



THE COLORADO MINING ASSOCIATION

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Received 10/16/06
MSHA/OSRV

Mine Safety and Health Administration
Coal Mine Safety and Health
1100 Wilson Boulevard
Room 2409
Arlington, VA 22209

Re: Draft Program Policy Letter
Application of 30 CFR Part 75.334(b)(1) to Bleeder Systems
RIN 1219-AB51

Dear Sir or Madam:

On the behalf of the member companies of the Colorado Mining Association, I am submitting the following the comments on MSHA's Draft Program Policy Letter (PPL), "Application of 30 CFR 75.334(b)(1) to Bleeder Systems." We appreciate the opportunity to comment on the PPL to further enhance safety within the mining industry. We also appreciate MSHA's cooperation with the National Mining Association in extending the comment period.

One primary concern of not only the Colorado mine operators, but many western underground operators, is that application of the PPL as written will have a detrimental effect on underground mines with a demonstrated history of spontaneous combustion. Safe mining and ventilation plans have been developed and approved by MSHA where limited ventilation practices are used to reduce the potential for spontaneous combustion within a gob area. This concern is reiterated in the following specific comments related to the draft PPL:

- The PPL contradicts the language in the preamble to the 1992 and 1996 ventilation regulations. The preamble clearly states that mine operators are required to design a tailored bleeder system based upon the conditions in the particular mine where the bleeder system is used. Due to unique conditions and methane liberation, the type of bleeder system used and its design "is best handled through the approved ventilation plan".
- The PPL appears to negate 30 CFR 75.334(f) {mines with demonstrated history for spontaneous combustion} which allows for alternatives to 30 CFR 75.334(a) and 75.334(b).
- In mines where spontaneous combustion is a potential problem, thoroughly ventilating the gob is contrary to proven spontaneous combustion mitigation practices of limiting and reducing ventilation within the gob, allowing the gob to become inert. Mine operators are convinced that requiring additional ventilation through the gob by increasing the pressure differential across the gob has and will continue to result in mine fires which is a significant and substantial diminution of safety to the miners. Stable and limited

ventilation within gobs has proven to be an effective means for reducing the potential for spontaneous combustion.

- Unlike the established inlets and outlets to the gob where the airflow direction is typically consistent, internal air paths within the gob area are constantly changing, preventing accurate specification of air direction at any given point of an internal air path.
- Weekly examination of internal air paths within the gob area to determine air direction causes serious and significant safety concerns for the examiner. Internal air paths are not locations where personnel should be located, both from a health and a safety prospective. This type of examination would unnecessarily expose the examiner to hazardous roof conditions and potential air quality issues, resulting in a diminution of safety to the miners.
- Current regulations require evaluation of the bleeder system at established monitoring or measurement point locations. The PPL inappropriately expands the regulation without going through appropriate rulemaking procedures to require checking of internal air paths.
- Requiring a maximum of 3.0% methane at inlets, outlets, and within internal air paths of the gob can reduce the effectiveness of established methane drainage systems, both horizontal and vertical. Methane drainage has proven to be a very safe and effective system for removing gases from the gob and away from active workings. Dilution of the methane with ventilation will render these proven systems useless.
- The PPL attempts to defeat the laws of physics by requiring immediate dilution of methane within the bleeder air course to a maximum of 2.0%, without introducing additional splits of air. Dilution of methane requires injection of additional air, however, this air should not be required to be routed though the gob. Dilution of the methane at appropriate locations within a bleeder system without changing the location of the designated 2.0% location appears to be more appropriate rather than attempting to overcome nature's gas laws.
- Increasing air volumes through the gob to increase the oxygen air quality to at least 19.5% in bleeder entries areas where persons must travel again is counterproductive to reducing the potential for spontaneous combustion. The current regulations recognize the potential for reduced air quality in a bleeder system by allowing the District Manager to grant evaluation points within a bleeder system when potential hazards are encountered. The decreased oxygen content in a bleeder entry is not always the result of methane, since other gases (carbon monoxide and carbon dioxide in particular), can account for the reduced oxygen levels.
- The PPL inappropriately establishes a carbon dioxide air quality requirement of 0.5% in bleeder systems. Current regulations allow for a Time Weighted Average (TWA) of 0.5% and a Short Term Exposure Limit (STEL) of 3.0%. A TWA of 0.5% is significantly different from an exposure of 0.5%.
- Establishing a maximum methane concentration of 3.0% is contrary to established practices of allowing more than 3.0% at various locations within a bleeder system. With current monitoring and communication capabilities, higher concentrations of methane within a bleeder system still allow for a sufficient safety factor.
- Establishing a maximum methane concentration of 3.0% in a bleeder system is also inappropriate since a regulation is effectively being made without going through the required rulemaking procedures.
- The Western coal mines that are spontaneous combustion prone or prone to elevated oxidation rates tend to consume oxygen versus have lower oxygen levels by dilution from methane. Carbon dioxide is the resulting gas, which has lower allowable limits than methane, and yet, poses a significantly less concern.

The current regulation allowing up to 3.0% carbon dioxide on a Time Weighted Average is necessary in bleeder entries and the current Program Policy Letter on the 75.323(e) location eliminates the ability to dilute carbon dioxide and low oxygen in the bleeder entries by introducing additional dilution air. The 75.323(e) policy should only address where the 2.0% location is and have nothing to do with the designation of the bleeder entries.

The illustration below depicts the concern of elevated carbon dioxide and low oxygen behind seals that are located in the bleeder entries and included in the gob air at the 75.323 (e) measurement point.

NORMAL AIR (Minus small Gases)	NORMAL AIR (Minus small Gases)
79% Nitrogen	79% Nitrogen
21% Oxygen	21% Oxygen
to	to
CONSUMPTION	DILUTION
to	to
79% Nitrogen	71.1% Nitrogen
11% Oxygen	18.9% Oxygen
10% Carbon Dioxide	10% Methane
to	to
LEAKAGE AND 323(e) (Allowed 0.5% CO ₂)	LEAKAGE AND 323(e) (Allowed 2.0% CH ₄)

This results in 4 times the amount of leakage from seals or from the airflow at the 75.323(e) point for methane versus the effect of consumption of oxygen that produces carbon dioxide. That is the reason that additional dilution air is added into the bleeder system for protection from high carbon dioxide or low oxygen. This is done to improve air quality in the bleeder system.

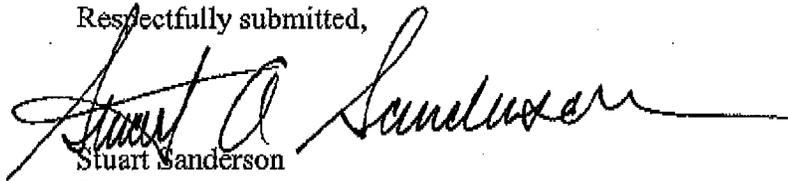
MSHA's New Video - This new video creates confusion when trying to use it to understand "primary internal airflow paths" as discussed in the draft PPL. At numerous locations, the moving airflow depicts air of the caved gob and mixing with other airflow paths that would be associated with the perimeter of the caved gob. That is what would be expected of a bleeder system, except the air quality is not governed by any regulations, and more important, should not be governed by new program policies. In fact, the current regulations do not govern any of the airflows indicated, except where the flow exits a 75.323(e) point. If the right entry in the headgate is required for travel to access the bleeder, then that entry would be limited to 4.5% methane by long-term and current practice.

Two splits of air that are labeled as "primary internal airflow paths" (Tailgate statement that air could be going inby and the right entry of the headgate) have been

called "sweetners" by MSHA Ventilation Experts in recent court cases, which influenced the Judge's decisions. They are now properly depicted as splits of air entering the gob and part of the expectations of controlling bleeder airflow. They were also properly depicted in approved ventilation plans, yet conflicting expectations existed among MSHA personnel. These types of misunderstandings are significant and indicate why these new interpretations should be put on hold. Now, not even the Review Commission can concur on these issues, as indicated by two recent decisions.

Again, we appreciate the opportunity to submit comments from concerned operators on the draft PPL. We encourage MSHA to fully evaluate the comments and to incorporate the comments into a revised PPL that will help ensure the safety of all miners.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart A. Sanderson", written in a cursive style.

Stuart Sanderson

President

Colorado Mining Association