

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

Petition for Modification

Docket No. M-2007-029-C

PROPOSED ORDER OF DISMISSAL

On May 10, 2007, a petition was filed seeking a modification of the application of 30 C.F.R. § 75.335 to the Petitioner's No. 12 Slope, located in Northumberland County, Pennsylvania. The Petitioner alleges that the construction of seals using concrete blocks presents a hazard to miners because:

- (a) The required transportation of solid concrete blocks or equivalent materials manually on ladders on pitching anthracite veins will expose miners to a greater hazard(s) of falling, being struck by falling materials or resulting in strains or sprains due to the weight of the materials;
- (b) No evidence of ignition in accessible abandoned anthracite workings has been found to date;
- (c) In veins pitching greater than 45 degrees, the weight of the seal is transferred to the low side rib (coal).
- (d) Irregularly shaped anthracite openings would require substantial cutting of rectangular blocks to insure proper tie-in to hitches in the top rock, bottom rock and low side coal rib.
- (e) Concrete block and mortar construction for openings parallel to the pitching vein would be almost impossible to construct and subject to failure merely by its own weight.
- (f) Isolation of inaccessible abandoned workings from an active section will permit natural venting of any potential methane build-up through surface breaches.
- (g) The mine has not experienced measurable liberations of methane to date.

Therefore, the Petitioner contends that application of this standard will result in a diminution of safety to the miners and that the alternative method proposed in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

On November 20, 2008, the petitioner requested that the petition for modification Docket No. M-2007-029-C be withdrawn because the provisions set forth by the petition will not be in compliance with the minimum requirements in 30 CFR 75.335.

ORDER

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Chestnut Coal Company's Petition for Modification of 30 C.F.R. § 75.335 at No. 12 Slope mine is hereby:

DISMISSED.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. Part 44 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 Order of Dismissal will become final.

Stephen J. Gigliotti
Chief, Safety Division for
Coal Mine Safety and Health