



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Ernie Fletcher
Governor

Department for Natural Resources
2 Hudson Hollow
Frankfort, Kentucky 40601
Phone: (502) 564-6940
Fax: (502) 564-5698
www.eppc.ky.gov
www.dnr.ky.gov

Teresa J. Hill
Secretary

Susan C. Bush
Commissioner

November 6, 2007

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

RE: Mine Rescue Teams; Proposed Rule RIN 1219-AB53

The Kentucky Office of Mine Safety and Licensing (KYOMSL), has reviewed the above referenced proposed rule changes and welcomes the opportunity to submit comments. KYOMSL supports the intent of the Miner Act and the corresponding regulations ensuring that mine rescue teams are familiar with the mines they cover and are adequately trained in mine emergency response.

For thirty years Kentucky has maintained an effective mine rescue team program. Kentucky has 11 mine rescue teams servicing 230 underground mines with all mine rescue stations within one hour ground travel time of each mine. The teams are comprised of 102 full time state employees whose primary job duties include mine safety inspectors, mine safety analysts and mine safety instructors.

The proposed rule includes a provision which allows state rescue teams composed of full-time state employees to substitute their normal work experience of mine inspection and mine rescue and safety training for 50% of the training requirements. The degree to which this proposed regulation will allow KYOMSL to continue to provide primary mine rescue services is dependent in large part on how this rule will be interpreted and applied in practice. It is not clear if participation in two mine rescue contests annually would meet the 50% annual training requirement for both large and small mines. If training at the mine is required to be part of the 50% annual training, then KYOMSL would have great difficulty in meeting that standard.

1219-AB53-COMM-4

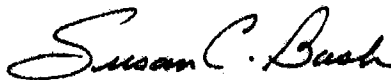
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Kentucky currently has 230 underground mines, of which 156 would be classified as small mines under the proposed rule. Under this scenario, KYOSML would have to conduct 386 mine site training sessions annually, which the agency will be unable to do and fulfill its responsibility of ensuring mines are safe and in compliance with Kentucky's mining laws. Furthermore, the workload of the KYOMSL has significantly increased as a result of recent legislation that has doubled the number of required inspections.

Clarification of what constitutes participation in mine rescue contests is also needed. Currently, Kentucky's mine rescue teams participate in mine rescue contests as officials and judges in all contests in the Commonwealth. If state team members are required to compete in two mine rescue contests annually, it would be very difficult for MSHA to judge these contests without the participation of KYOMSL.

Again, thank you for the opportunity to provide comments on this matter. Please contact my office at (502) 564-6940 if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Susan C. Bush".

Susan C. Bush
Commissioner