



Interstate Mining Compact Commission

AUG 16 2007

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GREGORY E. CONRAD

August 15, 2007

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

Re: Docket No. RIN 1219-AB52

To Whom It May Concern:

This letter is submitted on behalf of the Interstate Mining Compact Commission (IMCC) regarding an emergency temporary standard (ETS) on sealing of abandoned areas in coal mines published by the Mine Safety and Health Administration (MSHA) on May 22, 2007 at 72 Federal Register 28796. IMCC is a multi-state governmental organization representing the natural resource, environmental protection and mine safety and health interests of its 24 member states. Many of IMCC's member states either operate their own mine safety and health regulatory programs or carry out training responsibilities pursuant to the federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

On July 10, IMCC presented a statement at MSHA's first public hearing on the mine seal ETS in Morgantown, West Virginia. We wish to clarify that this statement consisted of the aggregated comments and concerns of several IMCC member states concerning implementation of the ETS. As is the case with any federal rulemaking that impacts the roles and responsibilities of the states in their capacity as regulatory authorities, each state will be faced with unique circumstances and concerns associated with the implementation of their respective regulatory programs pursuant to the federal rule at issue. IMCC therefore serves as a conduit for presenting the concerns and comments of the states on these federal rulemakings, as anticipated by the Administrative Procedure Act.

Our intent with respect to the statement presented to MSHA on July 10 was to provide preliminary comments and bring to MSHA's attention the potential implications of the ETS for those states who will have to implement or work within the purview of the rule. Those IMCC member states who desire to submit additional comments or clarifications on the ETS will do so during the comment period.

1219AB52-COMM-006

We appreciate the opportunity to submit this clarification. Should you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Gregory Conrad". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Gregory E. Conrad
Executive Director