NOVEMBER 04, 2004

In the matter of: Petition for Modification
Dolet Hills Lignite Company, LLC
Dolet Hills Lignite Co. Mine
ID No. 16-01031 Docket No. M-2004-016-C

PROPOSED DECISION AND ORDER

On March 30, 2004, Petitioner requested a modification of the application of 30 CFR 77.803 to its Dolet Hills Lignite Mine located in De Soto County, Louisiana. The Petitioner alleges that the proposed alternative method will at all times provide the same measure of protection as 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 (PDO) 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 77.803.

This modification does not replace any other mechanical precautions or the requirements of 30 CFR 77.405(b) that are necessary to safely secure booms and masts during construction or maintenance procedures.

On the basis of the petition and the findings of MSHA's investigation, Dolet Hills Lignite Company is granted a modification of the application of 30 CFR 77.803 to its Dolet Hills Lignite 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 Dolet Hills Lignite Company’s Petition for Modification of the application of 30 CFR 77.803 in the Dolet Hills Lignite Mine is

hereby:

GRANTED, for dragline boom or mast raising, lowering, assembling, disassembling, or during major repairs that require raising or lowering the dragline boom or mast by the on-board generators, and conditioned upon compliance with the following terms and conditions:

1. Only persons critical to performing these functions are permitted on board.

2. The area shall be roped off or guarded to prevent persons from contacting the frame or cable.

3. No other activity is permitted in close proximity.

4. A responsible person shall be on site at all times.

5. An MSHA-qualified electrician shall examine all electrical components within two hours of raising or lowering the boom or mast while the dragline is de-energized. After the examination, the dragline shall be energized to assure all electrical components are properly operating. When the examination is complete, the power source shall be de-energized, locked, and tagged out. A record of the examination shall be kept and made available for review by interested parties.

6. The ground fault and ground check circuits may be disabled while the boom or mast is being raised or lowered, provided that the internal grounding conductor(s) of the trailing cable have been tested and they are continuous from the frame of the dragline to the grounding resistor located at the substation. An acceptable test would be disconnecting the pilot check circuit at the dragline frame and verifying the circuit breaker supplying power to the dragline cannot be closed.

7. The grounding resistor shall be tested to assure it is properly connected and is not open or shorted out.

8. Normal short circuit protection shall be provided at all times while the boom or mast is being raised or lowered. The over-current relay setting can be increased up to 100% above its normal setting.

9. During boom or mast raising and lowering procedures, an

MSHA-qualified electrician shall be positioned at the substation and the qualified electrician shall be dedicated to monitor the grounding circuit and resistor. The qualified person shall be able to detect a grounded phase condition or an open grounding conductor without being exposed to shock hazards. The person(s) at the substation shall, at all times, maintain communications with a responsible person at the dragline. If a grounded phase condition or an open ground wire should occur during the raising or lowering of the boom or mast, the person at the substation will immediately notify the responsible person at the dragline. All persons on board the machine shall be made aware of the defective condition and shall remain on board the machine. The boom or mast shall be controlled and the electrical circuit supplying the dragline shall be de-energized, locked, tagged out, and grounded. The power circuit supplying power to the dragline shall remain de-energized until the defective condition is corrected. To insure that no other defective condition has occurred, the ground fault and ground monitor circuits shall be re-installed and the electrical circuit re-energized and tested to determine they are operating properly. Once the circuits have been tested and no adverse conditions are present, the boom or mast raising or lowering procedures, as outlined above, may resume.

10. During the boom or mast raising or lowering procedure, persons shall not get on and off the dragline while the ground check and ground fault circuits are disabled, unless the circuit supplying power to the dragline is de-energized, locked, and tagged out, as verified by the qualified person at the substation.

11. After the boom or mast raising or lowering is completed, the responsible person at the dragline will notify the qualified person(s) at the substation. The qualified person(s) will de-energize the power supplying the dragline and restore the ground fault and ground monitor circuit protective relays to their normal settings. The protective relays shall be examined and the protective circuits tested as required by 30 CFR 77.800-1, prior to re-energizing the dragline power circuit for normal operation.

12. The operator must comply with all other 30 CFR requirements during the raising or lowering of the boom

or mast.

13. A written procedure incorporating all the terms and conditions of this modification shall be developed and implemented and all persons involved in raising or lowering the boom or mast shall be familiar with the written procedure.

14. Within 60 days of the PDO being granted, the Petitioner shall submit proposed revisions for its approved 30 CFR 48 training plan to the MSHA's District Manager. These proposed revisions shall include initial and refresher training regarding compliance with the PDO.

Any party to this action desiring a hearing on this matter shall file in accordance with 30 CFR 44.14, within 30 days. The request for hearing shall 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 shall be posted by the operator on the mine bulletin board at the mine.

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