

# United Mine Workers of America



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UNITED MINE WORKERS' HEADQUARTERS  
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**Triangle, VA**

22172-1779



July 23, 2013

Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, VA 22209-3939

Re: MSHA Docket Number 2013-00009

Dear Sir/Madam:

Attached are the comments of the United Mine Workers of America on the above-named Proposed Collection; Comment Request; Operations Under Water. 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 Information Collection Request Submitted for Public Comment and  
Recommendations; Operations Under Water  
July 23, 2013**

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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through 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.

This proposal concerns the following standards:

**75.1716 Operations Under Water**

Whenever an operator mines coal from a coal mine opened after March 30, 1970, or from any new working section of a mine opened prior to such date, in a manner that requires the construction, operation, and maintenance of tunnels under any river, stream, lake, or other body of water, that is, in the judgment of the Secretary, sufficiently large to constitute a hazard to miners, such operator shall obtain a permit from the Secretary which shall include such terms and conditions as he deems appropriate to protect the safety of miners working or passing through such tunnels from cave-ins and other hazards. Such permits shall require, in accordance with a plan to be approved by the Secretary, that a safety zone be established beneath and adjacent to such body of water. No plan shall be approved unless there is a minimum of cover to be determined by the Secretary, based on test holes drilled by the operator in a manner to be prescribed by the Secretary. No such permit shall be required in the case of any new working section of a mine which is located under any water resource reservoir

being constructed by a Federal agency on December 30, 1969, the operator of which is required by such agency to operate in a manner that protects the safety of miners working in such section from cave-ins and other hazards.

**Comments:**

This standard set forth the requirements for mining under a body of water, river, or stream. The operator must obtain a permit from MSHA which sets forth the terms deemed necessary to protect the safety of the miners working in such mine. The code does not specify any minimum requirements such as minimal overburden between the mine and the body of water or any other precautions which must be in place. The regulation leaves these determinations up to the Secretary to evaluate each situation on a case-by-case basis. Consequently, such a plan is necessary for the proper performance of the functions of the agency and the information does have practical utility. When a mine approaches a body of water, it is only common sense that precautions must be taken to protect the miners working in such mine from an inundation. The mine operator must understand that it is necessary to approach such mining with caution and have a plan in place to protect the mine and miners working there, therefore, requiring a plan in this situation would not be a "paperwork burden" to the mine operator. It would be acceptable to the UMWA for such information to be submitted through electronic means as long as a copy of the plan is provided to the miners' representative and made available on mine property for viewing by interested persons.

**75.1716-1 Operations under water; notification by operator**

An operator planning to mine coal from coal mines opened after March 30, 1970, or from working sections in mines opened prior to such date, and in such manner that mining operations will be conducted, or tunnels constructed, under any river, stream, lake, or other body of water, shall give notice to the Coal Mine Safety District Manager in the district in which the mine is located prior to the commencement of such mining operations.

**Comments:**

Comments here would mirror those above. This standard simply requires the operator to give prior notice when approaching areas to be mined under water. In order for the Agency to evaluate the situation and come up with a plan of safeguards when mining approaches a body of water, sufficient notice must be given to develop such a plan. As commented above, this requirement would not be a "paperwork burden" and would be necessary information for the function of the Agency. This standard should not be changed accordingly.

**75.1716-3 Applications for permits**

An application for a permit required under this section shall be filed with the Coal Mine Safety District Manager and shall contain the following general information:

- (a) Name and address of the company.
- (b) Name and address of the mine.
- (c) Projected mining and ground support plans.
- (d) A mine map showing the locations of the river, stream, lake, or other body of water and its relation to the location of all working places.
- (e) A profile map showing the type of strata and the distance in elevation between the coal bed and the river, stream, lake or other body of water involved. The type of strata shall be determined by core test drill holes as prescribed by the Coal Mine Safety District Manager.

**Comments:**

These comments would also mirror those above. This standard simply sets for the required information which must be submitted to the agency when mining approaches a body of water.