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November 14, 2007

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

Re: Comments on Proposed Part 49 Rule "RIN-1219-AB53"

Dear Director,

Please find attached our comments on the proposed Part 49 Rule "RIN-1219-AB53", dated September 6, 2007.

Thank you for the opportunity to provide comments on this important rule change.

Sincerely,

**MURRAY ENERGY CORPORATION**

Jerry M. Taylor  
Corporate Safety Director

cc: R. E. Murray  
R. Ed. Murray  
R.M. Murray  
M.O. McKown  
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## **30 CFR Parts 49 and 75 "RIN-1219-AB53"**

### **Mine Rescue Teams for Underground Coal Mines- Proposed Rules**

#### **Summary**

The proposed rule would revise MSHA's existing standards for mine rescue teams. It would increase equipment requirements, increase training requirements, and implement more stringent composition, availability, and certification requirements for coal mine rescue teams. The proposed rule would also require additional training for the person(s) employed on each shift at a mine site who is knowledgeable in mine emergency response. MSHA has concluded that the total cost of the proposed rule is approximately \$3.1 million annually for all underground coal mines, and has concluded that the amount supports its findings that it is economically feasible; however, the agency lacks sufficient justification for the changes, regardless of feasibility.

#### **49.12 Availability of mine rescue teams.**

Section 49.12(f) proposes that "No mine served by a mine rescue team shall be located more than 1 hour ground travel time from the mine rescue station with which the rescue team is associated.

This change is not necessary. The first priority of a mine rescue team is "team safety". Mine rescue teams rarely enter an underground mine immediately after a mine fire or explosion. The mine atmosphere must first be sampled over a period of time to determine trending in carbon monoxide and methane concentrations, as well as other gases, to determine the appropriate time to send teams underground. This time period could be from hours to days. The proposed change would provide little to no benefit.

#### **49.18 Training for mine rescue teams.**

Current regulations require 40 hours of annual refresher training for mine rescue team members. The proposed rule requires 64 hours. The proposed rule also requires at least 8 hours every 2 months. The total hours of annual refresher training should be 48, which aligns with the 8 hours every 2 months.

Sessions underground at least once each 6 months are not needed. During mine emergencies, mine rescue teams advance at 1000 feet intervals at the discretion of the command center. They do not independently explore at their own discretion.

Participation in a mine rescue contest is an all day event and should count as 8 hours of the required training.

Proposed paragraph 49.18(d) requires the training courses to be conducted by instructors who have been employed in an underground mine and have had a minimum of 1 year experience as a mine rescue team member or mine rescue instructor within the past 5 years to ensure that mine rescue team members are instructed by persons with practical mine rescue experience.

There should be a provision to train experienced underground miners to become instructors that do not have 1 year experience as a mine rescue team member. MSHA has historically recognized "equivalent training" in other areas.

#### **49.20 Requirements for all coal mines.**

(b)(2) *Composite team.* A mine rescue team that covers multiple mines and whose members—

(i) Include at least two members from each covered mine,

This provision is impractical and should be reduced to one member from each covered mine. For two composite teams to provide coverage for ten mines, they would need twenty team members to meet the standard.

(ii) Are knowledgeable about the operations and ventilation of the covered underground coal mines, and

This requirement should be met when each team member reviews the mine's ventilation plan, mine maps, roof or ground control plans, and mine emergency and evacuation plans for covered mines, and would not need to be conducted at the mine site.

(iii) Participate in mine rescue training at each covered mine at least semi-annually at large and small mines.

The provision to train at each covered mine is impractical. For example, two composite teams that cover five underground coal mines would need ten days to complete the training. In addition, they would also be required to compete in two mine rescue contest, for a total of twelve days.

#### **49.20(b)(4) State-sponsored team.**

Members who are State employees and participate in mine rescue training at a covered large mine at least annually and at a covered small mine at least semi-annually.

Members who are State Mine Inspectors and who conduct at least two regular mine inspections per year at the covered mines should be exempt from mine rescue training at the covered mine sites.

Members who are miners and serve as State employees only during mine rescue activities, and are composed of team members from multiple mines, should meet the requirement by having each team member reviews the mine's ventilation plan, mine maps, roof or ground control plans, and mine emergency and evacuation plans for the covered mines.

#### **75.1501 Emergency evacuations**

(2) The responsible person shall be trained annually in mine emergency response.

Training shall include knowledge in the following:

(i) Organizing a command center;

- (ii) Directing firefighting personnel;
- (iii) Deploying firefighting equipment;
- (iv) Directing mine rescue personnel;
- (v) Establishing fresh air base;
- (vi) Deploying mine rescue teams;
- (vii) Providing for mine gas sampling and analysis;
- (viii) Establishing security;
- (ix) Initiating an emergency mine evacuation;
- (x) Contacting emergency personnel; and
- (xi) Communicating appropriate information related to the emergency.

Currently, Title 30 CFR, Part 75.1501, require the responsible persons to take charge during mine emergencies involving a fire, explosion or gas or water inundations. The responsible person shall have current knowledge of the assigned location and expected movements of miners underground, the operation of the mine ventilation system, the location of the mine escapeways, the mine communications system, any mine monitoring system if used, and the mine emergency evacuation and firefighting program of instruction. The responsible person shall initiate and conduct an immediate mine evacuation when there is a mine emergency which presents an imminent danger to miners due to fire or explosion or gas or water inundation.

Additional duties proposed by the rule would place a burden on the operator to give extensive training to the responsible person on each shift, who in some cases may not be a management person and should not be making such critical decisions.

The rule should be changed to require the responsible person to notify a "Person Knowledgeable in Mine Emergency Response" that is located within one hour ground travel from the mine. This would be consistent with the proposed location of the mine rescue station. The responsible person should implement the Emergency Response Plan, the Mine Rescue Notification Plan, and the Mine Emergency Evacuation and Firefighting Program of Instruction while the "Person Knowledgeable in Mine Emergency Response" is in route.