

February 26, 1991

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Dear Technical Review Committee Members:

In response to a question asked by Bart B. Lay, Director at the February 21, 1991 Board of Coal Mine Health and Safety meeting concerning modification requests on air passing through seals. I have been requested to clarify a misconception on what party is to approved or deny these requests.

To give an overview of the laws as they were promulgated and passed. We begin talking about 22-2-5(b), which came into effect in 1981, is dealing with unused and abandoned portions of the mine. The original version prohibited ventilation air from passing through an abandoned area and also air that was being used to ventilate seals or to pass by seals. In 1982, the Board of Coal Mine Health and Safety in regulation Title 36, Series 17 passed that "air that has been used to ventilate seals shall not be used to ventilate any working place unless prior approval is obtained from the Director." In 1986, the statute comes into effect, it reads that "air that is passed through an abandoned area or an accessible area shall not be used to ventilate any working mine unless permission is granted by the Director with the unanimous agreement of the TRC. It continues to read that "air that has been used to ventilate seals shall not be used to ventilate any working place in any working mine."

In my opinion the 1986 law supersedes the 1982 regulation that dealt with Director's approval for air passing by seals. Legally speaking, I feel that if anyone would challenge it that the 1982 regulation is not any good. The TRC may grant a site specific waiver allowing ventilation with air that has passes by a seal.

Safety record: Good Standard Poor

When handling...
...made to the...
...highly...
...are...
...secured...
...A...
...alarm...
...and green light...
...the...
...made to...
...prevent...
...protect...
...the unit by...
...from...
...initiations on