

Additional Questions and Answers On Compliance with Post-Accident Two-Way Communications and Electronic Tracking Requirements of the MINER Act

1. Should mine operators specify the systems they will use to provide communication and tracking or can they merely state that they will provide communication and tracking capability consistent with the MINER Act?

Each ERP should specify the systems that will be installed.

2. What components/systems must be listed in the ERP submittal -- each component/system or just the type of system?

Each component/system must be identified in the ERP submittal. Approved components/systems must specify the MSHA approval number; components/systems pending MSHA approval should specify that approval is pending.

3. Will a system layout drawing be required for surface and underground communication and tracking component locations? Will a typical outby layout drawing be required to show locations of communication and tracking system components? Will a typical section layout drawing be required?

A system layout drawing should be provided to show infrastructure in the coverage areas, as addressed in Program Policy Letter (PPL) No. P09-V-01. If the system is not installed yet, the layout drawing should show eventual coverage in the working section, strategic areas, and escapeways.

4. Should the tracking system identify miners to a distance of 200 feet from each strategic area? In low coal mines, these systems may only be able to track a miner to a distance of about 50 feet. Should additional tracking devices (reader, node, or antenna) be installed at these locations to achieve the 200 foot inby and outby provision?

PPL P09-V-01 states that tracking systems will be capable of determining the location of miners within 200 feet, not 50 feet, of strategic areas. To achieve tracking within 200 feet of a strategic area in the circumstances described, sufficient tracking devices would need to be installed to identify miners located within 200 feet of the strategic area.

5. What “power centers” should have tracking system coverage, only the section center or all outby power centers? Should communication system coverage also be provided at these locations?

The PPL recognizes that communication and tracking capability generally should be provided at all locations where miners are required to work and are likely to congregate in an emergency. Not all power centers will be considered “strategic areas.” The District Managers (DM) generally will require communication and electronic tracking coverage only at power centers, such as section power centers, where miners are normally required to work or congregate in an emergency.

6. If it is determined that an outby belt power center (PC) must have tracking coverage, and the PC is located within 200 feet of a belt drive that must also have a tracking coverage, are two tracking devices required or can one device serve for both locations?

One tracking device is sufficient if it provides coverage within 200 feet of both the PC and the belt drive.

7. Is electronic tracking coverage required at the entrances and exits of bleeders and worked out areas?

Mine operators can either provide electronic tracking coverage at the bleeder entrance and exit or use a check in-check out system. An acceptable time for bleeder examination should be established by the responsible person for both the check in-check out system or electronic tracking system to ensure miners’ safety.

8. When a mine experiences an equipment failure in the communication and tracking systems that affects the operation of either of the systems, what is the time limit for repairs to be completed? What action must the mine operator take in the affected area/mine if repairs cannot be completed immediately?

When a mine experiences an equipment failure, corrective actions should begin immediately, and the backup procedures should be initiated immediately and utilized until the system is restored. As specified in the ERP, when repairs cannot be completed in 12 hours, the mine operator must immediately notify MSHA of the failure by calling; 1-800-746-1553. Failure to notify MSHA is not a violation of 30 C.F.R. 50.10, but rather may be a violation of the ERP.

9. Are 75.1200 and/or 75.1505 maps required to be submitted as part of the ERP approval?

No, a system layout drawing as described in response to Question No. 3 generally will be sufficient.

10. When must the 75.1200 map located at the mine be updated after additional infrastructure is installed or unused infrastructure has been removed?

Notations on the mine site 75.1200 map should reflect actual component placement once retreat or advance is completed on a particular shift. The updated notations on the 75.1200 map should be completed by the end of the next shift. Maps do not have to be submitted to MSHA each time notations are added to the map.

11. Do items need to be in the ERP if they are explicitly and specifically required by 30 CFR 75 or the MINER Act?

Items explicitly and specifically required in the MINER Act or 30 CFR Part 75 do not need to be included in an ERP, as the operator's obligation is clear and is derived from the statute or standard.

12. Is electronic tracking coverage required in belt entries?

Because miners normally work in belt entries, an effective tracking system generally should be capable of determining the location of miners in belt entries at 4000-foot intervals or at each manned belt drive if the distance between the drives is less than 4,000 feet.

13. Is a minimum separation distance required between communication and tracking components and blasting circuits?

Yes, an emergency response plan must specify a minimum separation distance that must be maintained between communication and tracking components and blasting circuit components. If the specified minimum separation distance is less than 50 feet, it must be supported by manufacturer supplied data or an engineering analysis. In no instance can the distance be less than the minimum safe distance listed on the applicable MSHA approval(s). The approval plate of a communication and tracking component only indicates the minimum safe distance for a single component. The combined power output of multiple communication and tracking components must be taken into account in the ERP. The ERP also must provide a procedure that miners will follow (e.g., leaving the tracking/communication component at the minimum distance when they are working with explosives/detonators) whenever they must come within this minimum separation distance.

14. Must operators provide bona fide purchase orders for the communication and tracking systems that will be installed in accordance with an approved ERP? How much time will an operator be permitted following the delivery of a communication or tracking system to complete installation?

Initially, bona fide purchase orders were required with the ERP. However, providing MSHA with a bona fide purchase order within 15 days of the date the ERP is approved also would be acceptable. Absent factors beyond the operator's control, the system(s) must be installed within three months of the delivery date specified in the bona fide purchase order.

15. Are active mines required to have two-way communication and electronic tracking systems installed when they have no production activities (BA status), where no miners are working underground, where the fan is not running and there are no examinations being conducted?

ERPs are intended to provide means for miners to escape following an event and to ensure safety of trapped miners until the rescue operation is completed. If there are no miners underground, there would be no need to install these systems.

16. Are active mines required to have two-way communication and electronic tracking systems installed when they have no production activities (BA status), where the fan and pumps are running and examinations are being conducted?

The MINER Act gives the DM discretion to accept an effective alternative method of communication and tracking to protect miners who periodically conduct such examinations and are not normally required to work in certain locations. Therefore, the DM may require two-way communication and electronic tracking systems or allow alternatives to two-way communication and electronic tracking, such as manual tracking and wired communication systems, depending upon conditions specific to the mine and the nature of the work performed at the mine.

17. Are active non-producing mines that are in the process of being abandoned, where miners on the surface are removing equipment and structures and in the process of sealing required to have two-way communication and electronic tracking systems installed?

If the mine is in the process of being abandoned after mining has been completed and it already has a two way communication and electronic tracking system installed, they should continue to use the installed system. Otherwise they can utilize a manual tracking and deploy a redundant wired system.

18. Is a new mine required to have two-way communication and electronic tracking systems installed if the mine is non-producing, where miners are starting mining activities, such as setting up belts and installing canopies at portals?

Before starting any mining activities, the operator must have submitted an ERP that provides for two-way communication and electronic tracking as required by the MINER Act. However, the DM has discretion to permit effective alternatives prior to production that address the circumstances at the mine and the events that must occur before it is reasonable/feasible to install two-way communication and electronic tracking systems. The interim alternative methods should also be included in the ERP so it is clear that the specified alternative methods will be used until a point in time where systems that comply with the MINER Act will be implemented.

19. If the untethered communication device only has texting capability, how will miners who cannot read or write be able to communicate?

If the mine employs miners who cannot read or write, the mine operator must use an untethered device that has voice communication capability. If the system only has texting capabilities, mine operators must ensure that all persons who work or travel underground are capable of reading, understanding, and responding to emergency signals.

20. What are the communication and tracking requirements at locations other than working sections, escapeways or strategic areas established in the ERP, such as boom holes, rock fall clean-up sites, or locations where mines are setting timbers?

If miners do not normally work at these locations, two-way communication and electronic tracking would not be required unless the DM determines that these locations are strategic areas. However, the check in-check out system must be utilized while miners are working at these locations.

21. Does an electronic tracking system have to identify the entry where the miner is located?

No, unless the miner is located in an escapeway where miners should be tracked at intervals not exceeding 2000 feet.

22. Is it acceptable to only track miners within 200 feet of the nearest tracking system component (i.e., node or reader) on the working section and not know the exact location of the miners?

Yes. PPL P09-V-01 states that tracking systems be capable of determining the location of miners on a working section to within 200 feet. The tracking system component is to be identified on the map located on the surface. While this does

not permit tracking of “the exact location” of miners, it does provide the miners’ locations with sufficient accuracy to facilitate rescue efforts during a mine emergency.

23. The PPL states that miners should be tracked within 200 feet of strategic areas. What does that mean?

The 200 foot requirement generally refers to the entries and crosscuts associated with the strategic area. A miner located in a blind spot (e.g. in the next crosscut behind a coal pillar) may not be tracked even if located within 200 feet.

24. What are the permissibility examination and maintenance requirements of communication and tracking equipment?

Communication and tracking equipment must be examined and maintained for permissibility in accordance with 30 C.F.R. part 75 requirements as interpreted in PPL P09-V-12. Thus a certified electrician would not be required to conduct the examination; however, the examination must be conducted by a trained person. A record of such examination is not required.