Questions and Answers on
Program Policy Letter No. P06-V-9
"Implementation of Section 2 of the Mine
Improvement and New Emergency Act of 2006"

General

1. What section of the law applies to approval of Emergency Response Plans?

MSHA's approval authority is set forth under Section 2 of the MINER Act.

2. How does the operator update the plans? – What happens to the plan if the operator relocates the escapeways?

The operator is responsible for updating the plan whenever changes are made that affect the content of the Emergency Response Plan (ERP). A change designating a relocation of the escapeway from one entry to another would require a change to the plan content. Aside from necessary updates, plans must be reviewed at least every six months. Compliance with the escapeway provisions is determined during regular quarterly inspections. The ERP does not change the requirements of § 75.380 - § 75.383 (escapeway standards).

3. Will citations be issued after August 14, 2006, if Operators do not submit plans?

Yes, citations will be issued after the August 14, 2006 date.

4. If updates are not submitted by the operator when required, will citations be issued for failure to submit?

Yes. Citations will be issued if operators fail to submit updates when required.

Post-accident Communication

1. How can an operator or MSHA determine the likelihood that a hardwired system will withstand a fire or explosion when the location and results of such a future event are undeterminable?

The MINER Act requires redundant systems. For purposes of the ERPs, redundant means "independent" systems. Redundant installations in separate entries increase the probability that such systems will remain operational in the event of a fire or explosion.

2. Are there any measures required for added protection since the likelihood a hardwired system will withstand a fire or explosion is related to the location and magnitude of such an event?

As stated in the Program Policy Letter (PPL), until acceptable wireless communication technology becomes available, MSHA will accept redundant hardwire systems to comply with the MINER Act requirements.

3. Can two (2) separate hardwired mine phone communication lines be installed to a mine phone? If so, can the two (2) hardwired phone lines be in the same entry?

No. The intent is to have two independent systems in separate entries, so that if one is compromised during an explosion, the other would remain operational.

4. Can hardwired phone line systems be installed in conduit and buried to provide protection from explosions?

Yes. The MINER Act does not specify a particular engineering design. It only requires that communications systems be redundant.

5. What is a reasonable timetable for installation of a wireless phone line system for underground communications?

When wireless technology becomes available, MSHA expects the ERP to include a timetable for deployment in the mine. MSHA will consider commercial availability in determining reasonableness of deployment.

6. To what locations do the communications have to extend underground?

30 CFR subpart Q specifies the location of communication systems underground.

7. What is meant by, "history of mine explosion and fires"? Most mines do not have fires or explosions. Does this mean that the communications do not have to withstand an explosion?

All post-accident communication systems should be resistant to a fire or explosion event. Where there is no history of mine fires or explosions, mine operators should consider proximity to gob areas, methane liberation, and other factors that have the potential to contribute to fires or explosions when determining the location of the communication system.

8. When does the 2nd (redundant) means of communication have to be provided?

Consistent with the language of the MINER Act, each underground coal mine operator must implement or be in the process of installing a post-accident communication system under a timetable specified in the mine's ERP.

9. The State of Kentucky requires a separate communication line to be installed in the primary escapeway to each working section. Will this satisfy the requirement for redundant communication for "wireless" even if both communication systems are routed in the same entry?

No. The MINER Act requires a redundant communication system in separate entries. The ERP is to specify that the two systems be routed in separate entries to ensure that communication will remain operative in the event of a fire or explosion.

Post-accident Tracking

1. What would be considered as an "equivalent system"?

An "equivalent system" is a tracking system that is consistent with the ability to know where miners are located when underground. Accordingly, a tracking system that identifies the current location of miners underground or immediately pre-accident and is capable of remaining operational in a post-accident setting will be considered an "equivalent system" and in compliance with the MINER Act.

2. Are mine operators required to track Federal and state government officials to comply with the tracking requirements of the MINER Act?

Mine operators are not required to track Federal and State officials.

3. Must the dispatcher be located on the surface or can he/she be underground?

The dispatcher is to be located on the surface so that underground miners could be located in the event of a mine emergency.

4. If miners are on the section will they (the miners) have to give their exact location on the section?

No. Until tracking technology is commercially available, a known location such as on a working section is sufficient at this time to comply with the requirements of the MINER Act.

5. An approved fire fighting plan addresses tracking individuals by the Responsible Person (RP) and/or the outside person. Specifically it says, "Describe how underground miners, and their work locations and anticipated movements that change their work locations during the shift, will be identified and tracked for their work-shifts." Is this acceptable?

Generally this is acceptable; however, any movement by a miner from one work location to another must be reported. Reporting would occur when moving from one section to another, from one construction site to another, from one belt flight to another, or from an elevator shaft to an underground shop.

6. Will each person's name be required to be listed on a map or can a number system or color pins be used that will refer to a written list?

Unique numbers, color pins, or names can be used to track miners, as long as each miner can be specifically identified.

7. Can the location be listed on a map as the "2 Left Crew" without listing each miner's name if a list of crew is available on the surface?

No. The location of each miner must be known. Therefore, this approach is unacceptable.

<u>Post-accident Breathable Air</u>

1. What is the acceptable sustained period of time to provide breathable air?

As stated in the PPL, public comments will be solicited in a request for information to assist MSHA in determining the volume of post-accident-breathable air. In the interim, the quantity of breathable air should be based on the specific underground conditions of the mine. MSHA will accept a good faith estimate of the necessary breathable air.

2. Can mine operators use medical grade oxygen?

Medical grade oxygen is one of the acceptable means to comply with this provision of the MINER Act.

3. Will "hot seating" be considered with regards to minimum amount of breathable air required?

Yes. "Hot seating" must be considered in determining a minimum amount of breathable air required by the MINER Act.

4. To comply with the ETS 1502 plan districts are using the Program Policy Manual Chart Vol 5 75.1714-2 based on 30 minutes to establish SCSR storage intervals and some are using the heart rate method. Does this chart based on mining height supersede the other methods?

The distance chart is only applicable for the SCSRs stored at distances greater than 25 feet as specified by § 75.1714-2(e).

5. Will the ERP be acceptable as the new SCSR outby storage plans?

Yes.

6. The storage distances change several hundred to thousands of feet. The mining height chart drastically reduces the distances. Should we now go back and require changes to the outby SCSR storage plans to make them all the same so we do not have confusion?

Yes. The requirements of the MINER Act supersede the travel distance requirements of the Emergency Temporary Standard as published March 9, 2006. Accordingly, existing SCSR storage locations must be updated to be consistent with the requirements of the MINER Act.

7. Does the SCSR storage in remote areas need to follow the travel distance chart?

No. However, as stated in the PPL, SCSRs should be provided to miners working in remote areas at locations accessible to them.

8. With regard to the distance travel chart, how will average height be determined?

The travel distance chart was intended to set distances between storage locations based on the average mining height between storage locations.

9. Will the Districts get guidance on what is a representative number of SCSR's to open? What about a percentage?

Operators should adopt a reasonable sampling program based on the type of SCSR used and experience at the mine. This will generally be in the range of 1% to 3% of the units.

10. What does ensuring proper fit mean in regard to SCSR's?

Proper fitting means that the miner knows how to insert the mouth piece and establish an effective seal.

11. Are there any SCSR training units that replicate actual condition of use?

Yes. CSE has developed a model. We anticipate that other SCSR manufacturers will be developing similar units in the near future.

Post-Accident Lifelines

1. Can 6″waterline be used for lifelines? What would be maximum diameter of pipe? How do you hold on to a 6″ water pipe?

A large diameter pipe is not a suitable lifeline.

2. Some companies have installed the cones to point out of the mine. Do they need to be changed?

Yes. All directional cones installed on lifelines need to point in the inby direction.

Training

1. Does quarterly training mean one quarter per year or once every four quarters? One quarter per year could mean there may be two years between donning in smoke.

The training interval must be a nominal twelve months.

2. Does a SCSR training unit need to replicate actual breathing conditions?

Yes. The SCSR training unit should provide the miner with a realistic training experience for what it is like to wear an SCSR during an emergency

3. Training in evacuation is already addressed in the training plans and the §75.1502 plan. Does it need to be addressed again?

Yes. However, mine operators can reference applicable Part 75 and Part 48 plans. References must be specific enough to allow MSHA to validate the plan.

4. The PPL specifies that all persons must be trained in the evacuation procedures contained in the ERP. Does a mine company official have to participate in drills before entering a mine?

Yes. All persons, except for short term visitors and Federal and state officials, must receive training in the ERP procedures prior to going underground.

Additional Plan Content Provisions

1. What is the acceptable amount of food and water to sustain miners underground?

The quantity of food and water available to maintain miners underground should be based on the specific conditions of the mine. For example, in determining the adequate amount of food and water, mine operators should consider factors such as seam height, mine layout, number of employees, and distance to surface or portals. The quantity of available food and water should be commensurate with the amount of post-accident breathable air.

2. Are separate SCSR storage plans required under 75.1502, the ETS, and the ERP?

The 75.1502 evacuation plan addresses the primary SCSR that is stored greater than 25 feet from the miner as specified in 75.1714-2(e). In the applicable mines this plan remains in effect. The ETS outby SCSR storage plans required under 75.1714-4(c) are replaced by the storage plans in the ERP.

3. For clarification, is it intended that an operator implement, except for completion of training, the provisions of an unapproved ERP? If so, and the operator's ERP does not comply with or is in violation of the MINER Act, is the operator to be cited for non-compliance with an unapproved plan?

No. MSHA will provide the operator with an appropriate amount of time to correct the ERP.

4. Can mine operators submit updates to their ERP prior to MSHA's 6 - month review?

Yes. As with other approved plans such as ventilation and roof control, mine operators must submit changes for approval as they become necessary. Changes should not be implemented at the mine until they have been approved by MSHA.

5. Where would barricading material be stored?

Barricading material would be provided for each working section and maintained as close to the loading point as practicable.

6. Should a multi-gas detector be available with the barricading materials?
Yes. A multi-gas detector (methane, oxygen, and carbon monoxide) should be stored with the barricading material at each location provided for a working section.

7. Would sand suffice for the anthracite mines in lieu of rock dust as barricade material?

Yes. Anthracite mines may use sand in lieu of rock dust as barricade material.

8. Can references be made in one plan to another plan so there is no duplication?

Yes. Mine operators can reference applicable Part 75 and Part 48 plans. However, references must be specific enough to allow MSHA to validate the plan.

9. The PPL states that the MEO database should be duplicated in the ERP. Should the entire MEO database be included in the ERP?

No. The mine operator only needs to include relevant parts of the MEO database in the ERP.