

October 10, 2007

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

Petition for Modification

Docket No. M-2007-032-C

PROPOSED DECISION AND ORDER

On May 10, 2007, a petition was filed seeking a modification of the application of 30 C.F.R. § 75.1200(d) and (i) to Petitioner's No. 12 Slope, located in Northumberland County, Pennsylvania. However, MSHA's review of the petition revealed the petitioner is also seeking modification of 30 C.F.R. § 75.1200(h). For that reason, this standard is also included in the petition. The petitioned standard states, in relevant part,

The operator of a coal mine shall have...an accurate and up-to-date map of such mine drawn on scale. Such map shall show:...

- (d) Contour lines of all elevations;...
- (h) Adjacent mine workings within 1000 feet
- (i) Mines above or below;

Petitioner proposes to use cross-sections in lieu of contour lines through the mine slope, at locations of rock tunnel connects between veins, and at 1,000 foot intervals of advance from the intake slope. In addition, Petitioner proposes to limit the required mapping of mine workings above and below to those present within 100 feet of the veins(s) being mined unless these veins are interconnected to other veins beyond the 100 foot limit, through rock tunnels.

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 and recommendations 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.

Finding of Fact and Conclusion of Law

This operation is currently mining the No. 4 Vein, which averages 4 feet in thickness and has a pitch of 70 degrees. The slope is approximately 60 feet deep and the development of gangway monkey headings and chutes has not yet begun. The investigation determined that there are no abandoned mines adjacent to the active workings on the No. 4 Vein or within 1,000 feet in all directions. The accuracy and completeness of those maps portraying no workings in the area is not known. The investigation also determined that a contract engineer will conduct further research to determine whether there are rock tunnels that connect this mine to adjacent mines in the area. The investigation did not address or confirm that no known hazards are associated with mining within 100 feet of adjacent workings that are not interconnected by rock tunnels. In addition, the investigation did not identify the distance to adjacent workable coal veins.

MSHA's investigation verified "..., daily development is frequently limited to less than six feet of gangway advance with associated up pitch development. This averages out to 900 feet of development per year. Since the mine opened, there has been approximately 60 feet of slope development. The mine averages 10 tons production per day using non-mechanized, hand loading methods of mining. The mine will maintain adequate survey control on the gangway level using contract engineering services."

The investigation revealed that application of 30 C.F.R. § 75.1200(d), (h), and (i) to the subject mine will not result in a diminution of safety to the miners and 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, Chestnut Coal Company is granted a modification of the application of 30 C.F.R. § 75.1200(d), (h), and (i) to its No. 12 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 Chestnut Coal Company's Petition for Modification of the application of 30 C.F.R. § 75.1200(d), (h), and (i) in the No. 12 Slope mine is hereby:

GRANTED, for the use of cross sections in lieu of contour lines and limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined, conditioned upon compliance with the following terms and conditions:

1. A search by a registered engineer or surveyor of all available mapping, including cross sections, shall be conducted to determine the spacing between veins and the proximity of the projected and existing workings of the mine to other workings of adjacent mines. A hazard analysis shall be done when mapping indicates the presence of known or potentially flooded workings.
2. The map shall show cross section(s) through the slope, at locations of rock tunnels between veins, and along gangways at 1,000-foot intervals. The mapping provided shall show the cropline of the vein being mined.
3. Where adjacent workings are located within 1,000 feet of the projected limit(s) of the same vein being mined, those workings shall be mapped, the potential water/gas hazard shall be evaluated, and a revised drilling program, if needed, shall be established under 30 C.F.R. § 75.388.
4. Where projections include mining through into inaccessible areas of the same vein or adjacent vein(s) and the conditions cannot be determined, a plan detailing the operation shall be submitted under 30 C.F.R. § 75.389 for approval by the district manager.
5. Prior to recovering pillars known to be below the water level elevation in adjacent workings, a revised recovery plan shall be submitted under 30 C.F.R. § 75.220(a)(1) for approval by the district manager.
6. When vein(s) within 100 feet above or below the vein being mined are interconnected by rock tunnels to other

veins, all interconnected vein mapping shall be provided to within 1,000 feet of the active workings.

7. Prior to mine development within 200 feet of known flooded abandoned workings in the same vein, a plan, under the provisions of 30 C.F.R. § 75.389, must be submitted and approved by the MSHA District Manager.
8. Prior to the removal of pillars below the water level table and in the vein being mined, when a separation between veins is less than 100 feet and the adjacent vein is known to be flooded a revised roof control plan shall be submitted and approved by the district manager prior to pillar recovery.
9. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for its approved 30 C.F.R. Part 48 training plan to the Coal Mine Safety and Health District Manager. The proposed revisions shall include 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, 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.

Terry L. Bentley
Acting Deputy Administrator for
Coal Mine Safety and Health