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Sent: Thursday, January 08, 2009 9:14 AM
To: 'GoodGuidance@dol.gov'; 'Group@dol.gov'
Cc: 'Alden.forbes@venturedesignservices.com'
Subject: Comments on MINER Comms and Tracking PPL No. P08-

I would like to submit the enclosed comments in response to the *Guidance for Compliance with Post-Accident Two-Way Communications and Electronic Tracking Requirements of the MINER Act* published in draft form on 12/12/2008 (Program Policy Letter No. P08-).

Scope: Why is this a Program Policy Letter instead of a firm set of rules put forth in the form of a federal regulation? The provisions for performance should be absolute minimum requirements for entities outlined in the Scope. The guidance provided in the PPL may not be adhered to by operators or manufacturers to the detriment of the miners. Other mandates from the MINER Act , such as the refuge chamber provision, are covered by regulations. It is inconsistent and problematic to treat this vital element of the MINER Act with a lack of firm leadership to foster adoption of standards that will save lives.

Two-Way Communications System Comments:

1. It would be helpful for MSHA to publish standard definitions of the following Coverage Areas noted in Sec. 2a; What delineates a Working Section? Intersection?

2. In Sec. 4, is Stand-by idle time duty cycle possibly determined by turning radios on and off? Trying to have miners conserve power by turning devices on and off in an emergency situation is not a good idea, nor is it feasible for a seriously injured miner to manage this. Devices should last a minimum of 48 hours without being disabled and without need for operator intervention.

3. In Sec. 5a, what is the back-up duration for surface components in the event that line power is interrupted? This is unspecified and should be minimum of 12 hours.

Electronic Tracking System Comments:

1. Sec. 1 should specify a date for compliance with the MINER Act, not just a date for plans.

2. Sec. 2a-i needs definition on Working Area and Intersection. All normally-travelled entries and escapeways should provide tracking to better than +/-100'

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3. Sec. 2a-ii 2000' accuracy in tracking in escapeways is way too loose. Current technology can do it economically to within 75'. If you were trapped, wouldn't you rather be pinpointed for rescue? 2000' feet will unnecessarily risk miners' lives. A spec of 2000' vastly undershoots what can be demonstrably be done economically today. Tighten this and save lives!

4. Sec. 2a-iv; direction of travel should always be provided, not just at key junctions in escapeways. And it must be explicitly stated that direction of travel should be determined by a true "direction aware" mechanism (so as to eliminate the life disrespecting argument which is otherwise put forth by vendors of zonal gateway RFID readers that "well, if I have a reader every 2000 feet, and can I see that a miner passed by that one reader an hour ago and passed by this one here just now an hour later, then I can say I know their direction of travel").

5. Sec. 4a; stationary network components must be able to last a minimum of 48 hours of continuous operation after a power loss, 96 hours preferred.

6. In Sec. 7b, what is the back-up duration for surface components in the event line power is interrupted? Should be minimum of 12 hours.

Other Comments:

The accompanying *MSHA Preliminary Cost Estimates for Guidance for Compliance with Post-Accident Two-Way Communications and Electronic Tracking Requirements of the MINER Act* refers to electronic tracking systems repeatedly as RFID systems; radio frequency identification (RFID) system, paragraph 1, intrinsically-safe RFID readers, paragraph 3, RFID personnel tags, paragraph 3. Not all tracking systems that fit this cost model are RFID based. Please make the references generic to cover all approved comms/tracking systems and components. It is already a serious mistake that this guidance is written around the capabilities of older technology, but the error is compounded when specific reference is made RFID (implying gateway) systems. Also, MSHA seems to indicate that the technology does not exist yet to meet some aspects of the MINER Act requirement, which is simply not true. The new technologies that have been developed in response to the MINER Act are here today, for both communications and tracking, and they are well proven today. Furthermore, they are economically feasible for the mines, even being less expensive than MSHA's stated cost estimates, and they are being shipped and installed in fully MSHA-approved form today.

Respectfully submitted,

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