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Mountaineer Mine Rescue Association, Inc.
623 Industrial Park Road
Beaver, WV 25813

November 9, 2007

MSHA, Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, Va 22209-3939

Re: RIN 1219-AB53

Below are my comments on the proposed changes to 30 CFR Part 49

My name is Burge Lee Speilman. I am president as well as a team member of Mountaineer Mine Rescue Association, Inc., located in Beaver, WV. I have been certified in and involved with mine rescue since September 2, 1977. I have attended and participated in numerous state and national mine rescue contests. I have four year degrees in both Mining Engineering and Industrial Management from West Virginia University.

Mountaineer Mine Rescue Association was formed on April 9, 1992, to provide mine rescue services to mines within the two (2) hour ground travel from our station. The majority of our team members are like me and were trained by large coal companies and have stayed active in mine rescue out of dedication and love for mine rescue and our fellow miners.

I am not thin skinned but found Mr. O'Dell's (UMWA) comments about contract mine rescue teams at your meeting held in Charleston on October 30, 2007, as untrue and without merit. I have no arguments with the UMWA and have been a member of their organization, but Mr. O'Dell has never been a member of mine. So it's hard for me to understand his characterization of the brave men who are Mountaineer Mine Rescue Association, Inc., as some type of "Keystone Cops" organization who's only training is the carrying of blocks on the surface. On October 29, 2007, my team members breeched seals and explored an area of a mine for nine (9) hours in a thirty-six (36) inch coal seam in low oxygen. We spent fifty (50) hours at the Aracoma mine fire and both teams including myself were underground. We tried to go to Sago but were told there were too many teams already there and were put on standby. He also made a statement about himself and members of your panel talking to team members after the disasters. Myself or my team members were never contacted by your panel or Mr. O'Dell. It is sad if the proposed changes to Part 49 are even remotely based upon this type of characterization without even talking to me or my people or the members of MSHA's Mine Rescue Team who we work with in a regular basis. What follows are excerpts from our training log:

On January 27, 2007, my teams were called to a possible mine fire At Tiny Creek.

On February 5, 2006, my teams visited mine sites, meet with mine management, reviewed mine maps and plans, and discussed disaster response.

On March 12, 2006, my teams explored the slopes at ICG's Eccles Property.

On March 30, 2006, my teams breached seals and conducted exploration work in Pocahontas Coal Co.'s Josephine No. 2 Mine.

On July 7, 2006, my teams we were called to Mammoth Coal to try to locate some copper thieves who were lost in an abandoned mine.

On September 7 & 10, 2006, my teams breached seals and explored in Maple Coal's Eagle Mine.

On October 29, 2006, my teams breached seals and explored in Dakota Mining, LLC's No. 2 Mine.

On January 28, 2007, my teams visited mine sites, meet with mine management, reviewed mine maps and plan, and discussed disaster response.

On April 29, 2007, my teams had smoke training at the Exhibition Mine.

On May 10 & 21, 2007, my teams constructed lock/load stoppings at Maple Coal's Eagle Mine.

On September 23, 2007, my teams did work at Maples Coal's Eagle Mine.

On any missing dates training was conducted as required at our office.

Specific Comments

Section 49.18(b) Training for Mine Rescue Teams

Training should not be required to be given at 8 hour increments every 2 months. As long as the time requirement is met every month or every other month what difference does it make? Contrary to the proposal- mine rescue practice in the real world where you do seal breaching cannot be placed neatly in an 8 hour box every other month.

Section 49.12(f) Requires that mine rescue teams to be available within 1 hour ground travel time from the mine rescue station.

I realize that time is very important in mine rescue work. The teams at Sago showed up well in advance of being allowed to go underground. Their arrival was also slowed by the event taking place on a holiday and by notification delays. MSHA now has regulations requiring timely notification. If we are not allowed for our station to be "grandfathered" with the existing 2 hour ground travel time we will have to have two (2) additional stations at an estimated costs of \$640,000.00. This does not include the cost of training and staffing of these stations. Our current station is located in our office where it is safe and secure. This would also allow our existing and experienced teams to stay together.

Section 49.20 Requirements for all Coal Mines

I think that the existing requirements for coal mines to have arrangements with two (2) mine rescue teams should stay as is. The proposed change will result in many existing experienced teams being disbanded, and many inexperienced teams being formed. As with any team, team chemistry is important. This is even more important in mine rescue where your life depends on the other team members.

My thirty (30) years of mine rescue experience tell me that little will be gained by mine rescue teams having to train underground at the covered mines. I propose that team members have to visit each mine yearly to know the location of the covered mines. Once each quarter mine rescue teams need to review each covered mine's maps, pertinent plans, type of transportation, etc.. Smoke training should be conducted semi-annually. It is impossible to learn enough about a coal mine by going underground quarterly to justify the trip. Mine rescue teams will waste valuable training time traveling instead of practicing. Mine disasters will unlikely occur in the location that was visited. Also smoke will make the visit useless. Also if composite teams are required, you have team member(s) familiar with the mining operation.

Section 49.20(a) (2) Mine Rescue Team Members Must Participate in at Least Two Mine Rescue Contests Annually

For too long, the majority of mine rescue contests have consisted of teams walking a maze outside while working a problem that is based on unrealistic ventilation changes which have little to do with an actual mine rescue situation. All ventilation changes will not be decided by mine rescue teams, but by the command center. Contests should be changed to allow for smoke training, actual gas tests, and teams working together. The breaching of seals and exploration work with MSHA Mine Rescue Team Members should be used in lieu contest participation.

I am still trying to understand how our industry has a crisis in mine rescue. Has there ever been a recorded time when mine rescue teams didn't show up and do what was needed? My teams were told that there were too many teams for us to go to Sago, but we are unjustly suffering euthanasia because of the lack of teams. We were present at Aracoma and know that there were plenty of teams there also. Contrary, to the statements made by the panel during the Charleston meeting about not wanting to destroy existing teams, unless some things are changed in these proposed Part 49 changes- Mountaineer Mine Rescue Association, Inc., cannot be rescued and has been given a death sentence.

Sincerely,



Burge L. Speilman
President

Tucker, Helen A - MSHA

From: Tucker, Helen A - MSHA
Sent: Tuesday, November 13, 2007 1:09 PM
To: Hutchison, Cherie A - MSHA
Subject: Comment on Mine Rescue

Cherie,

Mr. Burge Speilman, Mountaineer Mine Rescue called to say he sent a comment on November 9 which he would like us to correct before posting. The error he wants us to correct is his years of experience—change 40 to 30.

11/15/2007