

November 4, 2004

In the matter of:
Eastern Associated Coal Corporation
Federal No. 2 Mine
I.D. No. 46-01456

Petition for Modification

Docket No. M-2004-031-C

PROPOSED DECISION AND ORDER

On June 21, 2004, a petition was filed seeking a modification of the application of 30 CFR 75.364(b)(7) to Petitioner's Federal No. 2 Mine, located in Monongalia County, West Virginia. The applicable section of the regulation is 30 CFR 75.507, because item 4 of the special terms and conditions in Petition No. M-86-35-C, granted November 17, 1986 and made final December 20, 1986 states "Air passing through the tunnel shall not be used to ventilate non-permissible electric equipment or components." The Petitioner alleges that application of this standard will at all times guarantee no less than the same measure of protection afforded by the standard without unnecessarily exposing persons to hazardous conditions.

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

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.

MSHA is requiring, for this 30 CFR 75.507 petition only, that the surface pump installations and control and power circuit(s) be examined under the 30 CFR 77.502 requirements because the circuit(s) that enter into the underground areas of the mine cannot be examined in their entirety to satisfy the requirements of 30 CFR 75.512 or the 30 CFR 75.364(b)(7) weekly examination requirement.

On the basis of the petition and the findings of MSHA's investigation, Eastern Associated Coal Corporation is granted a modification of the application of 30 CFR 75.507 to its Federal No. 2 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 Eastern Associated Coal Corporation's Petition for Modification of the application of 30 CFR 75.507 in the Federal No. 2 Mine is hereby:

GRANTED, for the use of a 480-volt, three-phase, alternating current submersible pump installed in the Shriver Shaft, conditioned upon compliance with the following terms and conditions:

1. The three-phase, alternating current electric power circuit for the pump shall be designed and installed to:
 - (a) Contain either a direct or a 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; this grounding mechanism shall 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 that limits the ground-fault current to not more than 15 amperes. The grounding resistor shall be rated for the maximum fault current available and shall be insulated from ground for a voltage equal to the phase-to-phase voltage of the system.
2. The following protections for the 480-volt pump circuit shall be provided by a suitable circuit interrupting device of adequate interrupting capacity, with devices to provide protection against undervoltage, grounded phase, short-circuit, and overload:
 - (a) The undervoltage protection device shall operate on a loss of voltage to prevent automatic re-starting of the equipment.
 - (b) The grounded phase protection device shall be set not to exceed 50 percent of the current rating of the neutral grounding resistor.
 - (c) The short-circuit protection device shall 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 less.

- (d) The circuit shall include a disconnecting device located on the surface and installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected.
 - (e) The disconnecting device shall include a means to determine visually that the pump power circuit is disconnected and provided with a means to lock and tag-out the system.
3. The pump power system shall include a fail-safe ground check circuit or other, no less effective, device approved by the Secretary that shall cause the circuit breaker to open when either the ground or pilot wire is broken. A manually operated test switch shall be provided to verify the operation of the ground check device.
 4. It shall be possible to test the grounded-phase protective circuit by injecting a test current through the grounded-phase current transformer.
 5. The surface pump control and power circuits must be examined as required by 30 CFR 77.502.
 6. The power cable to the submersible pump motor must be suitable for this application and have a current carrying capacity not less than 125 percent of the full load motor current of the submersible pump motor.
 7. The grounding circuit shall be provided with an insulation monitor so that the insulation of the conductors from the pump starter to the pump motor can be determined when the pump is not energized. A record of the monitor shall be recorded in a book kept at the surface pump location.
 8. 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. 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