

In The Matter of  
The Doe Run Company  
Fletcher Mine  
Mine ID No. 23-00409

PETITION FOR MODIFICATION

Docket No. M-2013-006-M

### **PROPOSED DECISION AND ORDER**

On March 4, 2013, a petition for modification was filed by The Doe Run Company (Doe Run), seeking a modification of the application of 30 C.F.R. § 57.11052(d) at the Fletcher Mine underground mine in Reynolds County, Missouri. The petitioner alleged that the alternative method in the petition would at all times guarantee no less than the same measure of protection afforded miners by the standard at 30 C.F.R. § 57.11052(d) concerning refuge areas.

Section 57.11052 (d) states that refuge areas shall be:

Provided with compressed air lines, waterlines, suitable hand tools, and stopping materials.

The petitioner proposes that the Doe Run Company Fletcher Mine and Mill be allowed to use compressed air and bottled water in a proposed refuge chamber to be located in the RC West Fork area. The petitioner suggests that this would give miners refuge in the event of a mine fire. The Fletcher Mine has expanded to the extent that miners working in the RC West Fork area would not be able to escape to the surface from their work area in one hour or less, through their normal escape routes.

The Mine Safety and Health Administration's (MSHA) investigators conducted an investigation relevant to the merits of the petition on March 13, 2013, and filed a report of their findings with the Administrator for Metal and Nonmetal Mine Safety and Health. After a careful review of the entire record, including the petition and MSHA's investigative report, this Proposed Decision and Order (PDO) is issued.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The MSHA's investigation report revealed the following facts about the mine. RC Westfork is a specific area of the Fletcher Mine located in the far south portion of the mine. This area consists of both development and production headings. During the

day shift, an average of 16 employees work in RC Westfork, and 10 employees during the night shift. Activities include drilling, blasting, scaling, loading and hauling of ore. The mine currently uses designated points of safety (DPOS) located throughout the mine for areas of safe refuge in case of an emergency. The DPOS contains compressed air with a regulator, bottled water, first aid supplies, maps and a phone.

There are currently two DPOS located in RC Westfork, one is located about 500 feet from the development heading and the second one is located about 8,500 feet north of the development heading. Two auxiliary powder storage magazines are located about 2,750 feet and 4,600 feet north of the south development heading. The proposed refuge chambers are to be located about 6,250 feet north of the south development heading. The proposed chambers would be located in a fresh air drift that is not used by heavy equipment. Smaller equipment such as tractors, pickups and all-terrain vehicles may use this drift. Travel time from the RC Westfork heading to the proposed refuge chambers is seven minutes using the normal mode of transportation. The proposed refuge chambers would be pre-constructed shipping containers (Conex) made out of 14 gage corrugated steel. The proposed refuge chambers measures 8 feet by 20 feet by 8 feet. They would be equipped with a 3 by 7 foot steel door with a 12-inch square window. The door has a fire rating of one and one-half hours. The chamber is equipped with the following; three compressed air bottles containing 7,929 liters at 310 cubic feet of Grade D breathing air each. This would supply enough air for 10 miners for 24 hours at 2 liters per minute per person. A regulator to meter the air, 15 gallons of bottled water, first aid kit, stretcher, six tubes of latex caulk to seal around the door, one fire extinguisher, a set of escape maps and escape plan. Communication will be accomplished by the use of a page phone. The phone line servicing the phone is a heavy jacketed, shielded line that runs from the main shop area to the chambers. A second line is currently being installed that will service the phone from a borehole located about 5,000 feet south of the refuge chambers. This will be a redundant system. The line will be hung from the back and ribs. The proposed refuge chambers would be equipped with a ball valve located on the wall to relieve pressure build up from the use of the compressed air inside the chambers. Two benches are located along the walls to provide seating for the miners. A second proposed refuge chamber equipped exactly as the first will be installed immediately adjacent to first one. The second proposed refuge chamber will give protection to a total of 20 miners for 24 hours.

The Petitioner's proposed alternative method does not at all times guarantee no less than the same measure of protection afforded miners by the standard. Compressed air lines and waterlines that are required by the standard ensure that there is an unlimited quantity of air and water for miners. If there is a mine emergency during which miners must remain in the refuge area for extended periods of time, compressed air lines and waterlines provide an unlimited supply of air and water. These compressed air lines and waterlines that are required by the standard must be functional. Using the estimates provided in the petition, the refuge area would only contain air and water sufficient for one day for the number of miners for which the refuge area is designed. Accordingly, the proposed alternative method does not provide the same measure of protection for miners as the standard.

