

Received 03/30/04
MSHA/OSRV

March 30, 2004

Mr. Marvin W. Nichols, Jr.
Director, Office of Standards, Regulations and Variances
MSHA
1100 Wilson Blvd
Room 2350
Arlington, Virginia 22209-3939

RE: RIN 1219-AB29 Comments on 30 CFR Part 57
Reopening of DPM Proposed Rule

Submitted via e-mail: comments@msha.gov

Dear Mr. Nichols:

I am submitting these comments on behalf of the Greens Creek Mine, an underground metal mine located near Juneau, Alaska, owned in joint venture by Kennecott Greens Creek Mining Company (KGMC) (57.75 percent), Kennecott Juneau Mining Company (12.51 percent) and Hecla Mining Company (29.74 percent). Kennecott Greens Creek Mining Company is the operator of the mine and is 100 percent owned by Kennecott Minerals Holding Company with its headquarters in Salt Lake City, Utah.

Kennecott Minerals Holding Company (Kennecott) is a member of the National Mining Association (NMA), which has been party to the challenge of the January 19, 2001 final rule and the July 15, 2002 settlement agreement, as is KGMC, and endorses all past and current comments from both entities including comments from Kennecott and KGMC dated October 14, 2003 and the comments (April 5, 2004) submitted by Bruce Watzman on behalf of the NMA on the limited reopening of the comment period for the proposed rule Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners, 30 CFR Part 57. Kennecott hereby requests that these comments be made part of the record for this rulemaking.

Similar to the NMA, Kennecott and KGMC have always maintained throughout this rulemaking that the proposed final limit of 160 micrograms per cubic meter is not feasible and should be deleted. Kennecott and KGMC believe that MSHA should include a definition of "practical mine-worthy filter technology" that identifies DPM filters proven to be capable of achieving the standards for DPM in a working underground mine

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environment for every miner on every shift. We also believe that the completed Stillwater Study (Phase 1 and Phase 2) when taken in its entirety, highlights the technical feasibility problems that mines, such as Greens Creek, encounter in the actual mining cycles. We respectfully request that MSHA enter into the record the Stillwater Phase 2 production scenario test results that are now available that highlighted the technological limitations that mines have and will encounter in trying to control DPM to comply with the DPM standard.

Kennecott would like to thank you for the opportunity to provide these comments and urges MSHA to delete the final 160 standard that is to become effective January 2006.

Sincerely,

Fred Fox