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

RE: RIN 1219-AB46

Dear Sir or Madam:

We appreciate the opportunity to comment on this important potential regulation as it could have a dramatic effect on the future of mining. It is felt that this proposed regulation could cause many mine operators to eliminate sealing of areas in their mine and thereby create a greater exposure hazard to those personnel that will be required to make weekly examinations of the bleeder entries of those old works.

Sealing of abandoned workings in many mines has eliminated much of the exposure of personnel that in the past had to examine those old workings.

Proposed 75.335(c) would prohibit welding, cutting and soldering with an arc or flame within 150 feet of a seal. We feel this requirement is neither practical nor necessary. Current regulations require continuous monitoring for methane whenever welding, cutting or soldering is being performed in the face areas. Why would this not be sufficient for areas near a seal? There is a great possibility that some conveyor beltlines may already be within 150 feet of an existing seal or seals and this would eliminate any of those stated activities on a belt drive or belt or even track equipment should there be track in the belt or adjacent entry. What if a seal is within 150 feet of the surface? Would this eliminate any welding, cutting, or soldering on the surface that might be in line with that seal? Another scenario that this regulation could potentially affect is the fact that a piece of equipment might break down within 150 feet of a seal and require welding, cutting or soldering on that piece of equipment to repair it. With this regulation, as stated, that piece of equipment could not be repaired at that location. If it is a piece of equipment that could not be pulled or moved to

another location, it would have to be abandoned costing the operator thousands of dollars. It is recommended that this requirement be removed and worded as the regulation on cutting, welding, and soldering in the face areas be adopted.

Under 75.335(d) the proposed regulation would require at least 2 sampling pipes installed in each seal. Our company chose to install replacement seals in front of existing seals and intend to continue that practice. However, in the existing set of seals only one seal per set has one sampling pipe installed in the highest elevation seal. The sampling pipe through the replacement seal can be attached to the sampling pipe in the original seal. It makes no sense to put a second sampling pipe in the replacement seal as you would only be monitoring the area in between the seals and this would serve no useful purpose. We do not feel that drilling a hole in the original seal is an alternative as that could be dangerous. Another scenario that we have encountered when placing another seal in front of an existing seal is the fact that some of the seals were not required to have a sampling pipe placed in them. Again it would serve no useful purpose to install a sampling pipe or pipes in the replacement seal as you would only be monitoring the area in between the seals. We would therefore propose that on replacement seals, operators be allowed to install only one sampling pipe and connect it to the original sampling pipe in the original seal. In those cases where the seal was not required to have a sampling pipe in it, we feel we should not be required to place a pipe in the replacement seal. We also feel the requirement of having 2 sampling pipes in every seal is also not necessary. It is far more feasible to have sampling pipes placed in a seal of a set of seals with the highest elevation and in one seal in a set of seals with the lowest elevation. This makes more sense to us than requiring sampling pipes in every seal as the purpose of those would be to monitor the area for methane and oxygen content.

Under 75.335 (b)(3), we do not agree with the numbers in this proposed requirement. We feel this should be changed. The numbers on the lower scale would reflect a 40% error factor for a calibrated approved detector. We feel this low number should be raised to 4% as it would still leave a 20% error factor for the instrument used to detect methane. Most other instruments used in the industry such as noise dosimeters have a much smaller error factor when used to determine compliance. The upper level of methane is proposed at 20%. That is a 33% error factor for the instruments used to detect methane. The proposal uses 2% below the accepted inert atmosphere of 12% 0_2 and 5% CH_4. Why should the upper level not be at 17% instead of 20% for methane making the upper level 2% above the 15% CH_4 explosive limit as in the lower explosive limit and the oxygen content?

Under 75.335(e), we feel the wording needs to be changed to state that the seal should not impound water to a depth that affects the integrity of the seal. Some mines produce more water than others and the seal may impound some water

behind it. We also do not believe the water pipe should be buried as this would require a trench to be dug out in the mine floor at or very near the seal. This in turn could cause the seal to leak due to the disturbance in the mine floor.

Under 75.337, we do not believe that roof support material should be removed in an area where a seal is to be built. Due to the safety of our miners this should not be required. This would not appear to be anymore unsafe than installing metal sample pipes or water drainage pipes through the seals.

Under 75.337 (a)(2) it is suggested that this be changed to read "Examine each seal under construction or repair while work is being performed to ensure..." This would allow some flexibility for the certified person at the mine, as many small operators may only have one certified person on his payroll.

The preamble to this proposed regulation and on Page 28801, talks about pressure piling. It is recommended that pressure piling be explained in detail as to its meaning. This could make a difference in projections for a particular section of the mine that plans are to seal after mining is complete in that area.

Also, on Page 28801, it is stated that MSHA is considering requiring mine operators to remove existing seals and replacing them. We believe instead of requiring existing seals to be removed and replaced, MSHA and the industry would be better served to consider reinforcing existing seal strength where it is warranted.

On Page 28803 of the preamble to the proposed regulation asked for comments on sampling when a seal is ingassing. This makes no sense to us as we feel an accurate sample of the atmosphere behind the seal when it is ingassing could not be obtained.

Again on Page 28803, an "affected area," is talked about. We feel it is important to the mining industry for MSHA to determine the "affected area" for each mine prior to any problem arising. This would help eliminate any immediate confusion should the atmosphere behind certain seals fall in the ranges indicated in 75.335(b)(3).

On Page 28808 of the preamble, it states that seals must be approved by MSHA and that MSHA must be notified prior to the installation of seals. We believe MSHA enforcement personnel should be on site during the construction of seals to ensure they are being installed according to the approve plan. If this is the case and the seals are being installed correctly, why should the regulation require a PE to have over-site of the seal installation? This appears to add an already heavy burden to the small operator that could potentially not afford to hire a PE to be on call at all times.

Again, we appreciate the opportunity to comment on this most important regulation and we hope our comments will be taken into consideration.

Thank you in advance.

Sincerely,

JEWELL SMOKELESS COAL CORPORATION

Gerald Kendrick
Manager of Health and Safety