

September 7, 2007

In the matter of
The Ohio Valley Coal Company
Powhatan No. 6 Mine
I.D. No. 33-01159

Petition for Modification

Docket No. M-2006-089-C

PROPOSED DECISION AND ORDER

On December 12, 2006, a petition was filed seeking a modification of the application of 30 C.F.R § 75.507 to Petitioner's Powhatan No. 6 Mine located in Monroe County, Ohio. 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, 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 C.F.R § 75.507.

On the basis of the petition and the findings of MSHA's investigation, the Ohio Valley Coal Company is granted a modification of the application of 30 C.F.R § 75.507 to its Powhatan No. 6 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. § 811(c), it is ordered that the Ohio Valley Coal Company's Petition for Modification of the application of 30 C.F.R § 75.507 in the Powhatan Mine is hereby:

GRANTED, for the use of low- and medium-voltage, three phase alternating current non-permissible submersible

pump(s) installed in bleeder and return entries and in sealed areas, conditioned upon compliance with the following terms and conditions:

1. The low- and medium-voltage, three phase alternating current electric power circuit(s) for the pump(s) must 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. The grounding conductor must extend along with the power conductors and serve as the grounding conductor for the frame of the pump and all associated equipment that may be supplied power from the circuit. When pumps are installed in boreholes, the borehole casing shall be bonded to the system grounding medium. No other electric equipment shall be supplied with power from this circuit. When the pump motor, pump, and discharge pipe are connected as a common metal frame, the grounding circuit for the pump may be terminated to the discharge pipe at the top of the borehole.
 - 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 pump circuit shall be protected by a suitable circuit interrupting device of adequate interrupting capacity equipped with devices to provide protection against under-voltage, grounded phase, short-circuit, and overload as follows:
 - a) The under-voltage protection device must operate on a loss of voltage to prevent automatic restarting of the equipment.
 - b) The grounded-phase protection shall be set at no more than 40 percent of the current rating of the neutral grounding resistor. The grounded-phase protective circuit(s) shall be provided with a test circuit to test the grounded-phase device by injecting a test current through the grounded-phase current transformer.

- c) The short-circuit protection device shall be set at no more than the required short-circuit for the power cable or 75 percent of the minimum available phase-to-phase short-circuit current, whichever is less.
 - d) A fail-safe ground check circuit or other no less effective device approved by the secretary as required by 30 C.F.R § 75.902, which shall cause the circuit breaker to open when either the ground or pilot wire is broken. A test circuit shall be provided to verify the operation of the ground-monitor device.
 - e) 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. The disconnecting device shall include a means for locking and tagging and for visual determination that the pump circuit is de-energized when the device is opened.
3. The power cable to the submersible pump motor must be suitable for this application and have a current carrying capacity of not less than 125 percent of the full load current of the pump motor.
4. 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 pump installation shall be equipped with a water level indicator to ensure that the water level is at least 3 feet above the pump motor prior to restarting the pump motor.
 - c) The pump(s) cannot start in either the manual or the 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) shall cease operation.
 - e) The low water indicating systems must consist of sensors or transducers that are suitable for submersible pump control application.
 - f) All probe circuits that extend into the mine and float circuit shall be protected by MSHA approved intrinsically safe barriers.

5. The surface pump control and power circuit(s) must be examined as required by 30 C.F.R § 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 made in the approved examination electric equipment record books.
6. The connection of the pump motor conductors to the borehole cable conductors shall be made in workmanlike manner. The pump motor conductors shall be flame resistant, unless totally enclosed within flame-resistant hose conduit or other flame-resistant material, or maintained under water.
7. Within 60 days after this Petition for Modification is granted, the petitioner shall submit proposed revisions for their approved 30 C.F.R 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 C.F.R § 48.3 for approval of proposed revisions to already approved training plans shall apply. The training shall include:
 - a) Task training for qualified mine electricians.
 - b) Training in the hazards that would exist when the water level falls below the electric connections of the pump and pump motor in the borehole.
 - c) Training in safe restart procedures including verifying that the water level is 3 feet above electric components and pump motor prior to attempting to manually restart the pump motor.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R § 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.

Terry L. Bentley
Acting Deputy Administrator for
Coal Mine Safety and Health