

In the matter of
Monterey Coal Company
No. 1 Mine
I.D. No. 11-00726

Petition for Modification

Docket No. M-2002-074-C

PROPOSED DECISION AND ORDER

On September 7, 2002, a petition was filed seeking a modification of the application of 30 CFR 75.503 (30 CFR 18.35) to Petitioner's No. 1 Mine located in Macoupin County, Illinois. The Petitioner alleges that the alternative method proposed 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) will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.503.

On the basis of the petition and the findings of MSHA's investigation, Monterey Coal Company is granted a modification of the application of 30 CFR 75.503 to its No. 1 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 Monterey Coal Company's Petition for Modification of the application of 30 CFR 75.503 for the use of 750 foot cable from the power center to a permissible distribution box and a 1,200-foot cable on roof bolters during longwall recovery in the No. 1 Mine is hereby:

GRANTED, for 750 foot trailing cable(s) from the power center to permissible distribution box, X/P-1733-3; and 1,200 foot trailing cable(s) for the fletcher roof bolters, model CDR-15, located on the longwall recovery, conditioned upon compliance with the following terms and conditions:

1. This Proposed Decision and Order shall apply only to trailing cables that supply 600-volts to Hubble/Ensign Electric Division Class 1401 permissible distribution boxes, X/P-1733-3, and trailing cables supplying 600-volts to the fletcher roof bolters, model CDR-15, located on the longwall recovery.
2. The maximum length of the No. 4/0 AWG G-GC trailing cables shall be 750 feet.
3. The maximum length of the No. 2 AWG G-GC trailing cables for the 600-volt roof bolter(s) shall be 1,200 feet.
4. All circuit breakers used to protect #4/0 A.W.G. trailing cables exceeding 600 feet in length shall have instantaneous trip units calibrated to trip at 1902 amperes. The trip setting of these circuit breakers shall be sealed, and these circuit breakers shall have permanent, legible labels. Each label shall identify the circuit breaker as being suitable for protecting #4/0 A.W.G. cables. The label shall be maintained legible.
5. All circuit breakers used to protect #2 A.W.G. trailing cables exceeding 600 feet in length shall have instantaneous trip units calibrated to trip at 529 amperes. The trip setting of these circuit breakers shall be sealed, and these circuit breakers shall have permanent, legible labels. Each label shall identify the circuit breaker as being suitable for protecting #2 A.W.G. cables. The label shall be maintained legible.
6. Replacement circuit breakers and/or instantaneous trip units, used to protect #4/0 and #2 A.W.G. trailing cables shall be calibrated to trip at

1902 and 529 amperes, respectively, and this setting shall be sealed.

7. All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available.
8. During each production day, persons designated by the operator shall visually examine the trailing cables to ensure that the cables are in safe operating condition and that the instantaneous settings of the specially calibrated breakers do not have seals removed or tampered with and that they do not exceed the settings stipulated in Items No. 4, 5 and 6.
9. Any trailing cable that is not in a safe operating condition shall be removed from service immediately and repaired or replaced. Additional precautions shall be taken to ensure that the cable is protected and maintained in safe operating condition.
10. Each splice or repair in the trailing cables shall be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair materials. The splice or repair shall comply with 30 CFR Parts 75.603 and 75.604 requirements. The outer jacket of each splice or repair shall be vulcanized with flame-resistant material or made with material that has been accepted by MSHA as flame-resistant.
11. Permanent warning labels shall be installed and maintained on the cover(s) of the power center identifying the location of each sealed short-circuit protective device. These labels shall warn miners not to change or alter these sealed short-circuit settings.
12. The transformer supplying power to the roof bolter shall not be less than 500 KVA.
13. The Petitioner's alternative method shall not be implemented until all miners who have been designated to examine the integrity of seals, verify the short-circuit settings, and examine trailing cables for defects have received the elements of training specified in Item No. 14.
14. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for its approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager for

the area in which the mine is located. These proposed revisions shall specify task training for miners designated to examine the trailing cables for safe operating condition and verify that the short-circuit settings of the circuit interrupting device(s) that protect the affected trailing cables do not exceed the specified setting(s) in Items No. 5, 6, and 7. The training shall include the following elements:

- (a) Training in the hazards of setting the short circuit interrupting device(s) too high to adequately protect the trailing cables;
- (b) Training in how to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained;
- (c) Training in mining methods and operating procedures that will protect the trailing cables against damage; and
- (d) Training in proper procedures for examining the trailing cable to ensure that the cables are in safe operating condition by a visual inspection of the entire cable, observing the insulation, the integrity of splices, nicks and abrasions.

The approval procedures as specified in 30 CFR 48.3 for 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
Acting Deputy Administrator

5

for Coal Mine Safety and Health