

DECEMBER 09, 2004

In the matter of:
Consolidation Coal Company
Loveridge No. 22 Mine
I.D. No. 46-01433

Petition for Modification

Docket No. M-2004-025-C

PROPOSED DECISION AND ORDER

On June 17, 2004, a petition was filed seeking a modification of the application of 30 CFR 75.312(c) and (d) to Petitioner's Loveridge No. 22 Mine, located in Marion County, West Virginia. The Petitioner alleges that the proposed alternative method will at all times provide the same measure of protection as 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 recommendations, this Proposed Decision and Order (PDO) is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by the Petitioner (as amended by the recommendations of MSHA) will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.312(c) and (d). These provisions require a fan shutdown to test the automatic fan stoppage signal device (30 CFR 75.312(c)) and to determine that airflow-reversal-prevention doors will automatically close when the fan shuts down (30 CFR 75.312(d)). These tests are required to take place at least every 31 days. Only persons necessary to evaluate the effect of the fan stoppage or restart or to perform maintenance or other repair work that cannot otherwise be made while the fan is operating are permitted in the mine.

The petitioner proposes an alternate method of performing the tests without shutting down the fan(s) and without removing the miners from the mine. The petitioner's alternate method will result in the fan alarm signal being verified by a responsible person at a surface location where the responsible person is always on duty when anyone is underground. Also, the test for automatic closing of the airflow-reversal-prevention door will be visually observed by the mine personnel performing the test. A report of all tests will be recorded.

According to the MSHA report of investigation for the petition for modification, Loveridge No. 22 Mine is a large mine with a complex ventilation system consisting of six (6) main fans with exhaust ventilation. Any delay of a fan restart beyond 15 minutes after shutdown for testing could result in a lengthy restart of the mine operating systems.

MSHA's investigation of the petitioner's alternate method for compliance with 30 CFR 75.312(c) revealed that a switch is the automatic signal activation device for detecting fan stoppage for each fan. The switch is mounted to the fan housing and is designed to activate a relay in the fan-monitoring panel when the airflow-reversal-prevention door is in the closed position.

When the fan stoppage signal system is tested, a warning light, located near the switch, is visible to personnel performing the fan signal test. In addition, an audible fan signal alarm sounds at the location where a responsible person is on duty, verifying the performance of the fan alarm signal system. The responsible person is provided with two-way communication to working sections and workstations.

It is essential that a mine with multiple ventilation fans be equipped with airflow-reversal-prevention doors on those fans where air reversal is possible. The doors close in the event of a fan stoppage to prevent the airflow in the mine from reversing direction. 30 CFR Section 75.312(d) requires a fan shutdown at least every 31 days at mines with multiple fans where air reversals are possible, to ensure that the airflow-reversal-prevention doors will close automatically in the event of a fan stoppage. The investigation revealed that multiple fans at the Loveridge No. 22 are equipped with solid metal airflow-reversal-prevention doors. These are suspended from hinges on the top of the end of the fan's housing. When the fan is operating, the door is kept open by the air (force) blowing from the fan. In the event of a fan stoppage, the airflow stops and the force of gravity causes the door to close to a vertical position. This blocks the entry of air into the mine, thereby eliminating airflow reversal.

The petitioner proposes an alternate method in lieu of a fan shutdown to ensure the airflow-reversal-prevention doors on the fans will close in the event of a fan stoppage. A series of engineering drawings has been submitted by the petitioner that shows the physical and mechanical construction of the fan doors used in the alternate method test procedure. The alternate method uses an airflow-reversal-prevention door and a substantially constructed, moveable test frame assembly. The test frame assembly is hinged using the same bearing and shaft assembly as the solid metal airflow-reversal-prevention door. The test frame assembly is normally fastened against the end of the fan housing. The petitioner's alternative test method consists of manually causing the test frame assembly to move toward the horizontal (operating) position of the door while the fan is in operation. Since the test frame and airflow reversal door both use the same horizontal bearing support shaft for bearing attachment, the test will verify that the solid airflow-reversal-prevention door will, in fact, close in the event of a fan stoppage. If the test frame moves to the door and forms a tight fit, then the door will close against the fan housing during an actual fan stoppage and form a tight fit since the air velocity (force) that keeps the door open will be stopped.

On the basis of the petition, the findings of MSHA's investigations, and the recommendations of MSHA, Consolidation Coal Company is granted a modification of the application of 30 CFR 75.312(c) and (d) to its Loveridge No. 22 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 Consolidation Coal Company's Petition for Modification of the application of 30 CFR 75.312(c) and (d) in the Loveridge No. 22 Mine is hereby:

GRANTED, for tests of (1) the automatic fan stoppage signal device and (2) the automatically closing airflow-reversal-prevention doors to be performed without shutting down the mine fan, without removing the miners from the mine, and conditioned upon compliance with the following terms and conditions:

1. This PDO applies to exhausting main mine fans only. Mine fans subject to this PDO shall be equipped with a specially equipped fan door assembly consisting of an open test frame and a solid airflow-reversal-prevention door. The test frame shall be attached to a rotatable shaft and latched to the fan housing during normal operation. The airflow-reversal-prevention door shall be attached by bearing sets to the shaft supporting the test frame and shall be rotatable around the shaft. The airflow-reversal-prevention door shall be kept open during normal fan operation only by air flowing from the fan. It shall fit tightly against the fan housing. When the fan stops, the door shall close. The test frame shall be latched against the fan housing when not being used for testing.
2. The airflow-reversal-prevention door(s) shall be tested at least every seven (7) calendar days for one year from the date inspected by MSHA (Initial Test Period) by rotating the test frame outward from its latched position until it contacts the airflow reversal door. Rotation of the test frame shall also rotate the shaft and bearings hinging the airflow-reversal-prevention door.
3. After the Initial Test Period of testing once every seven (7) days for one year, all parties shall evaluate the door and frame test system, and unless a major problem with the system is determined by MSHA, the test frequency shall change to at least every 31 days. The person(s) conducting the test must be able to observe the movement of the test frame and to observe the rotation of the attached shaft. The person(s) conducting the testing shall observe the contact between the test frame and the airflow reversal door to determine that a proper fit exists. In addition, the person(s) shall examine the general maintenance of the metal door and test frame for good repair.
4. Every five (5) to seven (7) months, each airflow-reversal-prevention door shall be tested by stopping the fan to ensure the door automatically closes when the fan shuts down.

5. Each main mine fan subject to this PDO shall be provided with a fan alarm signal system consisting of a switch mounted to the fan housing. Testing of the switch shall be performed by tripping the switch to verify that it activates a relay in the fan-monitoring panel. This switch trip shall occur by moving the test frame assembly so that it contacts the fan signal switch. The relay shall activate a warning light near the door location that is visible to person(s) performing the testing. It shall also provide an alarm at a location where a responsible person is always on duty when anyone is underground. This responsible person shall have two-way communication with working sections and workstations.
6. The activation of the fan signal shall be verified by a responsible person at the location where the responsible person is always on duty when anyone is underground.
7. Every five (5) to seven (7) months, each automatic fan signal device and signal alarm shall be tested by stopping the fan to ensure that the automatic signal device causes the alarm to activate when the fan shuts down.
8. The petitioner shall notify the MSHA District Manager when each fan is equipped with the test frame, airflow- reversal-prevention door, and fan alarm signal system. This permits MSHA to make an inspection prior to testing the door and alarm in accordance with the PDO. If required by the District Manager, the test procedure shall be demonstrated and the fan shall be shut down during this MSHA inspection to verify that the airflow-reversal-prevention door closes and the automatic fan signal activates an alarm at the location of the responsible person.
9. Until all mine fans are equipped in compliance with this PDO, the miners must be removed from the mine for the testing of any fan not yet equipped as required.
10. By the end of the shift on which the test of the automatic fan signal devices and/or the automatic closing of the airflow-reversal-prevention door is completed, the person(s) performing the test(s) shall record the result of the test(s) in a secure book. The record book shall be retained at a surface location at the mine for at least one year and shall be made available for inspection by an authorized representative of the Secretary and the representative of the miners. Such recording shall also indicate the general repair of the system.
11. Within 60 days of this PDO being granted, the Petitioner shall submit proposed revisions for its approved 30 CFR 48 training plan to the MSHA's District Manager. These proposed revisions shall include initial and refresher training regarding compliance with this PDO. In addition, miners who are to perform the tests under this PDO must be specifically trained on the proper method of testing upon initial assignment to these responsibilities and at least annually thereafter.

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