

March 14, 2006

In the matter of:
Energy West Mining Company
Deer Creek Mine
I.D. No. 42-00121

Petition for Modification

Docket No. M-2005-045-C

PROPOSED DECISION AND ORDER

On June 27, 2005, a petition was filed seeking a modification of the application of 30 CFR §75.350 (upon review applicable standard is §75.350(a)) to Petitioner's Deer Creek Mine, located in Emery County, Utah. On July 14, 1989, a Proposed Decision and Order (PDO) was issued, granting a Petition for Modification (Docket M-1985-127-C) to modify the requirements of 30 CFR §75.326 (later changed to 75.350 and 75.352) for two-entry longwall development and retreat. On October 21, 1996, a second PDO (Docket M-1996-001-C) was issued, amending the terms and conditions of the original PDO. To date, several longwall panels have been successfully mined using two-entry gateroad systems.

The Petitioner proposes to develop three interseam slopes (inclines) from the Hiawatha coal seam to a virgin area of the Blind Canyon seam. The orientation and distance between the projected slopes will prohibit the development of interconnecting crosscuts. The vertical interburden between the two seams is about 100 feet. The future return, Slope No. 3, will be developed prior to the other two interseam slopes, and will be at a finished grade of 15%. The belt slope (Slope No. 2) will be developed at about a 12% grade and will be straight. The intake travelway (Slope No. 1) will be driven with a bend of approximately 90 degrees to prevent excessive slope angle and is planned for an overall grade of 8%.

The waste rock from the interseam slope development activities will be hauled from the faces, down the slopes, and into rock rooms within the Hiawatha seam. The future return aircourse, Slope No. 3, will be developed from the Hiawatha seam to the Blind Canyon seam, about 600 feet from the top of Slope No. 2 and Slope No. 1.

The proposed 2-entry development work is limited in scope. Once Slope Nos. 1 and 2 are developed, the mine operator plans to install a belt conveyor in Slope No. 2 and will utilize a loading point near the top of that slope to facilitate development of workings through coal towards Slope No. 3. It is for that period of development that the modification is requested. Slope No. 2 would serve as a return aircourse and would also be utilized for conveyance of coal. The length of development to reach the return slope under the Petition would be less than 1,000 feet. Upon development reaching Slope No. 3, the Petition would be terminated, as there would no longer be a need for the belt slope to be used as a return aircourse, because Slope No. 3 would then be commissioned as the return aircourse.

The Petitioner alleges that application of 30 CFR §75.350(a) will result in a diminution of safety to the miners and that the alternative method proposed in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA personnel conducted an investigation and filed a report of their findings with the Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition, amendments to the petition, comments, and MSHA's investigative report, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The geology of the minable seams presents technical challenges for the operator. The lithologic column (attached), taken from the approved roof control plan, shows the massive sandstone/mudstone overburden that overlies the Blind Canyon and Hiawatha coal seams. The Cottonwood seam shown in the diagram is not minable in the area affected by the proposed Petition.

Localized issues with coal consistency and coal quality in the Blind Canyon seam resulted in development of decline slopes known as "Hiawatha Access." Following a substantial amount of longwall panel mining in the Hiawatha seam, the Mill Fork Access Mains were developed within the Hiawatha seam northward and westward to develop 7th North Mains. From 7th North Mains, 12th West longwall panel and 14th West longwall gateroads are currently being mined. The 15th West panel may also be mined as 7th North Mains is developed towards the proposed Petition area.

At the time of MSHA's investigation, longwall retreat mining was being conducted in the 12 West Longwall panel, located in the Hiawatha Seam. The 12th West intake entry was turned off of the Mill Fork 7th North Mains at about crosscut No. 10.

Also at the time of the investigation, two-entry development was progressing in the 14th West gateroads (13th West designation was skipped in the naming sequence). The 14th West intake entry was turned off of the Mill Fork 7th North Mains at about crosscut No. 17. Working faces were developed just inby crosscut No. 31. This two-entry development section was using a belt/return ventilation system as per their current PDO for Docket M-1996-001-C, which is exclusive to longwall panels.

Special conditions at the Deer Creek Mine consist of:

- a. Overburden at the area of interest of 2,300 to 2,400 feet.
- b. The most recent methane liberation rate was zero cubic feet per day (CFD), and the average over the last four quarters was 16,487 CFD.

- c. Deer Creek Mine has extensive experience with development sections, using belt/return aircourses under a granted Petition that is exclusive to longwall gateroad development.

The hazards associated with the use of haulage equipment hauling down the slope include vehicle runaways, increased breaking distances, and overheating and fire. Because of these hazards, application of 30 CFR §75.350(a) to the subject mine will result in a diminution of safety to the miners; the special terms and conditions set out below will at all times provide a safe work environment to the miners.

On the basis of the petition and the findings of MSHA's investigation, Energy West Mining Company is granted a modification of the application of 30 CFR §75.350(a) to its Deer Creek Mine.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., Sec. 811(c), it is ordered that Energy West Mining Company's Petition for Modification of the application of 30 CFR §75.350(a) in the Deer Creek Mine where the belt entry located in the Slope No. 2 would serve as a return and would also be utilized for conveyance of coal only until such time as the development reached the Slope No. 3, at which time the Petition would be terminated is hereby:

GRANTED, for use of the belt entry as a return aircourse which would also be utilized for conveyance of coal only until such time as the development reached the Slope No. 3 upon which time the Petition would be terminated, conditioned upon compliance with the following terms and conditions:

I. Requirements Applicable to Specific Development, and Limited to Mining within the Blind Canyon Seam, from the Top of the Nos. 1 and 2 Slopes, until the No. 3 Slope is reached.

- (A) An atmospheric monitoring system (AMS) for early warning fire detection shall be utilized throughout the belt/return aircourse system. All sensors that are part of the AMS shall be diesel-discriminating (carbon monoxide and nitric oxide) sensors.
- (B) The belt aircourse must be separated with permanent ventilation controls from return aircourses and from other intake aircourses except as provided within this PDO. The belt aircourse is defined as the entry in which a belt is located and any adjacent entries not separated from the belt entry by permanent ventilation controls, including any entries in series with the belt entry terminating at a return regulator, a section loading point, or the surface.

- (C) The maximum air velocity in the belt entry must be no greater than 500 feet per minute, unless otherwise approved in the mine ventilation plan.
- (D) Air velocities must be compatible with all fire detection systems and fire suppression systems used in the belt entry.
- (E) The belt entry, the primary escapeway, and other intake entries if used, must be equipped with an AMS that is installed, operated, examined, and maintained as specified within this PDO.
- (F) All miners must be trained annually in the basic operating principles of the AMS, including the actions required in the event of activation of any AMS alert or alarm signal. This training must be conducted prior to the development of any portion of the subject belt/return mining system. This training must be conducted as part of a miner's 30 CFR Part 48 new miner training (§48.5), experienced miner training (§48.6), or annual refresher training (§48.8).
- (G) Mantrip cars, personnel carriers, or other transportation equipment shall be maintained on or near the working section and on or near areas where mechanized mining equipment is being installed or removed, be of sufficient capacity to transport all persons who may be in the area, and be located within 300 feet of the section loading point or proposed section loading point.
- (H) Fire doors designed to quickly isolate the working section shall be constructed in Slope No. 1 and Slope No. 2 near the lowest elevations for use in emergency situations. The fire doors shall be maintained operable throughout the duration of the application of this modification. A plan for the emergency closing of these fire doors, notification of personnel, and de-energization of electric power in by the doors shall be included in the 30 CFR §75.1502 mine emergency evacuation and firefighting program of instruction plan.
- (I) Two separate lines or systems for voice communication shall be maintained in the belt/return mining section. Phones shall be installed every 1,000 feet within one crosscut of the location of the diesel-discriminating sensor in the belt and intake entries. The two systems shall not be routed through the same entry. The methods of communications shall be subject to approval of the District Manager.

- (J) At least two self-contained self-rescuers (SCSRs) shall be available for each person on the working section at all times. One self-contained self rescuer (SCSR) shall be carried into the section by each person and carried on the section or stored on the section while advancing the belt/return development. A cache of additional self-contained self-rescuers (SCSRs), one for each person on the section, shall be stored at or inby the loading point. These locations shall be specified in the storage plan approved by the District Manager.
- (K) In addition to the requirements of 30 CFR §75.1100-2 (b), fire hose outlets with valves every 300 feet shall be installed along the intake entry. At least 500 feet of fire hose with fittings and nozzles suitable for connection with the outlets shall be stored at each strategic location along the intake entry. The locations shall be specified in the 30 CFR §75.1502 mine emergency evacuation and firefighting program of instruction plan.
- (L) Compressor stations and unattended portable compressors shall not be located inby the point where the belt/return aircourse dumps air to the return aircourse.
- (M) The details for the fire detection system and methane monitoring system, including the type of monitor and specific sensor location on the mine map, shall be included as a part of the Ventilation Plan required by 30 CFR §75.370. The District Manager may require additional diesel-discriminating sensors, carbon monoxide sensors, or methane sensors to be installed as part of said plan to ensure the safety of the miners in any part of the subject belt/return system.
- (N) Lifelines that meet the requirements of 30 CFR §75.380(n) must be provided in the belt/return entry for the entire duration of time that this Petition is in effect.
- (O) The atmospheric monitoring system shall activate an alarm signal if the total concentration of uncorrected carbon monoxide, measured by any sensor, exceeds or is equal to 50 parts per million (ppm). This concentration shall represent all the carbon monoxide present in the sensor's atmosphere, including carbon monoxide from diesel engines.
- (P) Diesel-discriminating sensors shall be installed in the belt conveyor entry within 25 feet inby and outby the crosscut where return air is directed out of the belt conveyor entry.
- (Q) A rock-dusting unit or the discharge hose of a rock-dusting unit shall be installed in the belt conveyor entry near the section loading point of the working section. These rock-dusting units shall be operated continuously when coal is being produced to render inert the float coal dust in these entries, except when miners are performing maintenance, inspections, or other required work in these areas. The District Manager may approve alternate rock-dusting locations.

II. Requirements Applicable to Development with Belt/Return, when Diesel-Powered Equipment is Operated in the Subject System.

- (A) The following administrative controls shall be used:
- (1) The number and type of pieces of diesel equipment in the belt/return development system shall be minimized. A list of diesel equipment and the associated air quantity requirements shall be provided at the designated surface location for use by the AMS operator. A whiteboard or similar method will be used by the AMS operator to keep a total of the air requirements of all diesel equipment operating in the belt/return development system.
 - (2) The AMS operator shall prohibit diesel equipment from entering the belt/return development system when the total air required by all diesel equipment within the system exceeds the air quantity measured in the intake diesel roadway at the bottom of the No. 1 Intake Slope.
 - (3) The intake diesel roadway air quantity shall be measured at the bottom of the No. 1 Intake Slope and shall be included in all 30 CFR §75.360 preshift examinations. Prior to entering or leaving the belt/return development area, all diesel equipment operators shall report to the designated AMS operator.
- (B) Except ambulances used for emergencies only, all diesel powered equipment not approved and maintained under 30 CFR 36 (Part 36) operated on any belt/return development system shall:
- (1) Include an automatic and manually activated fire suppression system meeting the requirements of 30 CFR §75.1911. The manual fire suppression system shall be capable of being activated from both inside and outside the machine's cab. The manual actuator located outside the cab shall be on the side of the machine opposite the engine. Both of these systems shall be maintained in operating condition.
 - (2) Include an automatic engine shut down/fuel shut-off system, tied into the activation of the fire suppression system, which shall be maintained in operating condition.
 - (3) Include an automatic closing, heat-activated shut-off valve, maintained in operating condition, on diesel fuel lines either located between the fuel injection pump and fuel tank if the fuel lines are constructed of steel or located as close as is practical to the fuel tank.

- (4) Include a means, maintained in operating condition, to prevent the spray from ruptured diesel fuel, hydraulic oil, or lubricating oil lines from being ignited by contact with engine exhaust system component surfaces such as shielding, conduit, or non-absorbent insulating materials.
 - (5) For diesel equipment classified as “heavy-duty” under 30 CFR §75.1908(a), include a means, maintained in operating condition, to maintain the surface temperature of the exhaust system of diesel equipment below 302 degrees Fahrenheit. Road graders are considered heavy-duty under 30 CFR §75.1908(a).
 - (6) Include a sensor to monitor the temperature and provide visual warning of an overheated cylinder head on air-cooled engines.
- (C) The following types of diesel-powered equipment, which are not approved and maintained under 30 CFR §36 or 30 CFR §7, may be used in the belt/return development system, except where permissible equipment is required, provided no one is in by the work area:
- (1) diesel-powered rock dust machine,
 - (2) diesel-powered generator, and
 - (3) diesel-powered road grader.
- (D) Diesel fuel shall not be stored in the subject belt/return mining system. Diesel-powered equipment not approved and maintained under Part 36 shall not be refueled in the belt/return development system.
- (E) Diesel equipment shall not be used for face haulage equipment on the working section, but diesels may be used on the working section for cleanup, setup, and recovery, or similar non-coal haulage purposes.
- (F) If non-Part 36 diesel-powered equipment needs to be jump-started in the belt/return development system due to a dead battery, a methane check by a qualified person using an MSHA-approved detector shall be made prior to attaching the jumper cables. The equipment shall not be jump-started if air contains 1.0 volume per centum or more of methane.

- (G) A diesel equipment maintenance program shall be adopted and complied with by the operator. The program shall include the examinations and tests specified in the manufacturers' maintenance recommendations as they pertain to diesel carbon monoxide emissions. A record of these examinations and tests shall be maintained on the surface and be made available to all interested persons.

III. Atmospheric Monitoring System.

- (A) Whenever personnel are underground, an AMS must be operating and a designated AMS operator must be on duty at a location on the surface of the mine where audible and visual signals from the AMS must be seen or heard and the AMS operator can promptly respond to these signals.
- (B) Designated surface location and AMS operator.
 - (1) The mine operator must designate a surface location at the mine where signals from the AMS will be received and two-way voice communication is maintained with each working section, with areas where mechanized mining equipment is being installed or removed, and with other areas designated in the approved emergency evacuation and firefighting program of instruction (30 CFR §75.1502). The surface location at the mine where signals from the AMS will be received must also be capable of sending out PED messages to the individuals referenced in Sections VI (A) through (C) of this PDO in the event the AMS operator receives a malfunction, alert, or alarm signal.
 - (2) The mine operator must designate an AMS operator to monitor and promptly respond to all AMS signals.
 - (3) A map or schematic must be provided at the designated surface location that shows the locations and type of AMS sensor at each location, and the intended airflow direction at these locations. This map or schematic must be updated within 24 hours of any change in this information.
 - (4) The names of the designated AMS operators and other appropriate personnel, including the designated person responsible for initiating an emergency mine evacuation under 30 CFR §75.1501, and the method to contact these persons, must be provided at the designated surface location.
- (C) Minimum operating requirements of AMS sensors.

- (1) AMS sensors shall automatically provide visual and audible signals at the designated surface location for any interruption of circuit continuity and any electrical malfunction of the system. These signals must be of sufficient magnitude to be seen or heard by the AMS operator.
- (2) AMS sensors shall automatically provide visual and audible signals at the designated surface location when the carbon monoxide concentration or methane concentration at any sensor reaches the alert level as specified in this PDO and in the ventilation plan. These signals must be of sufficient magnitude to be seen or heard by the AMS operator.
- (3) AMS sensors shall automatically provide visual and audible signals at the designated surface location distinguishable from alert signals when the carbon monoxide, smoke, or methane concentration at any sensor reaches the alarm level as specified in this PDO and in the ventilation plan. These signals must be of sufficient magnitude to be seen or heard by the AMS operator.
- (4) AMS sensors shall automatically provide visual and audible signals at all affected working sections and at all affected areas where mechanized mining equipment is being installed or removed when the carbon monoxide, smoke, or methane concentration at any sensor reaches the alarm level as specified in this PDO and in the ventilation plan. The signals must be of sufficient magnitude to be seen or heard by miners working at these locations. Methane signals must be distinguishable from other signals.
- (5) AMS sensors shall automatically provide visual and audible signals at other locations as specified in Mine Emergency Evacuation and Firefighting Program of Instruction (30 CFR §75.1502) when the carbon monoxide, smoke, or methane concentration at any sensor reaches the alarm level as specified in this Petition and in the ventilation plan. These signals must be seen or heard by miners working at these locations. Methane alarms must be distinguishable from other signals.
- (6) AMS sensors shall identify at the designated surface location the operational status of all sensors.
- (7) AMS sensors shall automatically provide visual and audible alarm signals at the designated surface location, at all affected working sections, and at all affected areas where mechanized mining equipment is being installed or removed when the carbon monoxide level at any two consecutive sensors alert at the same time. These signals must be seen or heard by the AMS operator and miners working at these locations.

(D) Location and installation of AMS sensors.

- (1) All AMS sensors, as specified in this PDO and in the Ventilation Plan, must be located such that measurements are representative of the mine atmosphere in these locations.
- (2) All AMS sensors must be installed near the center, in the upper third of the entry, in a location that does not expose personnel working on the system to unsafe conditions. Sensors must not be located in abnormally high areas or in other locations where airflow patterns do not permit products of combustion to be carried to the sensors.
- (3) Methane sensors must be installed near the center of the entry, at least 12 inches from the roof, ribs, and floor, in a location that would not expose personnel working on the system to unsafe conditions.

(E) Location of Diesel-Discriminating Sensors.

- (1) Sensors shall be installed in the intake at the beginning of the belt/return development system, at the beginning of the working section, and at intervals not to exceed 1,000 feet along the intake entry between such locations.
- (2) The distance between sensors within the belt/return aircourse used for early-warning fire detection shall not exceed 1,000 feet.
- (3) A sensor shall be installed within fifty (50) feet of where the belt/return air dumps into the main return regulator. This sensor shall be located downwind of the intersection where the two belt aircourses mix and prior to the introduction of any other air split.
- (4) A sensor shall be installed within fifty (50) feet inby and downwind of the box check separating the mainline belt aircourse from the return/belt entry, where the sensor location is representative of the mainline aircourse atmosphere.
- (5) A sensor shall be installed between 50 and 100 feet inby and outby each belt drive and take-up unit.
- (6) A sensor shall be installed between 50 and 100 feet of the loading point, and downwind from the loading point, at the top of the belt/return slope.

- (7) A sensor shall be installed just up-wind of the intersection at the bottom of the belt/return slope.
- (8) Sensors shall be installed at other locations in any entry that is part of the belt aircourse as required and specified in the mine ventilation plan.

(F) Location of Specific Methane Sensors.

A methane monitoring system utilizing methane sensors shall be incorporated into the AMS and be installed to monitor the air in the belt/return aircourse. The sensors shall be located so that the belt air is monitored at the bottom of the belt/return slope prior to any dilution from other air sources, near the tailpiece of the belt conveyor located at the top of the belt/return slope, and at or near any secondary belt drive unit installed in the belt haulage entry.

- (G) The methane monitoring system shall be capable of providing both audible and visual signals on both the working section and at a manned location on the surface of the mine where personnel will be on duty at all times when miners are in by the bottom of Slope No.1 or Slope No. 2 or when the conveyor belt is operating in the subject belt/return. This trained person at the surface shall have two-way communication with all working sections. The system shall initiate alarm signals when the methane level is 1.0 volume per centum. The methane monitoring system shall be designed and installed to de-energize the belt conveyor drive units when the methane level is 1.0 volume per centum. Upon notification of the alarm, miners shall de-energize all other equipment located on the section.

(H) Establishing alert and alarm levels.

An AMS installed in accordance with the following paragraphs must initiate alert and alarm signals at the specified levels, as indicated:

- (1) Alert at 5 ppm corrected carbon monoxide above the ambient level
- (2) Alarm at 10 ppm corrected carbon monoxide above the ambient level.

Reduced alert and alarm settings approved by the District Manager may be required for carbon monoxide sensors identified in the mine ventilation plan, 30 CFR §75.371(nn).

(I) Establishing carbon monoxide ambient levels.

Carbon monoxide ambient levels and the means to determine these levels must be approved in the mine ventilation plan (30 CFR §75.371(hh)) for monitors installed in accordance with this PDO.

(J) Installation and maintenance.

An AMS installed in accordance with this PDO must be installed and maintained by personnel trained in the installation and maintenance of the system. The system must be maintained in proper operating condition.

(K) Sensors.

Sensors used to monitor for carbon monoxide, methane, and nitric oxide (NO) must be of a type listed and installed in accordance with the recommendations of a nationally recognized testing laboratory approved by the Secretary; or these sensors must be of a type and installed in a manner approved by the Secretary.

(L) Time delays.

When a demonstrated need exists, time delays may be incorporated into the AMS. These time delays must only be used to account for non-fire-related carbon monoxide alert and alarm sensor signals. These time delays shall be limited to no more than three minutes. The use and length of any time delays or other techniques or methods that eliminate or reduce the need for time delays must be specified and approved in the mine ventilation plan.

(M) Examination, testing, and calibration.

- (1) At least once each shift when belts are operated as part of a production shift, sensors used to detect carbon monoxide, nitric oxide, or methane must be visually examined.
- (2) At least once every seven days, alarms for AMS installed in accordance with this PDO must be functionally tested for proper operation.
- (3) At intervals not to exceed 31 days:
 - (a) Each carbon monoxide sensor and nitric oxide sensor installed in accordance with this PDO must be calibrated in accordance with the manufacturer's calibration specifications. Calibration must be done with a known concentration of carbon monoxide in air sufficient to activate the alarm.
 - (b) Each methane sensor installed in accordance with this PDO must be calibrated in accordance with the manufacturer's calibration specifications. Calibration must be done with a known concentration of methane in air sufficient to activate an alarm.

- (c) If the alert or alarm signals will be activated during calibration of sensors, the AMS operator must be notified prior to and upon completion of calibration. The AMS operator must notify miners on affected working sections, areas where mechanized mining equipment is being installed or removed, or other areas designated in the approved emergency evacuation and firefighting program of instruction (30 CFR §75.1502) when calibration will activate alarms and when calibration is completed.
- (N) Gases used for the testing and calibration of AMS sensors must be traceable to the National Institute of Standards and Technology reference standard for the specific gas. When these reference standards are not available for a specific gas, calibration gases must be traceable to an analytical standard that is prepared using a method traceable to the National Institute of Standards and Technology. Calibration gases must be within ± 2.0 percent of the indicated gas concentration.
- (O) Recordkeeping.
 - (1) Individuals designated by the operator must make the following records by the end of the shift in which the following event(s) occur:
 - (a) If an alert or alarm signal occurs, a record of the date, time, location and type of sensor, and the cause for the activation.
 - (b) If an AMS malfunctions, a record of the date, the extent and cause of the malfunction, and the corrective action taken to return the system to proper operation.
 - (c) A record of the seven-day tests of alert and alarm signals, calibrations, and maintenance of the AMS must be made by the person(s) performing these actions.
 - (2) The person entering the record must include his or her name and signature and the date in the record.
 - (3) The records required by this section must be kept either in a secure book that is not susceptible to alteration, or electronically in a computer system that is secure and not susceptible to alteration. These records must be maintained separately from other records and identifiable by a title, such as "AMS Log".

(P) Retention period.

Records must be retained for at least one year at a surface location at the mine and made available for inspection by miners and authorized representatives of the Secretary.

(Q) Training.

All AMS operators must be trained annually in the proper operation of the AMS. A record of the content of training, the person conducting the training, and the date the training was conducted must be maintained at the mine for at least one year by the mine operator.

IV. Actions in Response to AMS Malfunction, Alert, or Alarm Signals.

- (A) When a malfunction, alert, or alarm signal is received at the designated surface location, the sensor(s) that are activated must be identified and the AMS operator must promptly notify appropriate personnel, including the "responsible person(s)" as referenced in 30 CFR §75.1501 on the affected working section(s) and in the affected areas where mechanized mining equipment is being installed or removed. In addition, an immediate investigation of the cause of the signal shall begin and take required actions set forth in this PDO.
- (B) If appropriate personnel are investigating the cause of malfunctions in sensors or the cause of alerts in nonsequential sensors and the cause of these signals is not reported to the AMS operator within 15 minutes from the persons investigating these signals, a PED message to the "responsible persons" on the affected working sections or in the affected areas where mechanized mining equipment is being installed or removed shall be activated directing the individual to initiate the mine's mine emergency evacuation and firefighting program of instruction and an audible and visual signal shall be activated in the above-referenced affected areas for all miners to withdraw to a safe location outby the sensors in alert or outby the malfunctioning sensor. In addition to these signals, the AMS operator may also notify affected miners through a PED message and provided further instructions.
- (C) When an alarm signal is received at the designated AMS surface location or two consecutive diesel-discriminating sensors signal an alert at the same time, the AMS operator shall immediately notify the following individuals on the affected working sections, in the affected areas where mechanized mining equipment is being installed or removed, and at other locations specified in the 75.1502 approved mine emergency evacuation and firefighting program of instruction: the responsible persons as referenced in 75.1501, all miners at these locations including all affected diesel equipment operators, and any persons who may be investigating an alert or malfunction.

- (1) The responsible person must immediately initiate withdrawal of all affected miners to a safe location outby the sensors in alarm status or outby the two or more consecutive sensors in alert status as well as initiate the mine's mine emergency evacuation and firefighting program of instruction.
 - (2) Notification shall be made by visual and audible signals.
- (D) Known non-hazardous alerts and alarms that are caused by activities such as cutting, welding, and blasting shall not require miners to withdraw from inby, provided that communications are maintained between the persons at the activity location and the AMS operator. Communications shall be made prior to, during, and upon completion of the activity.
- (E) If any fire detection components of the AMS malfunction or are inoperative, immediate action must be taken to return the system to proper operation. While the AMS component repairs are being made, operation of the belt may continue if the following conditions must be met:
- (1) If one AMS sensor malfunctions or becomes inoperative, a trained person must continuously monitor for carbon monoxide at the inoperative sensor.
 - (2) If two or more adjacent AMS sensors malfunction or become inoperative, a trained person must patrol and continuously monitor for carbon monoxide so that the affected areas will be traveled each hour in their entirety or a trained person must be stationed to monitor at each inoperative sensor.
 - (3) If the complete AMS malfunctions or becomes inoperative, trained persons must patrol and continuously monitor for carbon monoxide so that the affected areas will be traveled each hour in their entirety.
 - (4) The trained persons monitoring under this section must have, at a minimum, two-way voice communication capabilities with the AMS operator at intervals not to exceed 1,000 feet and report contaminant levels to the AMS operator at intervals not to exceed 15 minutes.
 - (5) The trained persons monitoring under this section must report immediately to the AMS operator any concentration of the contaminant that reaches either the alert or alarm level specified in this PDO, unless the source of the contaminant is known not to present a hazard.

- (6) Detectors used to monitor under this section must have a level of detectability equal to that required by 30 CFR §75.351(i).

V. Implementation and Training Requirements.

- (A) Prior to implementing this PDO, an inspection shall be conducted by MSHA to ensure that the operator is in compliance with the terms and conditions of this PDO.
- (B) Prior to implementing this PDO, the Petitioner shall have an approved 30 CFR Part 48 training plan that complies with:
 - (1) All conditions specified by this PDO.
 - (2) Training on the fire suppression systems used on diesel equipment used in the subject belt/return mining system.
 - (3) Training for miners for emergency closing of fire doors and permanent ventilation control devices, notification of personnel, and de-energization of electric power within the longwall district.
 - (4) Training for miners in accordance with the 30 CFR §75.1502 mine emergency evacuation and firefighting program of instruction.
 - (5) The approved SCSR storage plan.
 - (6) The approved ventilation plan.

VI. MSHA Notification Requirement.

When development reaches the No. 3 Slope, Petitioner shall promptly notify MSHA that the connection between the three slopes has been completed and the petition is no longer needed.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days. The request for hearing must be filed with the Administrator for Coal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia 22209.

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 Petitioner who has requested a hearing shall 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.

John F. Langton
Deputy Administrator for
Coal Mine Safety and Health