

aircourse. Permanent ventilation controls are in place to cause the air to flow through the monitoring stations so that the air measurements will remain representative of the air flowing through the inaccessible common entries. This aircourse carries air that has ventilated the mine seals east of the service shaft and, after passing through the untravelable aircourse segment, is used to ventilate the 3 North Bleeder Seals

MSHA determined that the petitioned area is unsafe-for-travel and that requiring mine examiners or workmen to enter the area to travel from one of the common entries to the outcrop portal would be a diminution of safety. Furthermore, the area is remote from most current mining activities and would require extensive and hazardous rehabilitation.

MSHA investigators measured airflow quality and quantity at the proposed monitoring stations. Those measurements show slightly less quantity at the initial monitoring station than at the outlet monitoring station. However, the mine is ventilated by exhausting fans and the difference can be attributed to leakage at stoppings and through roof cracks to the surface near the outcrop.

Based on the petition and the findings of MSHA's investigation, Consolidation Coal Company is granted a modification of the application of 30 CFR 75.364(b)(2) to its Loveridge No. 22 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., Sec. 811(c), it is ordered that Consolidation Coal Company's Petition for Modification of the application of 30 CFR 75.364(b)(2) in the Loveridge No. 22 Mine is hereby:

GRANTED, for the unsafe-to-travel segment (approximately 950 feet) of the Sugar Run Bottom area designated return entries used in ventilating between the Sugar Run Seals and the 3 North Bleeder Seals, conditioned upon compliance with the following terms and conditions:

1. Two (2) monitoring stations that allow effective evaluation of the air entering and leaving the unsafe-to-travel segment of the return aircourse between the Sugar Run Seals and the 3 North

Bleeder Seals shall be established at the following locations:

- (a) One monitoring station (identified by the petitioner as Checkpoint 1) shall be located in the crosscut between the Numbers 6 and 7 seals of Main North Headings at the 3 North Bleeder Seals to monitor air leaving the unsafe-to-travel segment of the of the Sugar Run Bottom Area designated return.
 - (b) One monitoring station (identified by the petitioner as Checkpoint 2) shall be located approximately 100 feet east and 100 feet north of survey station Number 1368 to monitor air entering the petitioned area.
2. Weekly evaluations shall be conducted by a certified person at each of the monitoring stations. The evaluation shall include measurement of the quality and quantity of air entering or leaving at each monitoring station. Air quality measurements shall determine the methane and oxygen concentrations using an MSHA-approved hand-held device. Air quantity measurements shall be made using an appropriately calibrated anemometer.
 3. A sign showing the safe travel route to each monitoring station shall be conspicuously posted in an adjacent travelable entry.
 4. Methane gas or other harmful, noxious, or poisonous gases shall not be permitted to accumulate in excess of legal limits. An increase of 0.5 percent methane above the last previous reading or a 10 percent change in the airflow quantity at any monitoring station shall be cause for an immediate investigation of the affected area. Any significant difference in the quantities and qualities of airflows or in the airflow direction shall be cause for immediate investigation.
 5. A diagram and/or enlarged map showing the normal direction of the airflow shall be posted at each monitoring station. The diagram shall be maintained in legible condition and any change in airflow direction shall be reported to the mine foreman for immediate investigation.

6. The date, the initials of the examiner, the time, and the measured quantity and quality of air at each monitoring station shall be recorded in a book or on a date board that shall be provided at the monitoring stations. Such results and the quantities entering and leaving the petitioned aircourse shall be recorded in a book kept on the surface and made available to all interested parties.
7. All monitoring stations and approaches to monitoring stations shall, at all times, be maintained in safe condition. The roof shall be adequately supported by roof bolts or other suitable means to prevent deterioration of the roof in the vicinity of the stations.
8. The monitoring station locations and representative air quantity and quality measurements for each monitoring station location shall be shown on the annually submitted mine ventilation map (30 CFR 75.372). Station locations shall not be eliminated or moved without prior approval by the District Manager as a part of the Ventilation Plan for the mine.
9. Prior to implementing this Proposed Decision and Order, all personnel shall be instructed that no travel into the petitioned aircourse segment shall be permitted and all other approaches shall be fenced off or barricaded with "DO NOT ENTER" warning signs. Entry into the area shall be permitted only to investigate and correct significant problems with air flow detected through the monitoring process. All such work shall be done under the supervision of an authorized person. All persons who work in the area shall be instructed in the emergency evacuation procedures and all provision of 30 CFR 75.1501 (formerly 30 CFR 75.1101-23) and 30 CFR 75.383.
10. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for its approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager. These 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 CFR 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.

John F. Langton
Deputy Administrator
Coal Mine Safety and Health