

Received by OSRV 11/16/2007

From: Smith, Charlotte [csmith@magnumcoal.com]
Sent: Friday, November 16, 2007 4:50 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Cc: Foster, Frank; Keaton, Brian; Cornell, Mark; Francisco, Dwayne
Subject: RIN 1219- AB53 - Proposed Mine Rescue Team Regulation Comments

Attachments: Proposed Mine Rescue Rules Comments 11-2007.doc
Attached are the Comments on the Proposed Mine Rescue Rules from Magnum Coal Company.

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1219-AB53-COMM-33

Date: 11/16/2007
To: Mine Safety and Health Administration
From: Brian Keaton, CMSP, Manager of Safety, Jupiter Coal Company, an affiliate of Magnum Coal Company and Frank Foster, CMSP, Corporate Director of Safety, Magnum Coal Company
Re: Mine Rescue Proposed Regulations

Dear Sir/Madam,

Magnum Coal Company is a 19 million ton per year company located in Logan, Boone and Kanawha counties in southern West Virginia. We employ 1800 people and our operations consist of five underground mines and several surface mines with corresponding preparation plants. We have three new underground mines projected with one of those operations scheduled for start up in less than one month; the other two are scheduled for start up by mid-2009.

On behalf of Magnum Coal Company we submit the following comments for your consideration when determining the final regulations. Thank you in advance for your consideration.

Proposed Mine Rescue Regulations Comments

Proposed 49.12(f) requires a mine rescue team be available at the underground coal mine within 1-hour ground travel time from the mine rescue station. In the preamble MSHA intends for this to ensure that a team will arrive at the mine more quickly in case of a mine emergency. We agree that mine rescue teams need to be at the mine as quickly as possible during an emergency. During recent disasters mine rescue teams have been available in a timely manner. Once notified, mine rescue teams have been on site within 1½ hours and have been slowed getting underground for various reasons. The 1-hour ground travel time is going to be very cumbersome for central Appalachia operations due to the rugged terrain and conditions of existing roads. One could easily show that 1-hour ground travel time in central Appalachia could be less than 30 miles. This would increase the amount of mine rescue stations and teams, but would it increase the capability of a competent mine rescue system? Our belief is that, it should be left to the discretion of the District Manager to have a Plan approval process to the 1-hour ground travel time and not to exceed 2-hours ground travel, after reviewing the situation for each mine; i.e. area terrain, road conditions and nearest mine rescue station. We at Magnum are in the process of assembling two

mine rescue teams with one station. This station is no more than 1½ hours from our farthest mine. If this one hour rule is applied we will be forced to have an additional station which will result in an unnecessary cost to Magnum of approximately 350,000. This cost does not include the annual upkeep and maintenance of the station, of which it is difficult to determine an amount for that cost, at this time.

49.20(2) requires a composite team, that covers multiple mines, to include at least two members from each covered mine and participate in mine rescue training at each covered mine at least semi-annually at large and small mines. For composite teams that include 5 covered mines that would incur 10 additional training days per year to visit and participate in training at those mines. As we all know, mining activities at the face change daily, but the majority of the outby areas of the mine stay constant. We feel that the two members from each covered mine would be able to keep other team members apprised of the workings of their mine if an event occurs. We feel that rotating two team members to participate in training activities at each covered mine on a semi-annual basis would be suitable to meeting the covered mine visits. MSHA even states in the preamble that being knowledgeable about the operations and ventilation at the covered mines could be met by each team member when they review the mines ventilation plan, mine maps, roof control plan, and mine emergency evacuation plans. We feel it to be an undue hardship on the company to be required to take two full mine rescue teams to each covered mine on a semi-annual basis and feel like we can accomplish the same goal by utilizing the above process.

Again, thanks for your consideration of these comments.