

In the matter of  
Consol Pennsylvania Coal Company  
Enlow Fork Mine  
I.D. No. 36-07416

Petition for Modification

Bailey Mine  
I.D. 36-07230

Docket No. M-2003-078-C

PROPOSED DECISION AND ORDER

On October 17, 2003, a petition was filed seeking a modification of the application of 30 CFR 75.507 to Petitioner's Enlow Fork Mine. On November 20, 2003, the petition was amended to include Bailey Mine. Enlow Fork and Bailey Mines are located in Greene County, Pennsylvania. 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, diagrams for the pump installation, and MSHA's investigative report and recommendation, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by the Petitioner (as amended by the recommendations of MSHA investigators) will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.507.

On the basis of the petition and the findings of MSHA's investigation, Consol Pennsylvania Coal Company is granted a modification of the application of 30 CFR 75.507 to its Enlow Fork and Bailey Mines.

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 Consol Pennsylvania Coal Company's Petition for Modification of the application of 30 CFR 75.507 in the Enlow Fork and Bailey Mines is hereby:

GRANTED, for the use of low and medium-volt, three phase, alternating current non-permissible submersible pump(s) installed in bleeder and return entries and sealed areas, conditioned upon compliance with the following terms and conditions:

1. The three phase, low or medium-voltage alternating current electric power circuit(s) for the pump(s) must be designed and installed to:
  - (a) Contain either a direct or derived neutral which must be grounded through a suitable resistor at the source transformer or power center, and a grounding circuit originating at the grounded side of the grounding resistor, must extend along with the power conductors and serve as the grounding conductor for the frame of the pump. No other electric equipment shall be supplied power from this circuit.
  - (b) Contain a grounding resistor, which limits the ground-fault current to not more than 25 amperes. The grounding resistor shall be rated for the maximum fault current continuously and shall be insulated from ground for a voltage equal to the phase-to-phase voltage of the system.
  - (c) Contain a disconnecting device installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected.
  - (d) Include a fail-safe ground check circuit or other no less effective device approved by the Secretary as required by 30 CFR 75.902, which shall cause the circuit breaker to open when either the ground or pilot wire is broken.
  - (e) When the pump motor, pump and discharge pipe are connected as a common metal frame, the ground-wire

monitor may be terminated on the discharge pipe at the top of the borehole.

2. The pump circuit shall be protected by a suitable circuit interrupting device of adequate interrupting capacity equipped with devices to provide protection against undervoltage, grounded phase, short-circuit, and overload as follows:
  - (a) The undervoltage protection device must operate on a loss of voltage to prevent automatic restarting of the equipment.
  - (b) The grounded phase protection device must be set not to exceed 40 percent of the current rating of the neutral grounding resistor.
  - (c) The short circuit protection device must be set not to exceed the required short circuit protection for the power cable, or 75 percent of the minimum available phase to phase short circuit current, whichever is the less.
3. The pump electric control circuit(s) must be designed and installed so that:
  - (a) The pump motor *is* maintained under water at all times.
  - (b) The connection of the pump motor conductors to the borehole cable conductors shall be maintained under water at all times, *unless enclosed in MSHA accepted flame resistant material*.
  - (c) The pump(s) cannot start in either the manual or automatic mode if the water level is not above the pump motor.
  - (d) When the water level is lower than the low water indicating system (bubbler or probe), the pump(s) will cease operation.
  - (e) The low water *indicating systems* must consist of redundant vacuum sensors(s) or electronic pressure transducers that are suitable for submersible pump control application.
  - (f) The grounded-phase protective circuit(s) shall be tested by injecting a test current through the grounded-phase current transformer.
4. The surface pump control and power circuit(s) must be examined as required by 30 CFR 77.502. The examination

shall include a functional test of grounded-phase protective device(s) to determine proper operation. A record of these tests shall be recorded in the approved examination electric equipment record books.

5. The pump installation shall be equipped with a water level indicator located at the pump electric controls so that a miner can determine the water level at the pump location prior to restarting the pump motor.
6. Within 60 days after this Petition for Modification is granted, the petitioner shall submit proposed revisions for their approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the alternative method outlined in the petition and the terms and conditions stated in the Proposed Decision and Order. The procedures of 30 CFR 48.3 for approval of proposed revisions to already approved training plans shall apply.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days, a request 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.

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John F. Langton  
Deputy Administrator for  
Coal Mine Safety and Health