors.

Section 75.351 E(3) states that you must have 50 feet per minute of velocity to have sensors located at 1000 intervals but this section only addresses the minimum velocity. This section should require a maximum amount of air velocity that would be allowed on the belt line. The way this regulation reads you could have more ventilation on the belt line than you would have on the main intake entry.

The new proposed regulation requires the operator to have communication underground but it falls way short in protecting the safety of miners in that it does not require the operator to provide transportation out of the effected area. There are several occasions when miners are on the working sections up to 4 hours without transportation.

Section 75.352b 2 requires at a minimum all personnel be evacuated outby the next functioning sensor upwind of the alarming sensor except those persons assigned other duties in the approved program of instructions. All persons should be evacuated up wind of the sensor or sensors in alarm and then they should only be allowed to start going inby to investigate or fight a mine fire.

The new proposed regulation should require a back up battery system to maintain the AMS in case of power failure.

Section 75.352 addresses that the belt entry must be traveled in its entirety and monitored each hour. Only requiring the area to be monitored at one hour intervals and to only communicate at one hour intervals is extremely too long. Numerous conditions could happen at one hour intervals and if the person monitoring the belt is only required to communicate to the AMS operator at one hour intervals then the operator would assume that everything is O.K. when actually the person could be in high levels of C.O. concentration. The person that is manually monitoring the C.O. system should be required to contact the operator every 15 minutes.

Sincerely,

UMWA Local 2397 Safety Committee

  
Keith Plylar

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Dwight Cagle