

August 10, 2005

In the matter of:
Chestnut Coal Company
No. 10 Slope
I.D. No. 36-07059

Petition for Modification

Docket No. M-2005-019-C

PROPOSED DECISION AND ORDER

On March 18, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.512-2 to Petitioner's No. 10 Slope, located in Northumberland County, Pennsylvania. The Petitioner alleges that alternative method proposed 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 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, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

Standard 75.512, Electric equipment; examination, testing and maintenance provides:

All electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

In addition, 30 CFR 75.512-2, Frequency of examinations provides:

The examinations and tests required by §75.512 shall be made at least weekly. Permissible equipment shall be examined to see that it is in permissible condition.

The petitioner requests modification of 30 CFR 75.512-2, as it applies to this underground anthracite mine, to permit monthly electrical examinations of its underground stationary electrical equipment, rather than the required weekly examination. The petitioner alleges that the mine has no electrical equipment except for two pumps located in the intake haulage slope, with one solid cable to the pumps with two electrical disconnect boxes located inside the mine. The petitioner also alleges that the underground portion of the mine is provided three-phase electrical current by a 480-volt generator located on the surface. The petitioner maintains the generator has all required safety features to protect the circuits extending underground and that the cables going inside the mine are inspected daily by four foremen, monthly by state inspectors, and quarterly by Mine Safety and Health Administration (MSHA) inspectors.

The allegation that this mine has no electrical equipment except two pumps, with one cable extending to two disconnecting devices is without merit. The 480-volt power system supplying power underground to the two electrical disconnecting boxes and two electric pump motors with their pump cables are all pieces of electric equipment. The three-phase 480-volt system supplies power to a 60 horsepower dewatering pump motor and an eight (8) horsepower dewatering pump, each with a line starter and associated control circuits. Conducting a monthly examination of the underground electrical equipment and circuits rather than a weekly examination would allow hazardous conditions to exist for a longer period of time, thereby exposing miners to an electrical shock or electrocution hazard due to the equipment not being properly maintained. Additionally, should an improperly maintained piece of electric equipment initiate a fire, miners would be exposed to a smoke inhalation hazard while exiting the mine or while trying to extinguish the fire.

The allegation that the cables are examined daily by four foreman, monthly by state mine inspectors, and quarterly by MSHA inspectors does not alleviate the mine operator's responsibility to have a qualified electrician who satisfies the requirements of 30 CFR 75.153 conduct the weekly examination of all underground electric equipment. A qualified electrician is presently contracted by the mine operator to perform the weekly examination of all underground electric equipment at the mine and record the results of the weekly examination.

The purpose of a weekly examination by a qualified electrician is to ensure that all electric equipment is frequently examined, tested, and properly maintained to assure that it is in a safe operating condition in order to prevent serious accidents and injuries to the miners at the mine. The petitioner's proposed alternative method will not at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.512-2.

On the basis of the petition and the findings of MSHA's investigation, Chestnut Coal Company is not granted a modification of the application of 30 CFR 75.512-2 to its No. 10 Slope.

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 Chestnut Coal Company's Petition for Modification of the application of 30 CFR 75.512-2 in the No. 10 Slope 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
Deputy Administrator for
Coal Mine Safety and Health