

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

Petition for Modification

Docket No. M-2003-069-C

PROPOSED DECISION AND ORDER

On September 15, 2003 Consolidation Coal Company filed a petition for modification of the application of 30 CFR 75.302 to its Loveridge No 22 Mine in Marion County, West Virginia. The petition alleges that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA personnel investigated the petition and reported their findings and recommendations to 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 is issued.

Finding of Fact and Conclusion of Law

Section 75.302 of 30 CFR requires that:

Each coal mine shall be ventilated by one or more main mine fans. Booster fans shall not be installed underground to assist main mine fans except in anthracite mines. In anthracite mines, booster fans installed in the main air current or a split of the main air current may be used provided their use is approved in the ventilation plan.

The petition seeks modification of the application of 30 CFR 75.302. The petition describes an alternate method which would allow use of an auxiliary fan to prevent the freezing of the slope during the winter months. The slope has water sources occurring naturally in several locations. Water is also present from dust suppression systems. The water freezes during the winter months. The ice then creates slipping and tripping hazards on walkways and can derail haulage equipment. The petition states that the auxiliary fan has been used for over 30 years without incident and that if the fan stops air flow

reverses over the slope and ventilation would continue over the affected areas.

The proposed alternative method consists of enclosing the auxiliary slope fan in a fireproof housing and installing an automatic fire suppression system within the fireproof housing. CO monitors would be installed both inby and outby the auxiliary slope fan and would be monitored by a responsible person on the surface. Devices to monitor temperature, vibration and water would be installed at the auxiliary slope fan and would be monitored by a responsible person on the surface. The auxiliary slope fan would be equipped with an automatic device that would signal a responsible person on the surface if the fan should slow down or stop. If the auxiliary slope fan should become inoperative, power would be removed from the slope and slope bottom and would not be restored until the area had been firebossed and necessary repairs performed. Finally, the fan would be examined each day it operates.

Section 75.302 serves to protect main mine fans from fires and damage so that in the event of an underground explosion ventilation can be maintained. Booster fans reduce the ability to control recirculation of air underground. Also, if an underground main mine fan is damaged, booster fans limit opportunities to restore ventilation to specific areas. If it is necessary to remove electricity from an area, ventilation can be interrupted. A fire or explosion can make it impossible to travel underground or to control the booster fan so that ventilation can be adjusted in specific areas of the mine. Booster fans can also increase noise and respirable and float coal mine dust levels. Finally, reliance on the use of a booster fan can reduce awareness of the impact on overall mine ventilation when the fan is switched on and off between the winter and summer months.

MSHA's investigation determined that the auxiliary slope fan is used to improve or augment ventilation in a segment of the mine. Consequently, the auxiliary slope fan is a booster fan. Simulations demonstrated that major ventilation changes occur if the auxiliary slope fan is inoperative. When the auxiliary slope fan stops, ventilation is reversed and the intake at the Sugar Run Shaft decreases by 53,000 CFM. When the auxiliary slope fan is operating, six seals at 3-North Crossover and ten seals at Main North are ventilated with less than 1,000 CFM. These changes constitute major ventilation changes.

Although the alternative method includes installing the auxiliary slope fan in a fireproof housing and installing an automatic fire

suppression system, the auxiliary slope fan is installed underground and remains vulnerable to damage from a major mine fire or explosion. The proposed alternative method includes installation of devices to monitor temperature, vibration, water, and operational status from the surface; however, no independent power circuit is installed and it is impossible to start or stop the auxiliary slope fan from the surface. The major ventilation changes which MSHA's investigation determined occur when the fan is idled or starting have not been addressed. Although the proposed alternative method would include daily examination of the auxiliary slope fan, the alternative method does not provide a means, such as the installation of mechanical airtight doors at the bottom of the slope, to protect the auxiliary slope fan from wrecks. Finally, the alternative method provides no means of reducing ventilation pressure generated by the auxiliary slope fan on the long chute loaded track area seals.

A mine fire accident occurred at the Loveridge Mine on February 13, 2003. MSHA's accident report details how the auxiliary slope fan which is the subject of this petition greatly hampered fire fighting efforts. The recirculation caused by the auxiliary slope fan, its inaccessibility, and its danger of being rendered inoperable by the fire were significant factors in losing control of the fire. As a result, the mine had to be evacuated and subsequently was sealed.

For the reasons described above, MSHA has concluded that the alternative method proposed by the Petitioner would not at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.302.

On the basis of the petition and the findings of MSHA's investigation, Consolidation Coal Company is not granted a modification of the application of 30 CFR 75.302 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 Petition for Modification of the application of 30 CFR 75.302 in the Loveridge No. 22 Mine is hereby:

DENIED

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
Acting Deputy Administrator
for Coal Mine Safety and Health