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PROGRAM POLICY LETTER NO. P13-III-01

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SUBJECT: Reissue of P11-III-1 - Part 41 Legal Identification Numbers for Auger and Highwall Miner Operators and Providing MSHA Notification of the Relocation of These Portable Mining Operations

### **Scope**

This program policy letter applies to surface coal mine operators and Coal Mine Safety and Health (CMS&H) enforcement personnel, surface operators, auger operators, and highwall miner operators.

### **Purpose**

The purpose of this program policy letter is to establish a uniform method to assign identification numbers to mobile or portable coal auger and highwall mining operations. These types of operations meet the definition of a production operator and will be assigned a seven-digit mine identification (ID) number. The number will be assigned to each machine and will stay with the machine wherever it operates, even if moved between different CMS&H districts. This identification method will facilitate consistent application of mandatory safety and health standards.

### **Policy**

Portable auger and highwall coal mining operations are subject to requirements applicable to mine operators. Pursuant to Title 30, Code of Federal Regulations (30 C.F.R.), Part 41, Notification of Legal Identity, each mine operator must file a legal identity report and notify the Mine Safety and Health Administration (MSHA) of any changes in operational status.

This policy provides that a permanent seven-digit mine identification number will be assigned by MSHA to each auger or each highwall mining machine. These identification numbers will be assigned after the required Notification of Legal Identity is filed either by direct on-line completion of the form (MSHA Form 2000-7) on the MSHA website (<http://www.msha.gov/forms/forms.asp>) or submission of the form to the appropriate District Manager.

The operator is to contact the District in which the portable auger or highwall mining unit will be first employed and that District will issue the identification number.

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 operation.

Many auger and highwall operations move between locations and often switch between an active and an idled status. When these changes occur, the operator should notify the appropriate MSHA District(s) of each new operating location in a timely fashion.

In addition, under 30 C.F.R. §§ 77.1000 and 77.1000-1, each portable auger or highwall miner operation establishes and follows a suitable ground control plan. The plan addresses most generic situations and should be amended if conditions at a specific mine site are significantly different from this generic plan. However, this plan should, at a minimum, be updated to each new location and filed with the new location's MSHA District Manager.

No portable auger or highwall miner operator should relocate and commence mining until the MSHA District in which the auger or highwall mining machine is to operate has received and acknowledged that an appropriate highwall plan conforms to the requirements of 30 C.F.R. § 77.1000.

The development of an appropriate highwall ground control plan, which addresses the web spacing and other measures necessary to safely conduct the high rates of recovery, is essential. The plan may also need to address other 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. This training plan reflects the MSHA assigned identification number(s) and the machine(s) serial number(s) for the machine(s) that the training plan(s) covers.

New employees receive either new miner or experienced miner training, as applicable. Hazard training that covers the specifics of the site is to be given when miners or entire mobile mining units are transferred to a new location. 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 policy provides a uniform method of assigning identification numbers to these types of operations and simplifies 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 so 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, and 30 C.F.R. § 77.1000-1.

**Filing Instructions**

This policy letter should be filed behind the tab marked "Program Policy Letters" at the back of Volume III of the Program Policy Manual.

**Internet Availability**

This information may be viewed on the World Wide Web by accessing MSHA's home page ([www.msha.gov](http://www.msha.gov)) under MSHA's Major Laws, Regulations and Policies choose "Compliance Information (PIBs, PILs, the PPM, and More" and select "Program Policy Letters."

**Issuing Office and Contact Person**

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**Distribution**

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