

October 23, 2007

In the matter of:  
Little Buck Coal Company  
Bottom Split Slope Mine  
I.D. No. 36-09491

Petition for Modification  
  
Docket No. M-2007-022-C

### PROPOSED DECISION AND ORDER

On April 17, 2007, a petition was filed seeking a modification of the application of 30 C.F.R. § 75.1100-2 (a)(2) to Petitioner's Bottom Split Slope Mine, located in Schuylkill County, Pennsylvania. Petitioner proposes to provide portable fire extinguishers only in lieu of the rock dust, water cars, and other water storage equipped with pails required by the standard. The Petitioner alleges that the alternative method outlined 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 of the petition 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 and MSHA's investigative report, this Proposed Decision and Order is issued.

### Findings of Fact and Conclusion of Law

The applicable standard, 30 C.F.R. § 75.1100-2(a), Quantity and location of firefighting equipment, reads, in relevant part,

(a) Working sections... (2) 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.

MSHA's review of the petition, investigation report, and discussions with mine operators reveal that, because of the low volatile nature of anthracite coal, anthracite coal dust does not propagate an explosion. Additionally, the ignition temperature of anthracite coal is high, which makes it difficult to ignite. Furthermore, atmospheric

conditions in this mine are generally wet, with water dripping from the roof. The investigation report revealed that electric face equipment is not used in this mine. Therefore, it is determined that the alternative method proposed by the Petitioner and amended by MSHA will at all times guarantee no less than the same measure of protection afforded the miner under 30 C.F.R. § 75.1100-2 (a)(2).

On the basis of the petition and the findings of MSHA's investigation, Little Buck Coal Company is granted a modification of the application of 30 C.F.R. § 75.1100-2 (a)(2) to its Bottom Split Slope 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. § 811 (c), it is ordered that Little Buck Coal Company's Petition for Modification of the application of 30 C.F.R. § 75.1100-2 (a)(2) in the Bottom Split Slope mine is hereby:

GRANTED, for firefighting equipment in the working section, conditioned upon compliance with the following terms and conditions:

1. Fire extinguishers having at least four times the minimum capacity specified for a portable fire extinguisher in 30 C.F.R. § 75.1100-1(e) shall be located no more than 500 feet from the working face.
2. Fire extinguishers having at least six times the minimum capacity specified for a portable fire extinguisher in 30 C.F.R. § 75.1100-1(e) shall be located at the entrance to the gangway at the bottom of the slope.
3. The mine operator shall notify MSHA prior to using any electric face equipment in this mine so MSHA can reevaluate this modification.
4. Prior to implementing this alternative method, all persons who work in this area shall be instructed immediately in the emergency evacuation procedures and all provisions of 30 C.F.R. § 75.1501 and 75.383. Persons not normally assigned to work in this area shall be instructed in emergency evacuation procedures and escapeway routes before starting work in this area.
5. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions to the approved 30 C.F.R. Part 48 training plans to the Coal Mine Safety and Health District

Manager. These proposed revisions shall specify initial and refresher training regarding compliance with the Proposed Decision and Order.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 44.14, with 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 the 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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Terry L. Bentley  
Acting Deputy Administrator for  
Coal Mine Safety and Health