



In addition, the proposed alternative method of having a certified person take weekly air quantity and quality measurements at monitoring stations MS-S1, MS-S2, and MS-S5 at the beginning and end of the unsafe-to-travel intake aircourse segment and at monitoring stations MS-3 and MS-4 along the belt will provide the same measure of protection as the standard.

MSHA's investigation confirmed that roof falls have occurred in the intake aircourse from the South Mains No. 2 at No. 8 crosscut to South Mains No. 4 at No. 9 crosscut between monitoring stations MS-S1 and MS-S5, rendering the aircourse unsafe for travel and impractical to rehabilitate. The investigation also confirmed that the inlet and outlet monitoring points were accessible and that leakage at No. 5 crosscut along the belt will be effectively monitored by monitoring stations MS-S3 and MS-S4 as shown on the attached map.

On the basis of the petition and the findings of MSHA's investigation, Kingwood Mining Company, LLC is granted a modification of the application of 30 CFR 75.364(b)(1) to its Whitetail Kittanning 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 Kingwood Mining Company, LLC's Petition for Modification of the application of 30 CFR 75.364(b)(1) in the Whitetail Kittanning Mine is hereby:

GRANTED, for the examination of approximately 2,400 feet of intake aircourse from the South Mains No. 2 at No. 8 crosscut to South Mains No. 4 at No. 9 crosscut between monitoring stations MS-S1 and MS-S5, conditioned upon compliance with the following terms and conditions:

1. Three monitoring stations, MS-S1, MS-S2, and MS-S5, at the beginning and end of the unsafe-to-travel intake aircourse segment, and two monitoring stations MS-S3 and MS-S4 along the belt, as shown on the attached

map, shall provide effective evaluation of airflow through the affected area as follows:

- (a) Two monitoring stations, MS-S1 located in No. 1 Entry between crosscuts No. 6 and No. 7 of South Mains No. 2, approximately 30 feet Northeast of Survey Station No. 8327 and MS-S2 located in crosscuts No. 1 to No. 2 at No. 4 Block of South Mains No. 3, approximately 40 feet Southwest of Survey Station No. 8328 shall monitor the air exiting the petitioned area.
  - (b) Two monitoring stations, MS-S3 located in the No. 3 Belt Entry between crosscuts No. 3 and No. 4 of South Mains No. 4, approximately 50 feet Northeast of Survey Station No. 9346 and MS-S4 located in the No. 3 Belt Entry between crosscuts No. 6 and No. 7 of South Mains No. 4, approximately 10 feet Southwest of Survey Station No. 9424 shall monitor the air exiting the belt at No. 5 crosscut.
  - (c) One monitoring station, MS-S5 located in the No. 1 Entry between crosscut No. 9 and No. 10 of South Mains No. 4, approximately 40 feet Northeast of Survey Station No. 9541, shall monitor the air entering the petitioned area.
2. Signs showing the safe travel route to each monitoring station shall be conspicuously posted in an adjacent travel entry. The monitoring stations and routes of travel to the monitoring stations shall be kept free of water accumulations.
  3. A certified person shall conduct weekly evaluations at each of the monitoring stations. The evaluations shall include the quantity and quality of air entering or exiting the monitoring station. The evaluation shall also include a determination of the aircourse's leakage, defined and measured as stated in Paragraph 8 below. These air measurements shall be made using MSHA-approved and calibrated hand-held multi-gas detectors to check the methane and oxygen gas concentrations and appropriate, calibrated anemometers to check airflow volume.

(a) In addition, an examination of the integrity of the stopping line between the belt entry and the adjacent petitioned intake air course described in this petition shall be conducted by a certified person during each shift that coal is produced. Such results, including the condition of the accessible permanent ventilation controls creating the aircourse, shall be recorded in a book kept on the surface and made accessible to all interested parties.

4. A diagram showing the normal direction of the airflow shall be posted at the monitoring stations. The diagram shall be maintained in legible condition and any change in airflow direction shall be reported to the mine foreman for immediate investigation.
5. The date, initials of the examiner, time, and the measured quantity and quality of air shall be recorded in a book or on a date board that shall be provided at the monitoring stations. Such results, including the condition of the accessible permanent ventilation controls creating the aircourse, shall also be recorded in a book kept on the surface and made accessible to all interested parties.
6. All monitoring stations and approaches to monitoring stations shall, at all times, be maintained in a safe condition. The roof shall be adequately supported by roof bolts or other suitable means to prevent deterioration of the roof in the vicinity of the stations.
7. Methane gas or other harmful, noxious, or poisonous gases shall not be permitted to accumulate in excess of legal limits for an intake air course. An increase of 0.5 percent methane above the last previous methane reading or a 10 percent change in air flow quantity shall cause an immediate investigation of the affected area. The results of the investigation shall be immediately reported to the mine foreman.
8. The aircourse's initial leakage shall be determined during the first evaluation following implementation of this modification. Leakage is defined as the

discrepancy between the air quantity entering and exiting the aircourse, as measured at the monitoring stations. A 10 percent change from the initial leakage in the aircourse shall cause immediate examination of all permanent ventilation structures. Damaged stoppings or other ventilation structures shall be repaired or replaced to minimize leakage. Following repairs, a new "initial leakage" shall be determined and serve as the basis for subsequent evaluations.

9. The monitoring station locations shall be shown on the annually submitted mine ventilation map. The stations shall not be moved to another location without prior approval by the District Manager as a part of the Ventilation Plan for the mine.
10. Prior to implementing this modification, all mine personnel shall be instructed that, except along designated routes, no travel into the petitioned area shall be permitted and all other approaches shall be fenced off or barricaded with "DO NOT ENTER" warning signs. Entry into the area shall be permitted only to conduct investigations and correct problems with air flow detected through the monitoring process and all such work will be done under the supervision of an authorized person. All persons who work in the area shall be instructed in the emergency evacuation procedures and all provisions of 30 CFR 75.1502 and § 75.383.
11. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for its approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall include initial and refresher training regarding compliance with this Proposed Decision and Order.

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 22209-3939.

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 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.

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

Attachment:      Map No. 2