

June 20, 2003

Mr. Marvin W. Nichols
Director
Office of Standards, Regulations, and Variances
MSHA
1100 Wilson Blvd., Room 2313
Arlington, Virginia 22209-3939

RE: Written Comments on 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
Deer Creek Mine 42-00121

Dear Mr. Nichols:

The following written comments are provided for the proposed rule mentioned above.

1. **Proposed Regulation - 75.350 (b)(5):** The section must be developed with three or more entries.

Comment: We applaud MSHA's efforts to reduce the petition process and address this set of regulations concerning the use of belt air. We feel MSHA has only gone part way in this process and disagree with MSHA's stand that these regulations would exclude two-entry development.

MSHA has made the following statement in their preamble: "The Agency believes the two-entry mining system provides a unique set of issues and needs to be approved on a mine-by-mine basis." The development of a two-entry system may be unique and a two-entry petition would be required for the development of a two-entry system where you combine the belt and return entries. We do not feel that the retreat mining of a two-entry section is unique. For example:

Two-Entry Retreat: A two-entry system is develop and retreat mining has started. You have two escapeways on the headgate side of the longwall, one being primary intake and one being the secondary using the belt line. The return entry is on the opposite side of the section at the tailgate side of the longwall.

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Three Entry Retreat: You develop a three entry section with a belt, return and intake entry which are separated during development. When retreating of the panel starts the return is on the opposite side of the section just like the two-entry development. You now keep the belt isolated for the secondary escapeway and make the return and intake common entries by installing or removing ventilation devices.

Comparison: Both sections have a return on the tailgate side of the longwall. Both sections have the belt line as the secondary escapeway and one intake or primary escapeway. What is the difference in protection in these two scenarios? We see none and ask the question? Why disallow the belt air regulations for two-entry retreat mining? In addition on a multiple entry system the secondary could be on the opposite side of the section out the return entry.

We believe that two-entry development systems could be developed using a Petition for Modification, which may meet MSHA's unique determination, but retreat mining should not be included. The company should have the option to either submit for a petition to use belt air at the face when air from the belt line is needed for face ventilation or to allow the belt air to travel outby when additional air is not needed. This should be at the option of the company which the regulations would provide.

We would ask MSHA to take another look at their stand on this issue and not disallow the use of belt air for two-entry retreat mining

2. **Proposed Regulation - 30 CFR 75.351(b)(2):** The mine operator must designate an AMS operator to monitor the AMS signals and be at a location on the mine surface where the AMS operator can promptly respond to all signals from the AMS.

Comment: Does this designated AMS operator have to be a person or can it be a position? For instance a company may have control room operators who man a control room seven days a week, twenty-four hours a day. This would allow a position instead of an individual. This is the same type issue brought up with the new 30 CFR 75.1500 regulations. MSHA needs to clarify this portion of the proposed regulation.

3. **Proposed Regulation - 30 CFR 75.351(m): *Time Delays.*** When a demonstrated need exists, time delays may be incorporated into the AMS. These time delays must only be used to account for non-fire related carbon monoxide sensor signals. The use and length of any time delays, or other techniques or methods which eliminate or reduce the need for time delays, must be specified and approved in the mine ventilation plan. These time delays are limited to no more than three minutes.

Comment: If these time delays are internal for the computer program they should be able to be used to avoid spikes or other similar occurrences that could cause false alarms and cause complacency.

4. **Proposed Regulation:** 30 CFR 75.351(n)(2) - At least once every seven days, alarms for AMS installed in accordance with ' ' 75.350(b) and 75.350(c) must be functionally tested for proper operation.

Comment: What does MSHA consider as a **functional** test? Is it a test to make sure the alarm functions? MSHA should identify what they are requiring for this test so there are no interpretation issues.

5. **Proposed Regulation - 30 CFR 75.351(o)(1):** (o) **Recordkeeping.** (1) When an AMS is used to comply with ' ' 75.323(d)(1)(ii), 75.340(a)(1)(ii), 75.340 (a)(2)(ii), 75.350(b), 75.350(c), or 75.362(f), responsible persons designated by the operator must make the following records by the end of the shift in which the following event(s) occur:

Comment: Is this **responsible persons** the same as identified in 30 CFR 75.1500 or does MSHA have other criteria for these responsible persons. It would be helpful to know who or what occupations MSHA is looking at for this **responsible person**.

6. **Proposed Regulation - 30CFR 351(o)(2):** (2) The person entering the record must include their name, title, date, and signature in the record.

Comment: Is MSHA stating that a hard copy with a signature must be maintained for the required records? If the answer is yes, this would preclude any electronic records being kept for this regulation. Also would an electronic signature not be allowed if an electronic record could be kept?

7. **Proposed Regulation - 30 CFR 352(e):** If the 50-foot per minute minimum air velocity is not maintained when required in ' 75.351(e)(3), immediate action must be taken to return the ventilation system to proper operation. Trained persons must patrol and continuously monitor for carbon monoxide or smoke as set forth in paragraphs (d)(1) through (7) of this section, so that all portions of the affected belt entry(ies) are examined once each hour.

Comment: Does this section only apply to the requirement of a 50-foot per minute minimum or does it also apply to velocities below 50-foot per minute where sensors spacing has been reduced. Each scenario should be allowed as long as they comply with the requirements of hand monitoring.

8. **Proposed Regulation - 30 CFR371(jj):** The locations of point-feed regulators, ' 75.350(c)(5).

Comment: Must the point feed locations be site specific and be identified and changed for every section or can a general statement be made as to there location and then be shown on the mine map? A general statement can be made and a sketch shown for the approximate location. This locations may be moved a crosscut depending on conditions at the point feed location. Requiring individual site specific locations will cause additional paper work and time for approval that is not necessary.

We appreciate the ability to make comments on these proposed regulations. Should you have any questions concerning out comments please feel free to contact me at (435) 687-6642.

Sincerely,

Kevin Tuttle
Manager of Health,
Safety and Training

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