

In the matter of:  
Chestnut Coal Company  
No. 12 Slope  
I.D. No. 36-09493

Petition for Modification

Docket No. M-2007-031-C

PROPOSED ORDER OF DISMISSAL

On May 10, 2007, a petition was filed seeking a modification of the application of 30 C.F.R. § 75.1100-2(a)(2) to Petitioner's No. 12 Slope, an anthracite coal mine in Northumberland County, Pennsylvania. The Petitioner alleges that the proposed alternate method will at all times guarantee no less than the same measure of protection afforded the miners by the standard. Petitioner proposed to provide only portable fire extinguishers where rock dust, water cars, and other water storage equipped with three 10-quart pails are not practical.

30 C.F.R. § 75.1100-2(a)(2) provides:

Each working section of coal mines producing less than 300 tons of coal per shift shall be provided with two portable fire extinguishers, 240 pounds of rock dust in bags or other suitable containers, and at least 500 gallons of water and at least 3 pails of 10 quart capacity. In lieu of the 500-gallon water supply a waterline with sufficient hose to reach the working places, a portable water car (500 gallons capacity) or a portable all-purpose dry powder chemical car of at least 125-pounds capacity may be provided.

On September 15, 2008, the Mine Safety and Health Administration (MSHA) published a final rule revising the standard for the quantity and location of firefighting equipment in underground coal mines (73 FR 53124). The revised final rule, which became effective on October 15, 2008, added section 75.1100-2(a)(3), consisting of requirements for underground anthracite coal mines with no electrical equipment at the working face and producing less than 300 tons of coal per shift.

30 C.F.R. § 75.1100-2(a)(3) provides:

As an alternative to paragraph (a)(2) of this section, each working section with no electrical equipment at the face of an anthracite coal mine producing less than 300 tons of coal per shift shall be provided with the following:

- (i) Portable fire extinguishers containing a total capacity of at least 30 pounds of dry chemical or 15 gallons of foam and located at the entrance to the gangway at the bottom of the slope; and
- (ii) Portable fire extinguishers containing a total capacity of at least 20 pounds of dry chemical or 10 gallons of foam and located within 500 feet from the working face.

Because of the aforementioned final rule, the petition for the modification of the application of 30 C.F.R. § 75.1100-2(a)(2) is not required. The proposed alternate method for the No. 12 Slope mine complies with the revised standard. Consequently, the modification is no longer needed.

### ORDER

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Chestnut Coal Company's Petition for Modification of 30 C.F.R. § 75.1100-2(a)(2) to its No. 12 Slope mine is hereby:

DISMISSED.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 44.14 within 30 days. The request for the hearing must be filed with the Administrator for Coal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia 22209-3939. If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party, other than the Petitioner, who has requested a hearing, may also comment upon all issues of fact or law presented in the petition and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

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Stephen J. Gigliotti  
Chief, Safety Division for  
Coal Mine Safety and Health