

November 4, 2005

In the matter of:
Consolidation Coal Company
Shoemaker Mine
I.D. No. 46-01436

Petition for Modification

Docket No. M-2005-042-C

PROPOSED DECISION AND ORDER

On June 6, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.507 to Petitioner's Shoemaker Mine, located in Marshall County, West Virginia. 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 with its attached diagrams for the pump installations at the Shoemaker Mine 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 diagrams and MSHA's investigation report and recommendations, 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 petition only, that the surface pump control and power circuits be examined in accordance with 30 CFR 77.502 requirements, since the control and power circuits that enter the underground portions 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, Consolidation Coal Company is granted a modification of the application of 30 CFR 75.507 to its Shoemaker 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 75.507 in the Shoemaker Mine is hereby:

GRANTED, for the use of low- and medium-voltage, three phase, alternating-current submersible pump(s) installed in return and bleeder entries and in sealed areas in the Shoemaker Mine, 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) shall be designed and installed to:
 - a. Contain either a direct or derived neutral wire, which must be grounded through a suitable resistor at the source transformer or power center and through a grounding circuit originating at the grounded side of the grounding resistor, which must extend along with the power conductors and serve as the grounding conductor for the frame of the pump and all associated electric equipment that may be supplied power from this circuit. The borehole casing shall be bonded to the system grounding medium.
 - b. Contain a grounding resistor that limits the ground-fault current to not more than 25 amperes. The grounding resistor must be rated for the maximum fault current available and must be insulated from ground for a voltage equal to the phase-to-phase voltage of the system.
2. The following protection(s) for the low- and medium-voltage pump circuit(s) 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 under-voltage 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 40 percent of the current rating of the neutral grounding resistor.
 - c. The short circuit protection device shall not be set 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(s) shall include disconnecting device(s) located on the surface and installed in conjunction with the circuit breaker(s) to provide visual evidence that the power is disconnected.
 - e. Pump circuit(s) shall include a fail-safe ground check circuit or other no less effective device approved by the Secretary as required by 30 CFR 75.902, that shall cause the circuit breaker to open when either the ground or pilot wire is broken.
 - f. When the pump motor, pump, and discharge pipe are connected to a common metal frame, the ground-wire monitor may be terminated on the discharge pipe at the top of the borehole.
3. The electric control circuit(s) for the pumps presently installed at the mine shall contain a monitoring circuit that detects a drop in the normal operating current when air enters the pump inlet so that the pump(s) cannot run in either the manual or automatic mode.
 4. The electric control circuit(s) for the submersible pumps presently installed in return and bleeder entries and sealed areas of the mine shall be modified to meet the following requirements when a pump or motor must be repaired or replaced:

- a. The pump motor shall remain underwater at all times
 - b. If the water level is not above the pump motor, the pump shall be unable to start in either the manual or the automatic mode.
 - c. When the water level is below the low-water indicating system (bubbler or probe), the pump(s) will cease operation.
 - d. The low-water indicating systems must consist of sensors or transducers that are suitable for submersible pump control application.
 - e. All probe circuits that are extended into the borehole shall be protected by MSHA-approved, intrinsically safe barriers.
 - f. It shall be possible to test the grounded-phase protective circuit by injecting a test current through the grounded-phase current transformer.
 - g. A remote control and monitoring system may be used with the pump system for the purpose of condition monitoring and for remote startup and shutdown control of the pumps. This system shall not allow the circuits to be remotely reset if grounded phase, short circuit, or overload fault conditions exist on the system.
 - h. Splices and connections made in submersible pump cables shall be made in a workmanlike manner and shall meet the requirements of 30 CFR 75.604.
5. Any new submersible pumps installed in return and bleeder entries or in sealed areas of the mine after the effective date of this petition shall comply with all the other terms and conditions listed in this Proposed Decision and Order, including items 4 (a) through (h).
 6. The surface pump control and power circuit(s) shall be examined as required by 30 CFR 77.502.

7. The borehole cable to the submersible pump motor(s) 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 and an outer jacket accepted by MSHA as flame-resistant. The power cable must be supported at the entrance to the borehole and throughout its length by securing it with clamps, spaced approximately 25 feet apart, affixed to the discharge pipe casing.
8. The pump installations must comply with all other applicable 30 CFR requirements.
9. After this petition is granted, the District Manager shall be notified when any submersible pump is installed in return and bleeder entries and sealed areas of the mine. The District shall have the opportunity to inspect the installation before the pump is put into operation.
10. 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 task training for all qualified mine electricians who perform electric work and monthly electric examinations as required by 30 CFR 77.502 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.

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