

FAX TRANSMISSION

TO: MSHA

FROM: Rodney Heyd

DATE: 11-2-07

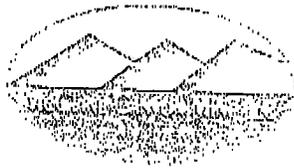
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5 # OF PAGES TRANSMITTED
(INCLUDING THIS COVER SHEET)

PHONE: 970-858-3960
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RE: RIN 1219-AB53

RECEIVED
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11-2-07



October 25, 2007

Via Fax

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

RE: RIN 1219-AB53
Mine Rescue Teams and Equipment

Dear Sir or Madam:

McClane Canyon Mine appreciates the opportunity to comment on the proposed regulation and therefore, respectfully submits comments on MSHA's proposed regulation, 30 CFR Part 49 and 75 entitled "Mine Rescue Teams and Equipment."

Located approximately 35 miles northwest of Grand Junction, Colorado, McClane Canyon Mine is a small Mining Operation, employing 19 miners underground with an average annual production of approximately 300,000 tons of coal.

McClane Canyon Mine believes that the proposed regulation does not consider the small, remote mines located in Colorado and Utah. While McClane Canyon Mine supports the proposed regulation in part, we believe that further discussion and consideration needs to be given to the problems of the small operator.

In particular, McClane Canyon objects to the following:

Section 49.12 Availability of mine rescue teams

The language of this section requires mines, except those where alternative compliance is permitted for small and remote mines, to either establish two mine rescue teams or enter into an arrangement for mine rescue services, so that at least two mine rescue teams are available at all times. The regulation also requires that those teams be located no more than one hour ground travel time.

In order to comply with this mine rescue coverage standard, McClane Canyon has, up to this point, contracted with Blue Mountain Energy and Deserado Mine. However, Blue Mountain is located approximately 75 miles to the North of McClane Canyon, near Rangely, Colorado, and is one hour and fifteen minutes ground travel from McClane Canyon Mine, well within the two hour travel requirement in place now. The next nearest mine(s), having mine rescue services, is approximately 1 hour and 45 minutes ground travel from Paonia, Colorado.

Additionally, McClane Canyon mine is in the process of forming one mine rescue team. If the one hour ground travel regulation stands as written McClane Canyon mine will be required to form two mine rescue teams.

With 19 underground employees, McClane Canyon will encounter great difficulties recruiting 12 employees who are willing to perform mine rescue duties. Mine rescue training is very demanding in regard to training time, time away from the employee's home and family, and the mental stress associated with training, traveling to contests and preparing for a real emergency.

Requiring employees to serve on a mine rescue team as a condition of employment is not legally or practically feasible.

Our experience has shown that a two hour ground travel time would not be detrimental to the miners. If an accident were to occur that required the presence of a mine rescue team(s) one of the first things that would happen, after discovery of the accident, would be to place a telephonic call, within 15 minutes, to notify MSHA officials of the accident.

Additionally, upon notification, MSHA would verbally issue a 103K order to ensure the safety of any person in the mine and not allow any additional person(s) to enter the mine until an authorized representative of the Secretary was on site to assess the conditions underground.

Note: In the case of McClane Canyon the nearest MSHA field office is Delta, Colorado, a ground travel time of approximately one hour and 30 minutes, depending on traffic flow in Grand Junction, Colorado. In the time elapsed for an MSHA representative to arrive at McClane Canyon mine (if someone was in the field office at the time) a second mine rescue team from Deserado could be potentially arriving shortly.

Furthermore, one additional factor to consider under this rule is the requirement for two mine rescue teams to be present at all existing underground mines, initial excavation of a new underground mine entrance or the re-opening of an existing underground mine. Very few companies have the ability to field two fully trained and equipped mine rescue teams during the "start-up" of a new mine. The drift, slope or shaft openings are usually excavated by specialized miners who have little or no mine rescue experience. Allowing the rule to stand at a two hour ground travel distance would allow more flexibility for small and remote mines and perhaps even large mines.

The contents of 49.13 could be used to satisfy the needs of McClane Canyon mine if the one hour ground travel requirement was left at two hours as currently written.

49.16 Equipment and maintenance

McClane Canyon will also address the cost associated with Mine rescue teams in a separate comment to RIN 1219_AB56.

To date McClane Canyon Mine has spent \$64,870.67 in acquiring equipment for one mine rescue team, not included in the cost are the four multi-gas detectors which have been quoted as \$2,300.00 each or a total cost of \$9,200.00. Also not included in this cost are the cap lamps required in the proposed regulation.

The cost breakdown for one team is as follows:

7 Draeger BG4 4 hour breathing apparatus with reusable canister with various accessories	\$57,160.96
RZ tester for apparatus	\$ 2,950.00
Carbon Dioxide scrubber for above	\$ 750.00
Communication Reel with headsets	\$ 3,268.00
Mine rescue stretcher	\$ 921.71
4 Multi-gas detectors	<u>\$ 9,200.00</u>
TOTAL	\$74,250.67

To employ an additional team, McClane Canyon mine would incur the following cost:
5 Draeger 4 hour breathing apparatus \$40,829.25

Grand Total for 2 teams \$135,079.92

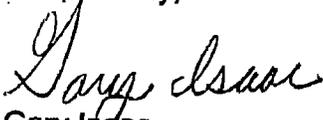
It is very obvious that fielding two mine rescue teams is very costly to a mine that produces 300,000 tons of coal annually. Additionally, we would like to point out that many mines receive much less per ton than the \$36.42 per ton sales price assumed in the regulations.

49.20 Requirements for all coal mines

McClane Canyon would not object to this proposed regulation if the requirement of proposed 49.20 (a)(2) relating to participation in two local mine rescue contests, if the requirements of proposed 49.60 (c) relate to both mine rescue contests required under proposed 49.20.

Again, McClane Canyon Mine would like to thank MSHA for the opportunity to comment on the proposed rule and if there are any questions or if further information is needed concerning these comments, please call 970-858-3960 or e-mail at rhead@rhinoenergyllc.com or gisaac@rhinoenergyllc.com.

Respectfully,



Gary Isaac
Mine Manager



Rodney Head
Safety Director