

Fayette County Health Center
100 New Salem Road, Room 167
Uniontown, PA 15401

October 1, 2009

Bureau of Mine Safety

724-439-7469
Fax 724-439-7324

Mr. Robert Bohach
Cumberland Coal Resources LP
855 Kirby Road
Waynesburg, PA 15370

RE: **Temporary Approval** of a request from Cumberland Coal Resources, LP for approval of a "Plan for Refuel Diesel Equipment in Intake Escapeways" at the Cumberland Mine

Dear Mr. Bohach:

This letter acknowledges receipt a letter from John Perry dated September 28, 2009 requesting temporary approval to utilize an approved fueling plan "to refuel diesel equipment in intake escapeways" at the Cumberland Mine.

Chapter 4 of the "Bituminous Coal Mine Safety Act" (the Act) provides for the use of diesel-powered equipment in underground bituminous coal mines. Section 424 of the Act created a Technical Advisory Committee ("TAC") for the purpose of advising the Department regarding implementation of Chapter 4 and evaluation of alternative technology or methods for meeting the requirements of Chapter 4.

On August 19, 2009 the Department received a letter from Cumberland Coal Resources, LP requesting approval of a "Plan to Refuel Diesel Equipment in intake escapeways" at the Cumberland Mine. On August 25, 2009 the Director requested the TAC to review and investigate the plan request and provide a recommendation to the Director. On September 25, 2009 the TAC traveled to Cumberland Mine and conducted their investigation.

The TAC believes this plan for the Cumberland Mine meets all the requirements of the Act, and does not compromise the level of health and safety provided the miners under the Act. The TAC thoroughly investigated this site-specific request and recommends approval.

This recommendation for approval is only for the "Plan to Refuel Diesel Equipment in Intake Escapeways" at the Cumberland Mine.

Based on the information provided and the TAC recommendation, the Department *temporarily approves* the plan to "Refuel Diesel Equipment in the Intake Escapeways" at the Cumberland Mine.

The next scheduled meeting of the Diesel Technical Advisory Committee is scheduled for October 14, 2009, upon which time the TAC will provide a formal recommendation to the Department for final approval of this request.

Should you have any questions regarding this temporary approval, contact my office at the above phone number.

Sincerely,

Joseph A. Scaffoni
Director
Bureau of Mine Safety

Enclosures

cc: Ron Bowersox/TAC
Paul Borchick/TAC

bcc: Bookshar
Martin
McCaffrey
Gaida
Ceschini
Pacconi
Keruskin
Stalnaker
TAC file/C. Dunn

JAS/WBB/cd

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