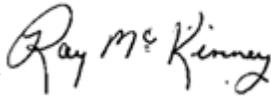


EFFECTIVE DATE: 06/24/04

EXPIRATION DATE: 03/31/06

PROGRAM POLICY LETTER NO. P04-V-3

FROM: RAY McKINNEY  
Administrator for  
Coal Mine Safety and Health



SUBJECT: Slope and Shaft Construction

#### Scope

This Program Policy Letter (PPL) affects underground coal mine operators, independent contractors, and Coal Mine Safety and Health (CMS&H) personnel.

#### Purpose

The purpose of this policy letter is to inform underground coal mine operators, independent contractors, and Coal Mine Safety and Health (CMS&H) personnel about the Mine Safety and Health Administration's (MSHA) application of Title 30, Code of Federal Regulations (30 CFR) Section 77.1900, which requires mine operators to prepare and submit for approval by the District Manager, a plan providing for the safety of miners working in each slope or shaft. This policy letter is intended to assure uniform and consistent transition to compliance with Part 75 requirements once approved shaft and slope excavation and construction activities are completed.

This policy letter sets forth guidance to establish at what point in time mining activities will be required to comply with Part 75 standards and will no longer be inspected under provisions of a slope or shaft construction plan approved under Section 77.1900.

#### Policy

The MSHA Program Policy Manual, Volume V, states in part: "When inspecting shaft and slope sinking operations, Part 77 will apply for inspection purposes until such time as mining is started in the coalbed to be mined. At that time, all of the applicable provisions of Part 75 shall be met by the responsible organization that commences the mining cycle in the coalbed that is to be mined." This policy letter expands and clarifies the above policy to further address when and under what circumstances MSHA will enforce the requirements of 30 CFR Part 75 at underground coal mine slope or shaft construction sites.

Excavation of a newly commenced slope or shaft progresses from the surface, through the overlying strata, to the coalbed to be mined. When an existing slope or shaft is extended that is open to the surface, excavation progresses from the existing slope or shaft bottom, on down through underlying strata to the next coalbed to be mined. Part 77 standards will apply in these instances.

When excavation of a new slope or shaft reaches the coalbed to be mined, additional excavation or construction is often required before the mining cycle can commence. Frequently, horizontal excavations in the coalbed and surrounding strata must be advanced from the shaft or slope bottom to a point that permits installation or setup of mining equipment needed for the mining cycle to begin. Similarly, a skip loading pocket, a sump area, or similar vertical excavation may need to be developed above or below the coalbed before the mining cycle can begin. In order for Part 77 standards to apply, the plans for the development and construction at the coalbed level or above or below the coalbed from the slope or shaft bottom must be submitted and addressed under the approved slope or shaft construction plan.

Sufficient excavation and construction work will be permitted under the approved slope or shaft construction plan to allow installation and set up of the mining and ventilation equipment necessary to begin the mining cycle. In some cases, this excavation and construction work may include driving a connection between slopes and/or shafts. The extent of slope or shaft excavation and development work permitted under the Part 77 slope or shaft construction plan is to be kept to a minimum consistent with this policy, detailed in the approved plan, appropriate for the conditions at the mine and approved by the District Manager. After completing the work as detailed in the approved plan, application of Section 77.1900 will cease, and application of Part 75 standards will commence. Part 77 standards will continue to apply to all activities on the surface.

In cases where a new slope or shaft is constructed from the surface into an existing mine or is raised from an existing mine to the surface, Part 77 standards will apply to the slope or shaft construction and to areas at the immediate slope or shaft bottom to the extent necessary to install equipment and complete construction.

Where a new slope or shaft is constructed from an underground area of an existing mine from one coalbed to another coalbed to be mined, where the slope or shaft does not directly intersect the surface, Part 75 standards will apply because the slope or shaft does not originate from the surface and will not directly intersect the surface. Construction, repair or inspection of these slopes or shafts will be covered under Part 75 standards.

In cases where construction, repairs or inspection are necessary at existing slopes or shafts that originate from the surface, Part 77 standards will be applied to the construction, repair or inspection activity. Any construction, repair, or inspection activity performed under Part 77 standards will be confined to the slope or shaft and the immediate slope or shaft bottom. This would not apply to ongoing routine maintenance of the slope or shaft or to routine maintenance of equipment installed in the slope or shaft. If Part 75 standards are complied with, a slope or shaft construction plan under Part 77 will not be required.

The hoist used under an approved slope or shaft construction plan is not intended for use as a permanent man hoisting installation. If the hoist used in conjunction with the slope or shaft construction, repair, or inspection does not comply with all provisions of Part 75 standards then only those persons engaged in the slope or shaft construction, repair, or inspection will be permitted to ride the hoist used during these activities. It is not the intention of this policy letter to permit access to the mine by using a hoist approved under a slope or shaft construction plan for any other purpose except for construction, repair, or inspection activity directly related to the slope or shaft.

A slope or shaft construction plan as required under Part 77.1900 shall be approved by the District Manager prior to commencing any work activity that will be addressed under the Part 77 plan.

#### Background

The application of Section 77.1900 versus Part 75 has been addressed differently from District to District and has resulted in inconsistencies throughout the industry.

#### Authority

30 CFR Section 77.1900.

#### Filing Instructions

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

#### Issuing Office and Contact Person

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#### Internet Availability

This information bulletin may be viewed on the Internet by accessing MSHA's home page at <http://www.msha.gov>, choosing "Rules & Regs" and "Compliance Assistance Information."

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