

United Mine Workers of America



TELEPHONE
(703) 291-2400

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200

Triangle, VA

22172-1779



May 18, 2012

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Mr. Greg Moxness, Chief
Economic Analysis Division
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: OMB Control Number 1219-0073

Dear Mr. Moxness:

Attached are the comments of the United Mine Workers of America on the above-named Proposed Extension of Existing Information Collection; Mine Mapping and Records of Opening Closing, and Reopening of Mines (Formerly, Record of Mine Closures, Opening & Reopening of Mines). I ask that you forward a copy of our comments to the appropriate persons in your Agency for consideration.

Should you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Dennis O'Dell, Administrator
Department of Occupational Health & Safety

**Comments of the United Mine Workers of America
On the Proposed Extension of Existing Information Collection;
Mine Mapping and Records of Opening, Closing, and Reopening of Mines
(Formerly, Record of Mine Closures, Opening & Reopening of Mines
May 21, 2012**

MSHA indicates that this proposal is part of the Department of Labor's continuing effort to reduce paperwork and respondent burden in accordance with the requirements of the Paperwork Reduction Act of 1995. This proposal provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information to ensure that requested data can be provided in the desired format, reporting burden is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. MSHA indicates it is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses, to minimize the burden of the collection of information on those who are to respond.

The UMWA's comments on each standard will follow each standard affected by this proposal as follows;

30 CFR § 75.372 Mine ventilation map.

(a)(1) At intervals not exceeding 12 months, the operator shall submit to the district manager 3 copies of an up-to-date map of the mine drawn to a scale of not less than 100 nor more than 500 feet to the inch. A registered engineer or a registered surveyor shall certify that the map is accurate.

(2) In addition to the informational requirements of this section the map may also be used to depict and explain plan contents that are required in §75.371. Information shown on the map to satisfy the requirements of §75.371 shall be subject to approval by the district manager.

(b) The map shall contain the following information:

(1) The mine name, company name, mine identification number, a legend identifying the scale of

the map and symbols used, and the name of the individual responsible for the information on the map.

(2) All areas of the mine, including sealed and unsealed worked-out areas.

(3) All known mine workings that are located in the same coalbed within 1,000 feet of existing or projected workings. These workings may be shown on a mine map with a scale other than that required by paragraph (a) of this section, if the scale does not exceed 2,000 feet to the inch and is specified on the map.

(4) The locations of all known mine workings underlying and overlying the mine property and the distance between the mine workings.

(5) The locations of all known oil and gas wells and all known drill holes that penetrate the coalbed being mined.

(6) The locations of all main mine fans, installed backup fans and motors, and each fan's specifications, including size, type, model number, manufacturer, operating pressure, motor horsepower, and revolutions per minute.

(7) The locations of all surface mine openings and the direction and quantity of air at each opening.

(8) The elevation at the top and bottom of each shaft and slope, and shaft and slope dimensions, including depth and length.

(9) The direction of air flow in all underground areas of the mine.

(10) The locations of all active working sections and the four-digit identification number for each mechanized mining unit (MMU).

(11) The location of all escapeways and refuge alternatives.

(12) The locations of all ventilation controls, including permanent stoppings, overcasts, undercasts, regulators, seals, airlock doors, haulageway doors and other doors, except temporary ventilation controls on working sections.

(13) The direction and quantity of air--

(i) Entering and leaving each split;

(ii) In the last open crosscut of each set of entries and rooms; and

(iii) At the intake end of each pillar line, including any longwall or shortwall.

(14) Projections for at least 12 months of anticipated mine development, proposed ventilation controls, proposed bleeder systems, and the anticipated location of intake and return air courses, belt entries, and escapeways.

(15) The locations of existing methane drainage systems.

(16) The locations and type of all AMS sensors required by subpart D of this part.

(17) Contour lines that pass through whole number elevations of the coalbed being mined. These lines shall be spaced at 10-foot elevation levels unless a wider spacing is permitted by the district manager.

(18) The location of proposed seals for each worked-out area.

(19) The entry height, velocity and direction of the air current at or near the midpoint of each belt flight where the height and width of the entry are representative of the belt haulage entry.

(20) The location and designation of air courses that have been redesignated from intake to return for the purpose of ventilation of structures, areas or installations that are required by this subpart D to be ventilated to return air courses, and for ventilation of seals.

(c) The mine map required by §75.1200 may be used to satisfy the requirements for the ventilation map, provided that all the information required by this section is contained on the map.

COMMENT

The requirements of §75.372 specify the basic requirements for information to be plotted on the mine ventilation map and submitted to MSHA at least once a year. The mine ventilation map is a vital picture of how a mine is ventilated and these requirements are not a burden to the employer. It is critical that an up-to-date mine map be available especially should there be an emergency. The responders and mine rescue teams must have an up-to-date map to determine their course of action in response to such an emergency. Otherwise, not only the miners' lives will be placed in jeopardy, but also the mine rescue members. How the mine is ventilated determines the course of action to rescue trapped miners or recover the mine and such information is vital to the mine operation. Such was the case at the Upper Big Branch Disaster rescue mission. From September 11, 2009 until April 5, 2010 UBB submitted 38 revisions to the ventilation plan, of which 18 were approved and two seal completions were acknowledged. There were 13 revisions to the ventilation plan and map that were not approved. The numerous revisions created confusion during the rescue operations. Consequently, keeping a mine map up-to-date with current ventilation systems used in the mine is of utmost importance. This reporting requirement is not a burden to industry and is standard practice at mines. Therefore, there must be no changes to this standard.

The Union agrees that electronic submissions could be provided to take advantage of technology but other means must also be provided. Some miners and operators lack access to computers and computer skills so mail with hard copies will still be necessary

30 CFR § 75.373 Reopening mines.

After a mine is abandoned or declared inactive, and before it is reopened, mining operations shall not begin until MSHA has been notified and has completed an inspection.

COMMENT

This standard simply requires an operator to notify MSHA when it plans to reopen an inactive mine so MSHA can complete an inspection prior to the operations start up. This is a necessary practice to ensure that the mine is being properly ventilated, roof supported, etc. before miners are sent underground to work. MSHA must be notified and provided the opportunity to make certain the operation is safe for miners to return to work, especially after the mine has been idle for an extended period of time. So, this reporting requirement is necessary and must not be changed.

30 CFR § 75.1200 Mine map.

The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show:

- (a) The active workings;
- (b) All pillared, worked out, and abandoned areas, except as provided in this section;
- (c) Entries and aircourses with the direction of airflow indicated by arrows;
- (d) Contour lines of all elevations;
- (e) Elevations of all main and cross or side entries;
- (f) Dip of the coalbed;
- (g) Escapeways;
- (h) Adjacent mine workings within 1,000 feet;
- (i) Mines above or below;
- (j) Water pools above; and
- (k) Either producing or abandoned oil and gas wells located within 500 feet of such mine and any underground area of such mine; and,
- (l) Such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned, which are inaccessible or cannot be entered safely and on which no information is available.

COMMENT

This standard requires the mine operator to keep an up-to-date mine map in a fire proof repository with vital information about the mine. This information includes how it is ventilated; other mines above or below the operation; aircourse locations; and all pertinent information about the mine. This is vital information that must be kept up to date and available at the mine in the event of an emergency. Otherwise, rescuers and trapped miners lives may be placed in jeopardy if the correct information is not available when it is critical to access response in a mine emergency situation. This is critical information necessary for the function of a mine and should not be eliminated or changed..

30 CFR § 75.1200-1 Additional information on mine map.

Additional information required to be shown on mine maps under §75.1200 shall include the following:

- (a) Name and address of the mine;

- (b) The scale and orientation of the map;
- (c) The property or boundary lines of the mine;
- (d) All drill holes that penetrate the coalbed being mined;
- (e) All shaft, slope, drift, and tunnel openings and auger and strip mined areas of the coalbed being mined;
- (f) The location of all surface mine ventilation fans; the location may be designated on the mine map by symbols;
- (g) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown;
- (h) The location and description of at least two permanent base line points coordinated with the underground and surface mine traverses, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys;
- (i) The location of any body of water dammed in the mine or held back in any portion of the mine; provided, however, such bodies of water may be shown on overlays or tracings attached to the mine maps used to show contour lines as provided under paragraph (m) of this section;
- (j) The elevations of tops and bottoms of shafts and slopes, and the floor at the entrance to drift and tunnel openings;
- (k) The elevation of the floor at intervals of not more than 200 feet in:
 - (1) At least one entry of each working section, and main and cross entries;
 - (2) The last line of open crosscuts of each working section, and main and cross entries before such sections and main and cross entries are abandoned;
 - (3) Rooms advancing toward or adjacent to property or boundary lines or adjacent mines;
- (l) The elevation of any body of water dammed in the mine or held back in any portion of the mine; and,
- (m) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed 10-foot elevation levels, except that a broader spacing of contour lines may be approved by the District Manager for steeply-pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.
- (n) The locations of refuge alternatives.

COMMENT

Our comments here would simply repeat the concerns expressed above regarding keeping an up-to-date map available at all times for each mine. There should be no change to existing requirements.

30 CFR § 75.1201 Certification.

Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located.

COMMENT

This rule requires that all mine maps be certified as being correct in a representation of the conditions in the mine by a registered engineer. All mine maps must be certified by a registered engineer to assure it is correct. This is common practice with any map, plat, etc. The mining industry is no different than any other industry with regards to certifying maps by a professional and this requirement must not be changed. Requiring a professional to certify the accuracy helps to ensure that the maps are reliable.

30 CFR § 75.1202 Temporary notations, revisions, and supplements.

Such map shall be kept up-to-date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

COMMENT

The comments here would be the same as above. All maps must be kept up to date and certified by an engineer.

30 CFR § 75.1202-1 Temporary notations, revisions, and supplements.

(a) Mine maps shall be revised and supplemented at intervals of not more than 6 months.

(b) Temporary notations shall include:

(1) The location of each working face of each working place;

(2) Pillars mined or other such second mining;

(3) Permanent ventilation controls constructed or removed, such as seals, overcasts, undercasts, regulators, and permanent stoppings, and the direction of air currents indicated;

(4) Escapeways and refuge alternatives designated by means of symbols.

COMMENT

This rule requires that temporary notations to update working faces, new ventilation controls, etc. be made every six months. This is a requirement to keep the advancement or retreat of mining current on the mine map and is not a requirement that could be eliminated in the name of paperwork reduction. This information is very important because a mine is a changing environment on a daily basis and such changes must be updated frequently.

30 CFR § 75.1203 Availability of mine map.

The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such maps and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

COMMENT

This rule requires the mine map to be made available for inspection to mine inspectors, miners, miners' representatives, operators of adjacent coal mines and by persons owning, leasing or residing on surface areas of such mines or areas adjacent to such mines. The persons viewing the map must do so with confidentiality. This rule only permits those individuals who could be affected by the mine to be able to assess where mining is taking place and how it is relative to their situation. This is only common courtesy to those individuals who could be affected by the mine and must not be removed from the regulations. Letting those affected by the mine simply see the mine map does not place a recordkeeping or paperwork burden on the mine operator. The maps must be maintained by other standards and this rule simply makes the mine map available to those who may be affected. It should be retained, as written.

30 CFR § 75.1204 Mine closure; filing of map with Secretary.

Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days, he shall promptly notify the Secretary of such closure. Within 60 days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of 90 days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the

date of the closure. Such copy of the mine map shall be certified by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

COMMENT

When an operator plans to close a mine or idle it for a period of 90 days, this rule requires the mine operator to notify MSHA of such closure and provide a up-to-date mine map which has been certified by a registered engineer within 60 days of the expiration of that 90 day period. This map must be made available for public inspection. Whenever a mine operator idles or permanently seals a mine it is important that a record in the form of an up-to-date map be filed with MSHA and made available to the public. Many times other mine operators may mine the same coal seam and mine very close to the abandoned mine. When a mine is sealed it is not ventilated, nor is water pumped from it, therefore the danger of a water or gas inundation is a serious threat to any mine that is approaching the area where the abandoned mine existed. Further, the extent and location of mining is important to those owning the land above. The possibility of subsidence from the area mined could affect the location of a structure, road or anything to be built on the land above the mined-out area. Therefore, it is important that this information be recorded and made available to those who may be affected by the abandoned mine. Being that an up-to-date mine map is already required by other standards, it is not a recordkeeping or paperwork burden to the mine operator to supply this map. Accordingly, this rule should be retained as written.

30 CFR § 75.1204-1 Places to give notice and file maps.

Operators shall give notice of mine closures and file copies of maps with the Coal Mine Safety and Health District Office for the district in which the mine is located.

COMMENT

This rule simply provides guidance to the mine operator as to where the mine map and notice of mine closing must be filed. This is not a paperwork burden and is only informational.

30 CFR § 75.1721 Opening of new underground coal mines, or reopening and reactivating of abandoned or deactivated coal mines, notification by the operator; requirements.

(a) Each operator of a new underground coal mine, and a mine which has been abandoned or deactivated and is to be reopened or reactivated, shall prior to opening, reopening or reactivating the mine notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the approximate date of the proposed or actual opening of such mine. Thereafter, and as soon as practicable, the operator of such mine shall submit all preliminary

plans in accordance with paragraphs (b) and (c) of this section to the District Manager and the operator shall not develop any part of the coalbed in such mine unless and until all preliminary plans have been approved.

(b) The preliminary plans required to be submitted by the operator to the District Manager shall be in writing and shall contain the following:

(1) The name and location of the proposed mine and the Mine Safety and Health Administration mine identification number, if known;

(2) The name and address of the mine operator(s);

(3) The name and address of the principal official designated by the operator as the person who is in charge of health and safety at the mine;

(4) The identification and approximate height of the coalbed to be developed;

(5) The system of mining to be employed;

(6) A proposed roof control plan containing the information specified in §75.220.

(7) A proposed mine ventilation plan containing the information specified in §§75.371 and 75.372;

(8) A proposed plan for sealing worked-out areas containing the information specified in §§75.371 and 75.372.

(9) A proposed program for searching miners for smoking materials in accordance with the provisions of §75.1702; and,

(10) A proposed plan for emergency medical assistance and emergency communication in accordance with the provisions of §§75.1713-1 and 75.1713-2.

(c) The preliminary plans required to be submitted by the operator to the District Manager shall be in writing and shall contain the following:

(1) The proposed training plan containing the information specified in §§48.3 and 48.23 of this chapter, and

(2) A proposed plan for training and retraining certified and qualified persons containing the information specified in §75.160-1.

COMMENT

This rule sets forth the information the mine operator must provide when planning to open or reopen a mine. The information required includes mine plans (ventilation; roof control, training,

sealing; smoking material search; and emergency medical assistance and communications, etc.); coal seam to be mined; type mining to be used; and other relevant information pertaining to the mine. This is all basic information MSHA will need to make sure the mine is safely reopened and is not an unreasonable recordkeeping or reporting burden to the mine operator. If an operator plans to open a new or idled mine it is important that MSHA be fully informed so it can see that it is safely accomplished. This is information necessary to achieve that goal.

30 CFR § 77.1200 Mine map.

The operator shall maintain an accurate and up-to-date map of the mine, on a scale of not less than 100 nor more than 500 feet to the inch, at or near the mine, in an area chosen by the mine operator, with a duplicate copy on file at a separate and distinct location, to minimize the danger of destruction by fire or other hazard. The map shall show:

- (a) Name and address of the mine;
- (b) The property or boundary lines of the active areas of the mine;
- (c) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed 25-foot elevation levels, except that a broader spacing of contour lines may be approved by the District Manager for steeply pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.
- (d) The general elevation of the coalbed or coalbeds being mined, and the general elevation of the surface;
- (e) Either producing or abandoned oil and gas wells located on the mine property;
- (f) The location and elevation of any body of water dammed or held back in any portion of the mine: *Provided, however,* Such bodies of water may be shown on overlays or tracings attached to the mine maps;
- (g) All prospect drill holes that penetrate the coalbed or coalbeds being mined on the mine property;
- (h) All auger and strip mined areas of the coalbed or coalbeds being mined on the mine property together with the line of maximum depth of holes drilled during auger mining operations.
- (i) All worked out and abandoned areas;
- (j) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown;

(k) Underground mine workings underlying and within 1,000 feet of the active areas of the mine;

(l) The location and description of at least two permanent base line points, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys; and,

(m) The scale of the map.

COMMENT

This standard requires the mine operator to keep an up-to-date mine map in a safe location with vital information about the mine. This information includes property boundary lines; elevation of coal beds; location of oil and gas wells and worked out and abandoned areas, etc. This is vital information that must be kept up to date and available at the mine in the event of an emergency. Otherwise, rescuers and trapped miners lives may be placed in jeopardy if the correct information is not available when it is critical to access response in a mine emergency situation. This is critical information necessary for the function of a mine and is not reporting or recordkeeping requirements that can be eliminated.

30 CFR § 77.1201 Certification of mine maps.

Mine maps shall be made or certified by an engineer or surveyor registered by the State in which the mine is located.

COMMENT

This rule requires that all mine maps be certified as being correct in a representation of the conditions in the mine by a registered engineer. All mine maps must be certified by a registered engineer to assure it is correct. This is common practice with any map, plat, etc. The mining industry is no different than any other industry with regards to certifying maps by a professional and this requirement must not be changed.

30 CFR § 77.1202 Availability of mine map.

The mine map maintained in accordance with the provisions of §77.1200 shall be available for inspection by the Secretary or his authorized representative.

COMMENT

This rule simply requires that the (surface) mine map be made available to MSHA for inspection. This requirement is not a burden to the mine operator and is not one that could be changed. Common sense dictates that MSHA must have access to mine maps and

records to enable them to fulfill their mission to protect our nation's miners.

