

<b>DIVISION OF MINES GUIDELINES FOR APPLICATION OF REGULATORY STANDARDS MANUAL</b>	
<b>COAL MINE SAFETY ACT</b>	<b>CHAPTER 14.2</b>
<b>ARTICLE 5</b>	<b>LICENSING OF MINES</b>
Issue Date: 4/10/00 Revised Date: 4/15/04	Page 1 of 2

**Section 45.1-161.63 B., C.**

**Notices to Department; Resumption of Mining Following Discontinuance**

**Conditions requiring a reopening:**

A reopening inspection is required for an inactive mine to correct unsafe conditions that may exist prior to employees entering the mine for the purpose of resuming work.

For the purpose of this section, the definition of “inactive mine” must be considered. An “inactive mine” is a licensed mine at which miners have not excavated or processed coal, or performed other work for a period of thirty days at an underground mine or for a period of sixty days at a surface mine. The definition clearly states that examinations by certified persons and emergency work to preserve the mine during this period do not change the inactive status.

When determined by the inspector or specialist that excavation or processing of coal has not occurred for the prescribed period and no work other than examinations by certified persons and emergency work to preserve the mine has been performed, then a reopening inspection must be conducted prior to resumption of work. In those situations where coal has not been excavated or processed for the time prescribed but other work has been performed beyond examinations and activities to preserve the mine, then a reopening inspection would not be required. Examples of “work” for this application would include moving and setting up equipment, clean up of falls, development of roadways and drainage structures and similar “dead” work.

In the case where a mine is re-opened to recover equipment with no intention to produce coal, a full re-opening inspection as defined in the DM Procedures manual does not necessarily have to be performed. However, an inspection of the mine to ensure that it is safe for those miners involved in the recovery effort must be completed. Inspectors, specialists, or supervisors associated with the mine may perform the inspections and code the activity as required. The involvement of DM personnel could also vary greatly based upon the scale of the recovery operation. The inspector, specialists, and supervisors associated with the mine should jointly determine when and what type of inspections will be completed.

When a mine is being rehabilitated in order to commence coal production, and these rehabilitation efforts may extend over several months, a re-opening inspection is required prior to producing coal. The timing of the re-opening inspection should be such that the most benefit is gained. Should it be determined that the re-opening inspection is not going to be conducted until a majority of the rehabilitation efforts are complete, then other inspections should be performed during the rehabilitation process to ensure that the mine is safe for the workers. Again, the inspector, specialists, and supervisors should jointly determine when and what type of inspections will be completed.

**Emergency Action Following Discontinuance:**

Emergency actions may become necessary and be performed by the operator at any time during inactive status at a mine. These activities to preserve the mine do not necessarily place the mine in an active or an active non-producing status.

Examples of “emergency actions” that may be performed at inactive mines include pumping of water, preservation of roof conditions, protection of equipment, maintenance of ventilation controls, or similar actions to control conditions or circumstances that could result in loss of property or create dangers to mine personnel. Notification to DM “as soon as possible” requires notifying the Department by the quickest available means once emergency actions have been implemented.