From: Robert E. Snow [mailto:resnow@dappolonia.com]
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Comment on General Question 2, as repeated below.

2. MSHA is required to inspect every mine in its entirety, which includes dams of all sizes and hazard potential. A common approach for dam safety is to have tiered requirements based on a dam's size and hazard potential. How should MSHA determine safety requirements based on a dam's size and hazard potential? Please include specific recommendations and explain your reasoning.

By employing a Potential Failure Modes Analysis and ranking failure modes into categories of significance as per the FERC program, structures and specific features of the dams could be prioritized for inspection which would include the dam's size and hazard potential as well as the professionally-determined susceptibility to failure. The categorization process includes four categories of significance, considering need for awareness, magnitude or consequence and likelihood of adverse response. Dams with Category I failure modes would receive more scrutiny and review during an inspection than those with no Category 1 failure modes. For example, a large size, high hazard potential impoundment might be evaluated by a PFMA and determined under the FERC categorization of failure modes to include a number of Category II and IV failure modes (considered by not highlighted), but no Category I failure modes. In such a case, a less frequent MSHA inspection would be warranted as compared with an intermediate size, significant hazard potential impoundment with a Category I failure mode.

MSHA should encourage operators to develop a PFMA, and use such tools to more efficiently streamline plan reviews or modifications.

Robert E. Snow, P.E.
D'Appolonia Engineering
275 Center Road
Monroeville, PA 15146
412.856.9440(v); 412.856.9535(f)

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