

In the matter of:  
Four O Mining Corporation  
No. 10  
Mine I.D. 44-07217

Petition for Modification

Docket No. M-2010-034-C

### PROPOSED DECISION AND ORDER

On August 19, 2010, Four O Mining Corporation (Petitioner), filed a petition requesting modification of the application of 30 C.F.R. § 75.1101-2 to petitioner's No. 10 mine located in Dickenson County, Virginia.

The standard cited for this petition, 30 C.F.R. § 75.1101-2, relates to a deluge-type water spray fire suppression system covering 50 feet of conveyor belt adjacent to the belt drive. According to the investigation report, this mine typically installs a water sprinkler fire suppression system to provide the required fire protection. Therefore, 30 C.F.R. § 75.1101-7(b) which specifically requires a water sprinkler system to provide protection for the 50 feet of fire-resistant belt adjacent to the belt drive is the correct standard to be petitioned. 30 C.F.R. § 75.1101-7(b) states:

Each sprinkler system shall provide protection for the motor drive belt takeup, electrical controls, gear reducing unit, and the 50 feet of fire-resistant belt, or 150 feet of nonfire-resistant belt adjacent to the belt drive.

The petition alleges that the proposed alternate method will provide a measure of protection equal to or greater than that of the petitioned standard.

MSHA personnel conducted an investigation of the petition at the No. 10 mine on October 21 and 29, 2010, and filed a report of their findings with the Chief, Division of Safety 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

Four O Mining Corporation opened the No. 10 mine into the Upper Banner seam by means of four drift openings. The mine employs seven miners on one shift per day, 5 days per week. The mine has one working section that operates an auger type continuous mining machine. The mine produces an average of 300 raw tons of material per day. The average mining height is 38 inches. The mine is ventilated by one exhaust fan, which produces 60,000 cubic feet of air per minute. MSHA has not detected any traces of methane in bottle samples taken from this mine.

Coal is mined with a Fairchild 410 auger type continuous miner. Coal is then loaded onto a Fairchild Haul-Mark bridge system. There are four bridges connected together to form the mobile conveyance. The bridge system transports the coal to the Rapidhaul conveyor system ("Rapidhaul"). The Rapidhaul is a component of the most inby belt conveyor and acts as the loading point. The Rapidhaul is a structure that is 14 inches tall, up to 137.5 feet long, sits on the ground and is the tail roller and belt structure for the belt conveyor. The most outby bridge is connected to a dolly that moves repeatedly along the Rapidhaul structure during the mining operation.

When a belt conveyor drive is newly installed, the Rapidhaul is connected to the belt drive. The complete Rapidhaul structure is composed of 11 sections. A section of structure is 14 inches tall, 53 inches wide and 12.5 feet long. Initially, only four sections and the tailpiece of the Rapidhaul are installed. During this time period, mining is being performed with only two bridges and the dolly due to the lack of space. As the mine advances, the other two bridges are connected to the system. After additional mining, the rest of the Rapidhaul structure can then be installed. Eventually, after further mining, the Rapidhaul structure is moved inby and typical wire rope and belt structure is then installed between the Rapidhaul and the belt drive.

According to the investigation report, the petition addresses the period between the initial installation of the belt conveyor drive and when the Rapidhaul structure is moved inby the conveyor belt drive. The Petitioner alleges that a water sprinkler fire suppression system cannot be installed to protect 50 feet of fire resistant belt adjacent to the belt drive when the belt conveyor drive is installed due to the height of the coal seam, type of mining equipment used, the effect of the loaded belt on clearance, and the characteristics of the roof and fire suppression system. When the Rapidhaul is connected to the belt drive, the majority of the fire-resistant conveyor belt that must be protected by a water sprinkler fire suppression system is along the Rapidhaul structure. The movement of the bridge system and the dolly prevents the installation of any fire suppression system as explained below.

The dolly is six feet wide, 11 feet long and moves along the rails connected to the sides of the Rapidhaul structure. The highest point on the dolly is 28.5 inches from the ground. At the time of the investigation, the mining height ranged from 39 to 42 inches leaving 10.5 inches of clearance between the roof and dolly. The coal loaded on the system would further reduce this clearance. Future mine conditions can reduce this clearance even further.

In addition, the space between the top and bottom conveyor belt along the Rapidhaul structure is approximately 11 inches. This space is enclosed by the structure on the sides and is occupied with four structural members (cross beams) and three supports for the

top conveyor belt per section. The investigation revealed it is impossible to install a water sprinkler branch line between the top and bottom conveyor belt due to limited space, cross beams, supports, and the possibility of damage by the moving conveyor belt and the dolly.

The proposed alternative to the required fire suppression system would be to station a miner at the belt drive. The miner would have a CO detector monitoring gases at all times. In addition, a 1.5-inch diameter fire hose with a fire-fighting nozzle would be connected at all times to the water supply near the belt drive. This proposed alternative would remain in effect until the Rapidhaul structure is moved inby the conveyor belt drive. Once the Rapidhaul structure is moved inby the conveyor belt drive, the required fire suppression would be installed.

The alternative method concerns only the fire suppression coverage of 50 feet of fire-resistant conveyor belt adjacent to the belt drive. Neither the company nor any miner expressed concerns that the other areas required to have fire suppression protection could not be provided with such protection. These areas include the motor drive, belt take up, gear reducing unit, and the electrical controls (unless protected in accordance with 30 C.F.R. § 75.1107-1(a)(3)). Two branch lines with three sprinklers each shall be installed along the conveyor belt structure during initial setup of the conveyor belt drive. The sprinklers shall protect the motor drive, belt take up, the gear reducing unit, the electrical controls (unless protected in accordance with 30 C.F.R. § 75.1107-1(a)(3)) and the most inby area of the conveyor belt drive structure. The sprinklers shall also protect the portion of the top and bottom conveyor belt within the structure. This portion of the water sprinkler fire suppression system will result in protecting more than 14 feet of conveyor belt and the most probable areas for a fire on the conveyor belt drive.

The proposed alternative method, as amended by MSHA, will at all times provide the same measure of protection to the miners as afforded the miners under 30 C.F.R. § 75.1101-7(b). On the basis of the petition and the findings of MSHA's investigation, Four O Mining Corporation is granted a modification of the application of 30 C.F.R. § 75.1101-7(b) to its No. 10 Mine.

### ORDER

Wherefore, under 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 Four O Mining Corporation's Petition for Modification of the application of 30 C.F.R. § 75.1101-7(b), regarding the requirement for protection of the 50 feet of fire-resistant belt adjacent to the belt drive, to the No. 10 Mine is hereby:

GRANTED, conditioned upon compliance with the following terms and conditions:

1. During installation of a conveyor belt drive, a sprinkler type fire suppression system consisting of two branch lines and at least three sprinklers on each branch line shall be installed and operable prior to mining. These six sprinklers shall protect the motor drive, the gear reducing unit, and the portion of the conveyor belt up to the Rapidhaul structure. One additional sprinkler shall be installed to protect the electrical controls (unless protected in accordance with 30 C.F.R. § 75.1107-1(a)(3)).
2. A miner shall be stationed at the conveyor belt drive and provided with a detector to constantly monitor for CO.
3. A 1.5-inch or larger fire hose, with a fire fighting nozzle, shall be connected to the water supply near the conveyor belt drive. The fire hose shall be long enough to reach to the end of the Rapidhaul structure's tailpiece.
4. The miner stationed at the conveyor belt drive shall have emergency response training that includes fire-fighting activities.
5. When the Rapidhaul structure is moved from the conveyor belt drive, the final portion of the sprinkler type fire suppression system shall be installed to protect the 50 feet of fire-resistant conveyor belt adjacent to the belt drive.

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. These proposed revisions shall specify the procedures and requirements during initial and refresher training regarding the terms and conditions specified by 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 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.

---

Charles J. Thomas  
Deputy Administrator for  
Coal Mine Safety and Health