



National Fire Protection Association

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June 30, 2006

Mr. John Rowlett
Director, Management Services Division
Mine Safety and Health Administration
1100 Wilson Boulevard
Room 2134
Arlington, VA 22209-3939

RE: 30 CFR 75.1100-3, 75.1103-8, 75.1103-11 and 75.1501; Fire Protection (Underground Coal Mines) and Mine Emergency Evacuation.

Dear Mr. Rowlett:

The National Fire Protection Association (NFPA) commends the Department of Labor and Mine Safety and Health Administration (MSHA) for providing the opportunity to review and comment on the proposed rule [30 CFR 75.1100-3, 75.1103-8, 75.1103-11 and 75.1501] concerning Fire Protection (Underground Coal Mines) and Mine Emergency Evacuation.

NFPA supports MSHA's efforts to ensure appropriate levels of fire protection for underground mines and effective mine emergency evacuation. Although we could be specific about the design, inspection and maintenance of the systems described in 30 CFR 75.1100-3, 75.1103-8, 75.1103-11 and 75.1501, we think that it would be simpler and less confusing to reference NFPA's applicable voluntary consensus standards. Please consider the following suggestions:

- *Water demand requirements shall be in accordance with section 4.3.1 and 4.3.2 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition.*
- *Hydrants shall be located in accordance with section 4.3.1.3 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition.*
- *Protective Signaling Fire Detection Systems shall be in accordance with section 4.3.2 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition and shall be inspected, tested and maintained in accordance with sections 4.3.2.2.11 and 4.3.2.3 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition.*
- *Sprinkler systems shall be in accordance with section 4.3.3.3 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004*

edition and NFPA 13, Standard for the Installation of Sprinkler Systems.

- *Inspection, maintenance and testing of the automatic sprinkler system shall be in accordance with sections 4.3.3.4, 4.3.3.5.4.3.3.5.3 and 4.3.3.5.4 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition and NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.*
- *Portable fire extinguishers shall be selected, installed, inspected and maintained in accordance with sections 4.3.4.1, 4.3.4.1.3 and 4.3.4.1.3.2 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition and NFPA 10, Standard for Portable Fire Extinguishers.*
- *The selection, application and maintenance of fire hose shall be in accordance with sections 4.3.4.2 and 4.3.4.2.2 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition.*
- *Training of all miners and personnel responsible for fire prevention, fire-fighting, emergency evacuation procedures and personnel responsible for inspecting, testing, operating or maintaining fire suppression systems shall be in accordance with section 4.3.4.6 of NFPA 120, Standard for Fire Prevention and Control in Coal Mines, 2004 edition.*

NFPA appreciates the opportunity to comment further on the following MSHA areas of focus:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- *Given the number of applicable standards, it is clear that the proposed collection of information is necessary in its entirety to assure that mining is being carried out in the appropriate manner, which in turn is the function of the agency. The details and distinctions in the proposed collection of information have practical utility because they permit separate evaluation of compliance with the detailed standards.*

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- *We see no problems with the agency's burden estimate, methodology, or assumptions, but we have not independently calculated our own burden estimate.*

Enhance the quality, utility, and clarity of the information to be collected.

- *Our suggestion that data elements be explicitly linked to sections of applicable standards would enhance the clarity and utility of the information to be collected while not causing harm to the considerable strengths of the form and procedure in its current draft.*

Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

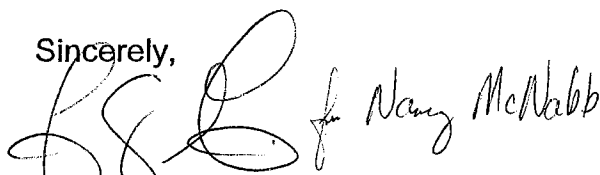
- *We have no comments on alternative data submission technologies.*

All NFPA codes and standards are developed through the voluntary consensus process and are accredited by the American National Standards Institute (ANSI). Congress, in several cases has mandated the adoption of NFPA codes and standards, including NFPA 101 Life Safety Code, for health care facilities participating in Medicaid and Medicare programs. We encourage MSHA to abide by the Congressional mandate of public law 104-113, as described in OMB Circular A119, and ensure that voluntary consensus codes and standards be used when they are applicable and to ensure that mine safety be the primary concern.

NFPA appreciates the opportunity to comment on the proposed rule and is pleased to know that the MSHA continues to make the fire protection of underground mines and mine emergency evacuation a priority. We hope and trust that the MSHA will, in the spirit of PL 104-113, require the use of the above-mentioned NFPA standards as applicable references.

If you have any questions or require additional information concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy McNabb", is written over a large, stylized, handwritten "f" or "N" that spans across the signature line.

Nancy McNabb, AIA
Director, Government Affairs