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PROCEDURE INSTRUCTION LETTER NO. I09-III-01

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SUBJECT: MSHA Procedures for Assigning Legal Identity Numbers and Relocation
Notices at Auger and Highwall Mining Operations

Scope

This procedure instruction letter applies to all Coal Mine Safety and Health (CMS&H) enforcement personnel.

Purpose

The purpose of this instruction letter is to establish uniform procedures for application of the Mine Safety and Health Administration's (MSHA) regulations to portable auger and highwall coal mining operations. These types of mining operations are subject to requirements applicable to a mine operator. Because these types of mining operations routinely move from location to location, uniform application of MSHA's enforcement scheme is difficult. Assigning permanent identification numbers to each machine owned by a contract operator will eliminate the need to reassign numbers each time a machine is moved to a different location within a MSHA district or to another location in a different MSHA district.

With this identification method, MSHA can track the location of the equipment and establish an enforcement and accident history that follows the equipment wherever it goes. This procedure will simplify compliance while protecting the health and safety of the miners. This procedure will further provide for portability of training and mining plans from district to district and a means to track inspections, health sampling and accident history. It will also set out procedures to transfer approved or accepted plans from district to district and eliminate the need for operators to resubmit these plans as equipment is moved.

Procedure Instruction

MSHA will assign each mobile auger and highwall miner a seven-digit mine identification number. This identification number is to be tied to a machine's serial number and will remain with the specific equipment wherever it goes until it is retired from service or sold to another party. Contractors who own several machines will receive a different identification number for each machine because these machines generally work independently and at separate locations. This permanent ID number assignment will provide a means to track inspection activity, enforcement history, civil penalty assessments, and accident and injury reporting. These identification numbers will be assigned when the required Notification of Legal Identity is filed, either by direct on-line completion of the form on the MSHA website or submission of the form to the appropriate District Manager. The MSHA district in which the portable mining unit will first operate will complete a Mine Identification Request form to secure an identification number through the MSHA Standardized Information System (MSIS). In addition, an MSHA authorized representative will complete a Mine Information Sheet for each portable mining operation.

Some surface mine operators use auger and highwall mining machines to produce coal as an integral part of their mining cycle. Since these machines remain at the same mine, they are not subject to the identification number assignment as described here. These augers and highwall miners will operate under the same mine identification number as the surface mining operations.

Many auger and highwall operations move between locations and often switch between an active and an idle status. When these changes occur, the operator shall notify the appropriate MSHA District(s) of every new operating location in a timely fashion by the submittal of an updated Legal Identity Report and revised ground control plan. Such location and address changes, however, cannot be considered an operational status change that must meet the requirements of 30 C.F.R. §§ 71.208 and 71.220 (notification within 3 days) unless that entity has a Designated Work Position (DWP) being sampled for respirable dust concentrations. Where the operator fails to notify MSHA of an impending change in location, MSHA inspection personnel, from the current district, shall notify the MSHA District to which the unit is relocating, if known, or notify CMS&H headquarters if an operation has relocated without prior notice to an unknown location. When one MSHA District is able to notify another of the relocation (by e-mail or other written notification), the notification is to be followed by the transmittal of copies of the complete mine file and the uniform mine file within 15 working days.

Special attention is to be given to any outstanding enforcement actions by providing immediate e-mail or facsimile notification to the receiving district of the move and of the termination of any outstanding citations or orders. The procedure for handling outstanding citations and orders is in the Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines, Handbook Number PH 08-I-1.

In addition, each portable auger or highwall miner operation is to establish and follow a suitable ground control plan. The plan should address specific mine conditions, as well as most generic situations. The operator should update the plan to each new location and file the update with the new location's MSHA District Manager per 30 C.F.R. § 77.1000-1 prior to coal extraction.

The MSHA District will receive and acknowledge that an appropriate highwall/ground control plan conforms to the requirements of 30 C.F.R. § 77.1000. MSHA should make sure that all auger holes/highwall entries are properly closed or blocked, in accordance with 30 C.F.R. § 77.1505 at the abandoned areas. Highwall ground control plans should be reviewed to assure they address the web spacing and other measures necessary to safely conduct the high rates of recovery typical of highwall mining methods, as well as other relevant factors, such as depth of penetration and the confined work areas experienced by highwall mining operations.

Regarding training, each auger and highwall miner operator may now submit a single training plan to MSHA for approval that addresses typical conditions and operations for one or more machines. This training plan reflects the MSHA assigned identification number(s) and the serial number(s) for the machine(s) that the training plan(s) covers. Hazard training that covers the specifics of the site is to be given when miners are transferred to a new location. Otherwise, new employees receive either new miner or experienced miner training, as applicable. Annual refresher and task training requirements remain unchanged.

Background

The Agency recognizes the unique needs of auger and highwall mining operators that are dictated by the mobile nature of their business. This procedure document provides uniform methods of assigning identification numbers to these types of operations and notifying MSHA when these operations relocate that simplify compliance with regulations. This method of assigning identification numbers will permit training plans to be moved from district to district. This will ease the burden on operators in that they will not have to resubmit these documents and duplicate certain training when equipment is moved. The incorporation of portable mining units into MSHA's system of identifying coal mine activities subject to mandatory inspections will also improve uniformity of inspection and the continuity of accident and violation histories.

Authority

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq.; 30 C.F.R. Part 41; 30 C.F.R. §§ 77.1000, 77.1000-1 and 77.1505.

Internet Availability

This instruction letter may be viewed on the Internet by accessing the MSHA Home Page at (www.msha.gov) and then choosing "Compliance Info" and Procedures Instruction Letters.

Filing Instructions

This procedure instruction letter should be filed behind the tab marked "Procedure Instruction Letters" in the binder entitled Coal Mine Safety and Health General Inspection Procedures Handbook.

Issuing Office and Contact Person

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