

October 19, 2005

In the matter of:  
Drummond Company, Inc.  
Shoal Creek Mine  
ID No. 01-02901

Petition for Modification  
  
Docket No. M-2004-032-C

PROPOSED ORDER OF DISMISSAL

On July 7, 2004, Drummond Company, Inc. (Drummond) filed a petition pursuant to 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. Sec. 811(c), and 30 CFR 44 et seq., for the modification of the application of 30 CFR 75.601, to its Shoal Creek Mine located in Jefferson County, Alabama. The petitioner alleged that the alternative method proposed in the petition would at all times guarantee no less than the same measure of protection afforded by the standard.

Petitioner sought a modification of 30 CFR 75.601 for labeling the disconnecting devices and associated circuit breakers. 30 CFR 75.601 requires disconnecting devices used to disconnect power from trailing cables be plainly marked and identified. Additionally, 30 CFR 75.904 requires circuit breakers to be marked for identification. Drummond proposes to mount the circuit breaker and corresponding receptacle on a panel in a fashion that maintains a physical relationship between them so that it will be obvious that the breaker feeds the receptacle. This method of circuit identification is consistent with PPL No. P05 V-1 (which superseded PPL No. P03 V-2, on which the petition is based) and will ensure that the appropriate circuit is de-energized before any work is performed on a trailing cable or equipment connected to such receptacle. Therefore, Drummond is in compliance with 30 CFR 75.601 and 75.904 and the petition is not needed.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Drummond Company's Petition for Modification of 30 CFR 75.904 at the subject mines is hereby:

DISMISSED.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 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 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 Order of Dismissal will become final.

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Terry L. Bentley  
Chief, Safety Division  
Coal Mine Safety and Health