

In the matter of  
Jim Walter Resources, Inc.  
No. 4 Mine  
I.D. No. 01-01247

Petition for Modification  
  
Docket No. M-2003-054-C

PROPOSED DECISION AND ORDER

On July 29, 2003, a petition was filed seeking a modification of the application of 30 CFR 75.503 (Schedule 2G, §18.35) to the No. 4 Mine, located in Tuscaloosa County, Alabama. 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, comments, and MSHA's investigative 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) 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, Jim Walter Resources, Inc., is granted a modification of the application of 30 CFR 75.503 to its No. 4 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 Jim Walter Resources, Inc.'s Petition for Modification of the application of 30 CFR 75.503 for the use of a 1200-foot cable on continuous mining machines in the No. 4 Mine is hereby:

GRANTED, conditioned upon compliance with the following terms and conditions:

1. This Proposed Decision and Order shall apply only to trailing cables that supply 2400-volt, three phase alternating current to continuous mining machines. The trailing cables shall have a 90 degree insulation rating.
2. The trailing cable shall be sized according to the equipment approval documentation.
3. The maximum length of the continuous miner(s) trailing cable(s) shall not exceed 1200 feet.
4. The high-voltage trailing cable shall be provided with the following protections:
  - (a) short circuit protection;
  - (b) under voltage protection;
  - (c) grounded fault protection; and
  - (d) overload protection.
5. The equipment shall incorporate a "Look Ahead" circuit to prevent closing the breaker on a circuit that has an existing ground fault.
6. The trailing cable for the 2400-volt continuous miner(s) shall not be smaller than a #1/0 A.W.G..
7. All circuit breakers used to protect #1/0 A.W.G. trailing cables exceeding 800 feet in length shall have instantaneous trip units calibrated to trip at 1,250 amperes. The trip setting of these circuit breakers shall be sealed or locked, and these circuit breakers shall have permanent, legible labels. Each label must identify the circuit breaker as being suitable for protecting #1/0 A.W.G. cables. This label shall be maintained legible.
8. Replacement circuit breakers and/or instantaneous trip units, used to protect #1/0 A.W.G. trailing cables, shall be calibrated to trip at 1,250 amperes and this setting shall be sealed or locked.
9. All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available.
10. During each production shift, persons designated by the operator shall visually examine the trailing cables to ensure that the cables are in safe operating condition. At the start of each production shift, the

instantaneous settings of the 2400-volt specially calibrated breakers shall be visually examined to ensure they do not have the seal or lock removed or tampered with and that they do not exceed the settings stipulated in Item No. 7.

11. Any trailing cable that is not in a safe operating condition shall be removed from service immediately and repaired or replaced.
12. Each splice or repair in the trailing cables to the continuous miner 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 the requirements of 30 CFR 75.604. 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.
13. Permanent warning labels shall be installed and maintained on the cover(s) of the power center identifying the location of each sealed or locked short-circuit protective device. These labels shall warn miners not to change or alter these sealed or locked short-circuit settings.
14. In the event the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable shall be removed from service immediately and repaired or replaced. Also, additional precautions shall be taken to ensure that haulage roads and trailing cable storage areas are situated to minimize contact of the trailing cable with other face equipment trailing cables.
15. Where the method of mining would require that trailing cables cross roadways or haulageways, the cables shall be securely supported from the mine roof or a subst
16. 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. 10.
17. The equipment listed in this petition, shall comply with all o  
Petition for Modification for the use of a high-voltage continuous miner.

18. 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 Item No. 10. 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;
  - (d) Training to protect the trailing cables against
  - (e) 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  
for Coal Mine Safety and Health