November 4, 2005

In the matter of: Petition for Modification
Lone Mountain Processing, Inc.
Clover Fork Mine No. 1
I.D. No. 15-18647 Docket No. M-2005-004-C

PROPOSED DECISION AND ORDER

On January 26, 2005 a petition was filed seeking a modification of the application of 30 CFR 75.901(a) to Petitioner's Clover Fork Mine, located in Harlan County, Kentucky. 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, 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 75.901(a).

On the basis of the petition and the findings of MSHA's investigation, Lone Mountain Processing, Inc. is granted a modification of the application of 30 CFR 75.901(a) in the Clover Fork Mine No. 1.

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 Lone Mountain Processing, Inc.'s Petition for Modification of the application of 30 CFR 75.901(a) in the Clover Fork No. 1 Mine is hereby:

GRANTED, for the use of the 300 kilowatt (kW)/375 Kilovolt Amperes (KVA), 480-volt, diesel powered generator (DPG) set to supply power to three-phase 480- and 995-volt power circuits to move mobile equipment around the mine, conditioned upon compliance with the following terms and conditions:

1. The 300 kW/375 KVA DPG set shall be powered by a diesel drive engine that meets the requirements of 30 CFR Part 7, Subpart E. The sum of the motors operated by the DPG shall not exceed 400 horsepower.

2. A grounding resistor rated for the phase-to-phase voltage of the system must be provided to limit the ground-fault current to not more than 0.5 ampere. The grounding resistor(s) must be located:

   a. Between the 480-volt wye-connected generator neutral and the generator frame; and

   b. Between the 480- to 995-volt step-up wye-connected transformer secondary and the transformer frame when an isolation transformer is used.

3. The 480-volt three-phase output circuit of the generator must be equipped with a sensitive ground fault relay. The protective relay must be set to cause the circuit-interrupting device that supplies power to the primary windings of each transformer to trip and shut down the diesel engine when a phase-to-frame fault of more than 90 milliamps occurs.

4. Each 995-volt and 480-volt three-phase output circuit that supplies power to equipment must be equipped with an instantaneous, sensitive ground-fault relay that will cause its respective circuit interrupting device(s) to trip and cause shutdown of the diesel engine when a phase-to-frame fault occurs. The grounded-phase protection must be set at not more than 90 milliamps. Current transformers used for the ground-fault protection must be single window-type and must be installed to encircle all three phase conductors. Equipment safety grounding conductors must not pass through or be connected in series with ground-fault current transformers.

5. Each three-phase circuit interrupting device must be provided with a means to provide short-circuit, overcurrent, grounded-phase, undervoltage, and ground wire monitoring protection. The instantaneous-only trip unit for the circuit interrupting device(s) in use must be adjusted to trip at not more than 75 percent of the minimum available short-circuit current at the point where the portable cable enters the equipment or the maximum allowable instantaneous settings specified in 30 CFR 75.601-1, whichever is less.

6. The length of equipment portable cable must not exceed the length(s) specified in 30 CFR Part 18, Subpart D, Appendix I, Table 9, Specifications for Cables Longer than 500 Feet.

7. Permanent labels listing the maximum circuit-interrupting device settings and maximum portable cable length must be installed on each instantaneous trip unit or be maintained near each three-phase circuit interrupting device. The permanent labels must be maintained legibly.

8. The circuit-interrupting device that supplies three-phase power circuit(s) to the equipment being powered must be limited to the use of only one circuit-interrupting device at a time when equipment is being moved in, out, or around the mine.

9. The grounding system must include an MSHA-accepted ground wire monitor system that satisfies the requirements of 30 CFR 75.902; or have a No. 1/0 or larger external grounding conductor to bond and ground the frames of all equipment to the frame of the generator.

10. All trailing cables extending from the generator to equipment must comply with 30 CFR 75.907.

11. A strain-relief device must be provided on each end of the trailing cables that extend between the generator and the piece of equipment being powered.

12. Prior to moving each piece of equipment or performing work, a functional test of each ground fault and ground wire monitor system must be performed by a qualified electrician who meets the requirements of 30 CFR 75.153. The ground-fault circuit must be tested without subjecting the circuit to an actual grounded phase condition. A record of each test must be maintained and made available to authorized representatives of the Secretary and to the miners at the mine.

13. The diesel generator system shall not be operated until after MSHA has initially inspected the equipment and determined that it is in compliance with all the above terms and conditions.

14. Prior to using the diesel generator system, training shall be conducted for all qualified persons on the proper examination and test procedures to be utilized. The training shall be "hands-on" specific, and shall be incorporated into the Part 48 training plan.

15. 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. These proposed revisions shall specify the following:

    a. The "hands-on" specific training specified in item No. 14;

    b. Initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order; and

    c. Training in the hazards of setting short-circuit interrupting devices too high to adequately protect the 480-volt and 995-volt portable cables.

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 desire 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.

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