§ 49.12 Availability of mine rescue teams.

(a) Except where alternative compliance is permitted for small and remote mines (§49.13), every operator of an underground mine shall:

(1) Establish at least two mine rescue teams which are available at all times when miners are underground; or

(2) Enter into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

(b) Each mine rescue team shall consist of five members and one alternate who are fully qualified, trained, and equipped for providing emergency mine rescue service. Mine rescue teams for anthracite coal mines, which have no electrical equipment at the face or working section, shall consist of at least three members per team and one alternate that may be shared between both teams.

(c) To be considered for membership on a mine rescue team, each person must have been employed in an underground mine for a minimum of 1 year within the past 5 years, except that members of contract mine rescue teams shall have a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground shall meet the experience requirement. The underground experience requirement is waived for those miners on a mine rescue team on February 8, 2008.

(d) Each operator shall arrange, in advance, ground transportation for rescue teams and equipment to the mine or mines served.
§ 49.13 Alternative mine rescue capability for small and remote mines.

(a) If an underground mine is small and remote, an operator may provide for an alternative mine rescue capability consistent with statutory requirements. For the purposes of this subpart only, consideration for small and remote shall be given where the total underground employment of the operator’s mine and any surrounding mine(s) within 1 hour ground travel time of the operator’s mine is less than 36.

(b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

(c) Each application for an alternative mine rescue capability shall contain:
   (1) The number of miners employed underground at the mine on each shift;
   (2) The location of the designated mine rescue station serving the mine;
   (3) The total underground employment of mines within 1 hour ground travel time of the operator’s mine;
   (4) The operator’s mine fire, ground, and roof control history;
   (5) The operator’s established escape and evacuation plan;
   (6) A statement by the operator evaluating the usefulness of additional refuge chambers to supplement those which may exist;
   (7) A statement by the operator as to the number of miners willing to serve on a mine rescue team;
   (8) The operator’s alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and
   (9) Other relevant information about the operator’s mine which may be requested by the District Manager.

(d) A copy of the operator’s application shall be posted at the mine. Where a miners’ representative has been designated, the operator shall also provide the representative with a copy of the application.

(e) In determining whether to approve an application for alternative compliance, the District Manager shall consider:
   (1) The individual circumstances of the small and remote mine;
   (2) Comments submitted by, or on behalf of, any affected miner; and
   (3) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator’s mine.

(f) Where alternative compliance is approved by MSHA, the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners’ information. Where a miners’ representative has been designated, the