

In the matter of:  
Kingwood Mining Company, LLC  
Whitetail Kittanning Mine  
I.D. No. 46-08751

Petition for Modification  
  
Docket No. M-2003-090-C

PROPOSED DECISION AND ORDER

On November 6, 2003, a petition was filed seeking a modification of the application of 30 CFR 75.503 (30 CFR 18.35) to Petitioner's Whitetail Kittanning Mine located in Preston County, West Virginia. 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, Kingwood Mining Company, LLC is granted a modification of the application of 30 CFR 75.503 to its Whitetail Kittanning 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 Kingwood Mining Company, LLC's Petition for Modification of the application of 30 CFR 75.503 to use 750-foot cable from the power center to power roof bolters and shuttle cars during the development of the supersection continuous mining cycle on larger center pillar sizes in the Whitetail Kittanning Mine is hereby:

GRANTED, for 750-foot trailing cables from the power center to roof bolting machines and shuttle cars during the continuous mining cycle development of larger center pillars, conditioned upon compliance with the following terms and conditions:

1. This Proposed Decision and Order shall apply only to trailing cables that supply 575-volt three-phase alternating current to roof bolting machines and shuttle cars. The trailing cables shall have a 90 degree C insulation rating.
2. The maximum length of the No. 4 and No. 2 AWG trailing cables shall be 750 feet. The trailing cable shall not be smaller than No. 4 AWG.
3. The trailing cable used for roof bolters and shuttle cars shall be three-conductor round cable, type W, G-GC, Type G, or Type G+GC. When a Type G-GC or Type G+GC is used with wireless ground-wire monitoring, the ground-check conductor shall be connected as a ground conductor.
4. All circuit breakers used to protect the No. 4 AWG trailing cables exceeding 600 feet in length shall have instantaneous trip units calibrated to trip at 500 amperes. The trip setting of these circuit breakers shall be sealed so that the setting cannot be changed, and these circuit breakers shall have permanent, legible labels. Each label shall identify the circuit breaker as being suitable for protecting No. 4 AWG cables. The label shall be maintained legible. If the trailing cable sizes are intermixed at a section power center, the plugs shall be keyed or sized to prevent the No. 4 AWG cables from being plugged into receptacles with settings for the No. 2 AWG trailing cables.
5. All circuit breakers used to protect No. 2 AWG trailing cables exceeding 700 feet in length shall have instantaneous trip units calibrated to trip at 800 amperes. The trip setting of these circuit breakers shall be sealed so that the setting cannot be changed, and these circuit

breakers shall have permanent, legible labels. Each label shall identify the circuit breaker as being suitable for protecting No. 2 AWG cables. The label shall be maintained legible.

6. Replacement circuit breakers and/or instantaneous trip units, used to protect No. 4 and No. 2 AWG trailing cables shall be calibrated to trip at 500 and 800 amperes, respectively, and these settings 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. Within the first two hours of beginning each production day, a qualified electrician 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 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.
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 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. 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. 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 continuous miners, shuttle cars, and roof bolters. Moreover, trailing cable anchors on cable reel equipment shall be of the permanent type that minimizes the tensile forces on the trailing cables.

13. 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 substantial bridge for the equipment to pass over the cables shall be provided and used.
14. Excessive cable shall be stored behind the anchors on equipment that use cable reels to prevent overheating.
15. 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. 17.
16. The equipment listed in this petition shall comply with all other applicable requirements of the Federal Mine Safety and Health Act of 1977 and the applicable requirements of 30 CFR, Part 75.
17. 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 devices that protect the affected trailing cables do not exceed the specified settings 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 devices too high to protect the trailing cables adequately;

- (b) Training in how to verify that the circuit-interrupting devices protecting the trailing cables 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 against damage to trailing cables caused by overheating due to excessive cable stored on the cable reels and adjusting stored cable behind the cable anchors as tramming distances change; and
- (e) Training in proper procedures for examining the trailing cable to ensure that cables are in safe operating condition by conducting a visual inspection of the entire cable, including observing the insulation, the integrity of splices, and any 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.

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