DANA MINING COMPANY, INC.
308 Dents Run Road
Morgantown, WV 26501
Tele: (304) 296-4501

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MSHA
Office of Standards, Regulations, and Variances
1100 Wilson Blvd., Room 2350
Arlington, VA 22209-3939

Dear Sir or Madam:

On behalf of Dana Mining Co., Inc. and Dana Mining Co of PA, Inc. I appreciate the opportunity to comment on the Emergency Temporary Standard that relates to Sealing of Abandoned Areas.

My comments are as follows:

1) The ETS does not specifically exclude mine seals at the surface when a mine is permanently abandoned. The regulation should clearly state that the ETS is applicable for all seals other than the mine seals at the surface at drift, shaft or slope entries. Since each individual State has their own requirements on how the mine seals are to be constructed at these locations for environmental reasons, there would be a conflict between the Federal and State rules that is unnecessary.
2) Sampling – since sampling tubes are required at each seal, how should a mine seal be selected for sampling by the mine operator in a set? If the gases are inert, will MSHA require sampling at all the seals? Where will MSHA sample? What apparatus will be used by MSHA to take air samples?
3) The Mitchell-Barrett type seal as described in the old regulations was a sealing technique that has withstood the test of time. Properly constructed seals of this type are reported to have a strength of 95 psi. Bureau of Mines IC9020 states on Page 2 that "A methane and coal dust explosion exerts a dynamic loading on the bulkhead that rarely exceeds 50 psig. As a general rule, pressure at 200 feet or more from the origin of an explosion will not exceed 20 psig unless coal dust accumulations are abnormal and the incombustible content of the dust is far less than required by law." If the Information Circular is correct, there is reason to believe that a Mitchell-Barrett type seal should be considered a viable alternative to the seal described by 75.335 (a) (1). It appears that MSHA is attempting to create a situation where the safety factor is high enough that a mine seal failure is extremely unlikely due to over pressure. The problem with this approach is that MSHA is attempting to anticipate <u>every</u> hazardous situation with a regulation, and that is not possible.
4) The required action levels covered in 75.335 (b)(5)(vii) are lower and higher than the ignition ranges of methane. Is it MSHA's intention that the action levels are set by using the actual methane ignition level and subtracting/adding the calibration error of an instrument it uses to detect the gas? If the mine operator can show its calibration error is lower than MSHA's, can the action levels be changed?
5) Would MSHA consider the possibility of constructing a mine sealing system whereby a weak wall made up of water tanks, rock dust bags or gob be used inby a seal location to reduce the shock wave? This method may allow the mine operator to effectively reduce the pressure at each seal.
6) Please allow input from each state mining regulatory authority prior to implementation of new emergency temporary standards.

7) It may be necessary to shut down the mining operation during the time the atmosphere is transitioning from inert to explosive and then inert inby the new seals. It may also be necessary to shut down the mine while a 120 psi mine seal is curing. Will MSHA allow the mine operator to establish a safety zone around the seals to allow miners to travel by the mine seals while the atmosphere is changing or while the seal is curing?
8) A professional engineer as described in 75.336 (b)(2) is unnecessary since the mine operator is required to designate a certified person to directly supervise seal construction in 75.337(b).
9) MSHA needs to "pre approve" one or more generic seal designs that the operator can construct in all cases and in any location. An MSHA professional engineer could certify the design.
10) The quality control measures that are being approved are too complicated. Isn't there a simpler way to approach this such as a concrete mix approved by MSHA?
11) The three tiered approach to seal construction may be problematic in the future. The problem lies with how MSHA plans to train it's personnel on how to interpret 75.335(a)(3). How should the mine operator evaluate the coal mine to determine if a seal that will withstand an overpressure greater than 120 psi is required?
12) Where a new seal can not be constructed in front of an old one using the 10 foot rule, what can the operator do to comply if there is no other location available?
13) If a sampling tube becomes plugged or collapses, what will MSHA require the mine operator to do in order to remedy it?
14) Why is it necessary for three (3) separate individuals to address in writing that the mine seals are constructed according to the approved plan? 75.336 (b) (2), 75.337 (b)(5), and 75.337 (c).

Thank you for considering my comments.

Sincerely,

Brian M. Osborn

Brian M. Osborn, P.E.
Engineering Manager