DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44.

1. Orchard Coal Company

[Docket No. M–2006–033–C]

Orchard Coal Company, 214 Vaux Road, Tremont, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.381(c)(5) (Escapeways; anthracite mines) to its Orchard Slope Mine (MSHA I.D. No. 36–08346) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the existing standard to eliminate the requirement to use a continuous directional lifeline at the Orchard Slope Mine. The petitioner states that: (1) The pitching seams in the anthracite coal mines are inherently directional; (2) the entries are either driven horizontal in one direction or vertical with the pitching geology; (3) when entering the mine if the mine roof is on your right side, it is basic knowledge to know that when leaving the mine, the mine roof is on your left side; and (4) even if vision is impaired, it is impossible to lose your sense of direction, simply by the location of the roof and rib. The petitioner asserts that application of the existing standard would cause a diminution of safety to the miners because to stretch any type of line across the opening of a vertical entry could result in a tripping hazard with a fall potential in excess of 30 to 60 feet.

2. R S & W Coal Company

[Docket No. M–2006–034–C]

R S & W Coal Company, 207 Creek Road, Klingerstown, Pennsylvania 17941 has filed a petition to modify the application of 30 CFR 75.381(c)(5) (Escapeways; anthracite Mines) to its R S & W Slope Mine (MSHA I.D. No. 36–01818) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the existing standard to eliminate the requirement to use a continuous directional lifeline at the R S & W Slope Mine. The petitioner states that: (1) The pitching seams in the anthracite coal mines are inherently directional; (2) the entries are either driven horizontal in one direction or vertical with the pitching geology; (3) when entering the mine if the mine roof is on your right side, it is basic knowledge to know that when leaving the mine, the mine roof is on your left side; and (4) even if vision is impaired, it is impossible to lose your sense of direction, simply by the location of the roof and rib. The petitioner asserts that application of the existing standard would cause a diminution of safety to the miners because to stretch any type of line across the opening of a vertical entry could result in a tripping hazard with a fall potential in excess of 30 to 60 feet.

3. R & D Coal Company

[Docket No. M–2006–035-C]

R & D Coal Company, 214 Vaux Road, Tremont, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.1714–2(c) (Self-rescue devices; use and location requirements) to its R & D Slope Mine (MSHA I.D. No. 36–02053) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the existing standard to permit self-contained self-rescue (SCSR) devices to be stored within 200 feet of the working face which is less than 1 minute travel time. The petitioner states that in steeply pitching, conventional anthracite mines, entries are advanced as far as 200 feet vertically, which exposes the miner to trip and fall hazards and the necessity of carrying supplies up narrow entries while wearing the SCSRs may result in damage to the SCSR and also may result in a diminution of safety to the miner.

4. R & D Coal Company, Inc.

[Docket No. M–2006–036–C]

R & D Coal Company, 214 Vaux Road, Tremont, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.381(c)(5) (Escapeways; anthracite mines) to its R & D Slope Mine (MSHA I.D. No. 36–02053) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the existing standard to eliminate the requirement to use a continuous directional lifeline at the R & D Slope Mine. The petitioner states that: (1) The pitching seams in the anthracite coal mines are inherently directional; (2) the entries are either driven horizontal in one direction or vertical with the pitching geology; (3) when entering the mine if the mine roof is on your right side, it is basic knowledge to know that when leaving the mine, the mine roof is on your left side; and (4) even if vision is impaired, it is impossible to lose your sense of direction, simply by the location of the roof and rib. The petitioner asserts that application of the existing standard would cause a diminution of safety to the miners because to stretch any type of line across the opening of a vertical entry could result in a tripping hazard with a fall potential in excess of 30 to 60 feet.

5. Ohio County Coal Company

[Docket No. M–2006–037–C]

Ohio County Coal Company, 19050 Highway 1078 South, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.1101–1(b) (Deluge-type water spray systems) to its Freedom Mine (MSHA I.D. No. 15–17587) located in Henderson County, Kentucky. In lieu of providing nozzles with blow-off dust covers, the petitioner proposes to: (1) Conduct a weekly visual examination of each deluge-type water spray fire suppression system; (2) conduct a weekly functional test of the deluge-type water spray fire suppression systems by actuating the system and observing its performance; and (3) record the results of the examination and functional test in a book maintained on the surface and made available to authorized representatives of the Secretary and retained at the mine for one year by a person trained in the testing procedures specific to the deluge-type water spray fire suppression systems at each belt drive. The petitioner states that if any malfunction or clogged nozzle is detected, corrections will be made immediately, and the procedures used to perform the functional test will be posted at or near each belt drive that uses a deluge-type water spray fire suppression system. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

6. S & M Coal Company

[Docket No. M–2006–038–C]

S & M Coal Company, 1744 E. Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.381(c)(5) (Escapeways; anthracite mines) to its S & M Slope Mine (MSHA I.D. No. 36–02022) located in Dauphin County, Pennsylvania. The petitioner requests a modification of the existing standard to eliminate the requirement to use the continuous directional lifeline at the S & M Slope Mine. The petitioner states that: (1) The pitching seams in the anthracite coal mines are inherently directional; (2) the entries are either driven horizontal in one direction or vertical with the pitching geology; (3) when entering the mine if the mine roof is on your right side, it is basic knowledge to know that when leaving the mine, the mine roof is on your left side; and (4) even if vision is impaired,

it is impossible to lose your sense of direction, simply by the location of the roof and rib. The petitioner asserts that application of the existing standard would cause a diminution of safety to the miners because to stretch any type of line across the opening of a vertical entry could result in a tripping hazard with a fall potential in excess of 30 to 60 feet.

7. S & M Coal Company

[Docket No. M–2006–039–C]

S & M Coal Company, 1744 E. Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1714–2(c) (Self-rescue devices; use and location requirements) to its S & M Slope Mine (MSHA I.D. No. 36–02022) located in Dauphin County, Pennsylvania. The petitioner requests a modification of the existing standard to permit self-contained self-rescue (SCSR) devices to be stored within 200 feet of the working face. The petitioner states that in a steep pitch mine, the passageways are very thin and have a 3-foot ceiling clearance. The petitioner further states that the necessity of carrying supplies up narrow entries while wearing the SCSRs, may result in damage to the SCSR and also may result in a diminution of safety to the miner.

8. Orchard Coal Company

[Docket No. M–2006–041–C]

Orchard Coal Company, 214 Vaux Road, Tremont, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.360 (Preshift examination at fixed intervals) to its Orchard Slope Mine (MSHA I.D. No. 36–08346) located in Schuylkill County, Pennsylvania. The petitioner proposes to: (1) Conduct an examination and evaluation, including a visual examination of each seal for physical damage, from the slope gunboat during the pre-shift examination after an air quantity reading is taken just inby the intake portal; (2) take an additional air reading and gas test for methane and oxygen deficiency at the intake air split location(s) just off the slope in the gangway portion of the working section; and (3) have the examiner place the date, time and his/her initials at locations where air readings and gas test are taken, with the results properly recorded prior to anyone entering the mine. The petitioner states that regardless of conditions found at the section evaluation point, the slope will be traveled and physically examined for its entire length on a monthly basis with dates, times, and initials placed at sufficient locations throughout and results of the examination recorded on the surface, and any hazards will be corrected prior to transporting personnel in the slope. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard for the following reasons: (1) Miners would have to climb around platform ladder obstructions increasing the risk of falling; (2) when a platform is not provided, a significant injury or fall exists when a miner gets in and out of the gunboat when conducting examinations; (3) accurate readings cannot be obtained with the gunboat blocking a major portion of the intake slope and platforms installed across the intake would almost totally restrict the mine's only intake; (4) the intake slope is also the location for electrical conductors and discharge piping the pump system located in the sump area and since the intake haulage slope is the only intake for the mine, oxygen deficiency is highly unlikely; and (5) thorough examination of the intake haulage slope on a monthly basis will ensure the safety of miners traveling the intake escapeway and would minimize the fall hazard potential of miners conducting examinations.

9. Drummond Company, Inc.

[Docket No. M–2006–042–C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35202 has filed a petition to modify the application of 30 CFR 75.507 (Power connection points) to its Shoal Creek Mine (MSHA I.D. No. 01–02901) located in Jefferson County, Alabama. The petitioner requests modification of the existing standard which pertains to ''all power-connection points outby the last open crosscut shall be in intake air.'' The petitioner proposes to use three-phase, alternating current deep-well submersible pumps in boreholes or shafts in the Shoal Creek Mine. Petitioner states that the three-phase alternative significantly reduces the exposure of employees to travel in remote areas and significantly improves the de-watering process at the Shoal Creek Mine. Thus, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

10. Hanson Aggregates Pma, Inc.

[Docket No. M–2006–003–M]

Hanson Aggregates Pma Inc., 394 Quarry Road, Latrobe, Pennsylvania 15650 has filed a petition to modify the application of 30 CFR 57.4461 (Gasoline use restrictions underground) to its Whitney Plant (MSHA I.D. No. 36–08284) located in Westmoreland County, Pennsylvania. The petitioner requests a modification of the existing standard to permit the use of gasoline-powered trucks to transport personnel into and out of the mine as an equivalent safe method of evacuating the mine in the event that certain passageways could not be used in an emergency. The petitioner proposes to provide an escape and evacuation plan that will: (1) Notify all underground personnel of an emergency by means of strobe light; (2) instruct all personnel to evacuate the mine in an emergency; and (3) instruct all mine personnel to follow the primary evacuation route, or follow the secondary escape route if the primary route is not passable. The petitioner states that if the mine portal is considered to be unsafe, the mine personnel will meet at the clock office. The petitioner further states that: (1) The proposed alternative method of compliance provides equivalent or superior safety to the application of the existing standard because it reduces the potential health risk; (2) the mine design that permits ready evacuation in under an hour from all points, even where some passageways may be bermed or barricaded off due to inactive status or because ground conditions may require remediation; and (3) application of the existing standard is infeasible and impractical at the Whitney Plant due to the historical use of gasoline-powered trucks to transport personnel into and out of the mine and the potential health risk from diesel particulate matter associated with diesel-powered trucks.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to *Standards-Petitions@dol.gov*. Include ''petitions for modification'' in the subject line of the e-mail. Comments can also be submitted by fax, regular mail, or hand-delivery. If faxing your comments, include ''petitions for modification'' on the subject line of the fax. Comments by regular mail or hand-delivery should be submitted to the Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. If hand-delivered, you are required to stop by the 21st floor to check in with the receptionist. All comments must be postmarked or received by the Office of Standards, Regulations, and Variances on or before October 26, 2006. Copies of the petitions are available for inspection at that address.

Dated at Arlington, Virginia this 19th day of September 2006.

Ria Moore Benedict,

Deputy Director, Office of Standards, Regulations, and Variances.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44.

1. Excel Coal Company

[Docket No. M–2006–057–C]

Excel Coal Company, RD #2 Box 665, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1400 (Hoisting equipment; general) to its Three S. Slope Mine (MSHA I.D. No. 36–09309) located in Northumberland County, Pennsylvania. The petitioner proposes to use the slope (gunboat) to transport persons in shafts and slopes using an increased rope strength/safety factor and secondary safety rope connection instead of using safety catches or other no less effective devices. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

2. Excel Coal Company

[Docket No. M–2005–058–C]

Excel Coal Company, RD #2 Box 665, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1100–2(a)(2) (Quantity and location of firefighting equipment) to its Three S. Slope Mine (MSHA I.D. No. 36–09309) located in Northumberland County, Pennsylvania. The petitioner proposes to use portable fire extinguishers only to replace existing requirements where rock dust, water cars, and other water storage equipped with three, 10 quart pails is not practical. The petitioner asserts that equivalent fire protection will be provided for the mine with two portable fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

3. Excel Coal Company

[Docket No. M–2006–059–C]

Excel Coal Company, RD #2 Box 665, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1200(d) & (i) (Mine map) to its Three S. Slope Mine (MSHA I.D. No. 36–09309) located in Northumberland County, Pennsylvania. The petitioner proposes to use cross-sections instead of contour lines through the intake slope at locations of rock tunnel connections between veins, and at 1,000 foot intervals of advance from the intake slope. In addition, the petitioner proposes to limit the required mapping of the mine workings above and below to those present within 100 feet of the vein being mined except when veins are interconnected to other veins beyond the 100-foot limit through rock tunnels. The petitioner states that due to the steep pitch encountered in mining anthracite coal veins, contours provide no useful information and their presence would make portions of the map illegible. The petitioner further states that use of cross-sections in lieu of contour lines has been practiced since the late 1800's and provides critical information about the spacing between veins and proximity to other mine workings, which fluctuate considerably. Additionally, they state that the mine workings above and below are usually inactive and abandoned, and therefore, are not subject to changes during the life of the mine. Petitioner asserts that when evidence indicates that prior mining was conducted on a vein above or below and research exhausts the availability of mine mapping, the vein will be considered to be mined and flooded and appropriate precautions will be taken under 30 CFR 75.388, when possible. Thus, when potential hazards exist and mine drilling capabilities limit penetration, petitioner will drill surface boreholes to intercept the mine workings and will analyze the results prior to mining in the affected area. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. Excel Coal Company

[Docket No. M–2006–060–C]

Excel Coal Company, RD #2 Box 665, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 49.2(b) (Availability of mine rescue teams) to its Three S. Slope Mine (MSHA I.D. No. 36–09309) located in Northumberland County, Pennsylvania. The petitioner requests a modification of the existing standard to permit the reduction of two mine rescue teams with five members and one alternate each, to two mine rescue teams of three members with one alternate for either team. The petitioner states that the mine is small and an attempt to utilize five or more rescue team members in the mine's confined working places would result in a diminution of safety to both the miners at the mine and the members of the rescue team. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Big River Mining, LLC

[Docket No. M–2006–061–C]

Big River Mining, LLC, P.O. Box 186, New Haven, West Virginia 25626 has filed a petition to modify the application of 30 CFR 75.900 (Low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Broad Run Mine (MSHA I.D. No. 46–09136) located in Mason County, West Virginia. The petitioner proposes to use a contactor in certain locations in series with the circuit breaker. The petitioner states that: (1) The contactors are designed and rated for switching and will switch a great number of times more than a circuit breaker without failure and are more reliable than circuit breakers for switching when used within their rating; (2) many of the installations use a circuit breaker in series with a contactor, but Big River Mining would like to use the circuit breaker for short circuit; (3) the contactor may be equipped to provide undervoltage, grounded phase protection, overload protection, and other protective functions normally provided by the circuit breaker; and (4) the contactors would provide undervoltage, grounded phase, overload, and monitor the grounding conductors for low- and medium-voltage power circuits serving three-phase alternating current equipment using the following special terms and conditions: (a) The nominal voltage of the power circuits(s) will not exceed 995 volts; (b) the nominal voltage of the control circuit(s) and audible alarms units will not exceed 120 volts; and (c) the contactor will be built into the same enclosure as the circuit breakers. Further details of the terms and conditions are listed in the petition for modification and are available upon request. The petitioner further states that the proposed alternative method would not be implemented until all qualified persons who perform work on the equipment and the circuits have received training in the safe