

**Testimony for Interwest Mining and its Subsidiaries Regarding
Proposed Rule 30 CFR Part 75 RIN 1219-AB52
Emergency Temporary Standard for Sealing Abandoned Areas
July 17, 2007
Denver, Colorado**

Interwest Mining Company and its Subsidiaries offer the following comments to the Mine Safety and Health Administration (MSHA) regarding the Emergency Temporary Standard for sealing of abandoned areas published May 22, 2007.

MSHA requests comments from the mining community on the appropriateness of the strategy in this ETS for addressing seal strength greater than 120 psi.

Interwest Mining Company suggests that MSHA allow mining companies to investigate future technologies and alternative methodologies such as weak-walls, the installation of baffles, etc. to provide blast wave mitigation prior to explosions encountering the seal.

MSHA specifically solicits comments on the Agency's approach to the strength requirements for seals.

Interwest Mining Company would suggest that rather than increasing seal design requirements, MSHA should allow mines to conduct a risk analysis of the specific area to be sealed. Some mines historically do not liberate methane. These mines should not be held to the same standard as mines that liberate large amounts of methane. If the atmosphere to be isolated behind a set of seals is to be inerted and/or it is known based upon mine history that the sealed area will never achieve an explosive mixture, then there is no rationale to increase the seal strength requirements. Instead, mine history, monitoring of a sealed area and the ability to inert the seal atmosphere should dictate seal design strength requirements.

MSHA asked for comments on the appropriateness of the three-tiered approach to seal strength in the ETS.

As stated in the previous comment, Interwest Mining Company suggests that rather than increasing seal design requirements, MSHA should allow mines to conduct a risk analysis of the specific area to be sealed. Some mines historically do not liberate methane. They should not be held to the same standard of mines that liberate large amounts of methane. If the atmosphere to be isolated behind a set of seals is to be inerted and/or it is known based upon mine history that the sealed area will never achieve an explosive mixture, then there is no rationale to increase the seal strength requirements. Instead, mine history, monitoring of a sealed area and the ability to inert the seal atmosphere should dictate seal design strength requirements.

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MSHA seeks comments on the feasibility of including in the final rule a requirement that existing seals be removed and replaced with a higher strength seal.

Interwest Mining Company does not agree with the removal of existing seals for higher strength seals. It does not make sense to potentially expose miners to an irrespirable atmosphere and potentially introduce oxygen into the sealed area which may contain methane and could expose the miners to an explosive mixture. Additionally, existing sealed areas which do not contain explosive mixtures do not benefit from the construction of a higher strength seal as the factor of safety for an explosion for a 120 psi seal vs the factor of safety for a 20 psi seal are the same, if no explosion is possible.

MSHA is requesting comments addressing the sampling approach in this ETS

- Sampling and sampling frequency (only when seal is outgassing)

Interwest Mining Company believes that sampling frequency should be determined by site-specific mine conditions, mine history and approved by the district manager. For example, a mine that has no history of methane should not be required to sample weekly. If historical data determines that a mine does not produce methane, the district manager may approve a different sampling procedure such as monthly, quarterly, etc.

- Is another sampling approach more appropriate for the final rule, such as when the seal is ingassing

Interwest Mining Company does not believe there is a need to sample seals that are ingassing. Again, if a mine does not have a history of methane liberation, sampling should not be required.

- Request information and experiences of the mining community concerning sampling sealed areas.

Interwest Mining Company believes that specific conditions at the mine would require different sampling procedures. A mine with a complex ventilation system (blowing and/or exhausting) will have a different effect than a mine that is only on an exhausting or blowing system. Again, Interwest Mining Company believes that historical information should be utilized to determine sampling intervals.

MSHA is requesting comments from the mining community on the appropriateness of the ETS requirements regarding open flames associated with welding, cutting and soldering activities within 150 feet of a seal and the feasibility of this requirement.

Interwest Mining Company does not agree with this ETS requirement. There are some instances that seals are built on the intake or next to belts and belt drives and other

situations. Cutting and welding should be allowed if air quality checks are made (methane/oxygen) and continually monitored.

MSHA request comments regarding the appropriate number and location of sampling pipes for the final rule.

Interwest Mining Company believes that one seal in a set of seals should be designated for sampling and be provided with sampling pipes. However, the appropriate number and location of sampling pipes should be based upon site-specific mine conditions and historical experience.

MSHA request comments from the mining community on the ETS requirement for water drainage systems for seals, including effective alternatives for the final rule.

Interwest Mining Company believes MSHA should define "impounding water". Some water behind a seal would not pose a problem. Seals and set of seals could be constructed to allow water to flow to the lowest area, and the seal built in that location would contain the water drainage system. Again, this should be determined on a site-specific condition.

MSHA solicits comments regarding if the removal of insulated cables and metallic objects through or across seals is feasible and will not involve significant technical or practical problems.

Interwest Mining Company agrees with removal of cables and track and other metal objects across/thru the seal. Interwest Mining Company disagrees with removing all cables from the sealed area. This could create a hazardous condition, for example, bleeder systems that generate large quantities of water require pumping systems to be maintained up to the final sealing process. Taking the time to remove all pumping, monitoring, communication cables, etc. prior to the final sealing process could allow the bleeder system to flood and potentially block ventilation resulting in methane buildup, black damp and other hazardous conditions. This would create a greater hazard to our employees than the potential of a lightning strike. Grounding the cable to the mine strata or other alternatives could be a more effective way to deal with cables left behind.

Interwest Mining Company would like to thank you for your time and allowing us to comment at this hearing.