

In the matter of
Freeman United Coal Mining Company
Crown III Mine
I.D. No. 11-02632

Petition for Modification

Docket No. M-2002-125-C

PROPOSED DECISION AND ORDER

On December 30, 2002 Freeman United Coal Mining Company filed a petition for modification of the application of 30 CFR 75.1101-8(a) to its Crown III Mine located in Montgomery County, Illinois. The Petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA personnel conducted an investigation of the petition and filed a report of their findings and recommendations with the Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition and MSHA's investigative report and recommendation, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

Title 30 Part 75 Subpart L establishes the minimum requirements for the type, quality, and quantity of firefighting equipment. Section 75.1101-8(a) requires that at least one sprinkler shall be installed above each belt drive, belt take-up, electrical control, and gear-reducing unit, and that individual sprinklers shall be installed at intervals of no more than 8 feet along conveyor branch lines.

Petitioner proposes the following as an alternative method:

1. The belt drives and electrical controls would be ventilated with isolated intake air.
2. The electrical control boxes would not contain flammable fluids or other flammable products.
3. The electrical control boxes would be fully enclosed and of fireproof construction.
4. The electrical control boxes would be located at least two feet from coal or other combustible material.
5. The electrical cables would be fire resistant in accordance with 30 CFR Part 18.

6. Heat sensors or CO monitors would be installed near the electrical control boxes.

Each proposal comprising the alternative method was considered.

First, the petition proposes to ventilate the belt drive and electrical controls with intake air. However, this is already required at the Crown II Mine. Section 75.507-1 requires all nonpermissible equipment, including belt drives, to be ventilated with intake air. This would not provide additional protection.

Second, the petition states that the belt drives do not contain flammable fluids or other flammable products. However, the investigation disclosed that the electrical control boxes contain float coal dust, conductor insulation, and various forms of plastic which are combustible. Consequently, this would not assure the same level of protection as the standard.

The third and fourth proposals call for fireproof electrical control boxes to be located at least two feet from coal or other combustible materials. However, this is a means of compliance with Section 75.1107-1(a)(3), which provides alternatives for compliance with the fire suppression standard. That standard provides that unattended enclosed controls shall be protected by an approved fire suppression system, unless located at least 2 feet from coal or other combustible materials, or separated by other means. Belt drive electrical controls as described in the petition are provided greater protection. Consequently, neither of these proposals would provide additional protection.

The fifth proposal, that the electrical cables on the belt drives conform with the requirements of 30 CFR Part 18, would provide greater protection than the use of cable that is not fire resistant. However, the use of fire resistant cable is to help prevent fires, it does not suppress fires once they have occurred. Consequently, this proposal does not provide the same type of protection as the standard.

Finally, the proposed alternative method calls for a heat sensor or CO monitor to be installed near the electrical control boxes. However, fire detection devices for conveyor belt haulage systems are already required under 30 CFR 75.1103-1 through 75.1103-10. Consequently, this proposal would provide no additional protection.

In conclusion, the proposals comprising the alternative method consist of compliance with mandatory safety standards already imposed upon the operator, with the exception of the use of MSHA approved fire resistant cable. The use of fire resistant cable, where not already required, provides additional fire protection, but it does not provide a means to suppress a fire once it has begun. The standard requires fire suppression. Consequently, the

proposed alternative method will not at all time guarantee no less than the same measure of protection afforded by the standard.

On the basis of the petition and the findings of MSHA's investigation, Freeman United Coal Mining Company is not granted a modification of the application of 30 CFR 75.1101-8(a) to its Crown III 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 Freeman United Coal Mining Company=s Petition for Modification of the application of 30 CFR 75.1101-8(a) in the Crown III Mine is hereby:

DENIED.

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
Acting Deputy Administrator
for Coal Mine Safety and Health