In the matter of
West Ridge Resources, Inc.
West Ridge Mine
I.D. No. 42-02233

Petition for Modification

Docket No. M-2006-067-C

PROPOSED DECISION AND ORDER

On September 15, 2006, West Ridge Resources, Inc. (West Ridge) filed a Petition for Modification under Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 811(c) and 30 C.F.R. pt. 44. The petition sought to amend West Ridge's previously granted modification (Docket No. M-1999-026-C) of the application of 30 C.F.R. § 75.350 at the West Ridge Mine, I.D. No. 42-02233, located in Carbon County, Utah. The mine is an underground coal mine conducting longwall mining using two-entry development.

The relevant provision of the granted modification, "Requirements Applicable to Two-Entry Development, Longwall Set-up and Recovery, and Retreat Mining Systems When Diesel-Powered Equipment is Operated on a Two-Entry System," provides:

> (B) Except for ambulances used for emergencies only, all diesel-powered equipment not approved and maintained under 30 CFR 36 (Part 36) operated on any two-entry system shall: . . . (5) For diesel equipment classified as "heavy-duty" under 30 CFR 75.1908(a), include a means maintained in operating conditions, to maintain the surface temperature of the exhaust system of the diesel equipment below 302 degrees Fahrenheit. Road graders are considered heavy-duty under 30 CFR 75.1908(a).

The petitioner proposes an alternate method that would allow the use of heavy-duty diesel-powered equipment in the two-entry system without providing a means to maintain the surface temperature of the exhaust system of the diesel equipment below 302 degrees Fahrenheit. The petition alleges that the use of wrapped exhaust components to maintain the surface temperature of the exhaust system below 302 degrees Fahrenheit on heavy-duty diesel equipment presents a diminution of safety to miners and the proposed alternative method will at all times guarantee not less than the same measure of protection afforded by the standard.

The MSHA Coal Mine Safety and Health District Office conducted an investigation and filed a report 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 petitioner proposes an alternate method that would allow the use of heavy-duty diesel-powered equipment in the two-entry system without providing a means to maintain the surface temperature of the exhaust system of the diesel equipment below 302 degrees Fahrenheit. The petition also proposes a system to separate and minimize contact between combustible fluids and engine exhaust surfaces to use when the surface temperature of the exhaust system exceeds 302 degrees Fahrenheit.

The petition states that covering the exhaust systems components to maintain the surface temperature of the exhaust system below 302 degrees Fahrenheit on heavy-duty diesel equipment presents a diminution of safety to miners because it allows combustible materials to accumulate under the insulating material, creating a possible fire hazard. The petition also states that turbochargers, enclosed under the insulation wrap, are susceptible to a higher rate of failure, which allows combustibles from the turbocharger to become entrapped under the insulating wrap, creating a potential fire hazard. The petition also notes that durability issues with the insulation wrap make it expensive to use, even though the mine uses only a limited amount of diesel equipment.

The requirements of 30 C.F.R. § 75.350 are intended to protect the miners from fires occurring in belt haulage ways. When two-entry mining systems are utilized, the fire hazard is compounded by limited escape routes and the ability of equipment to travel the isolated intake escapeways. The basis of the modification issued in Docket No. M-1999-026-C was to permit diesel-powered equipment to be used in the two-entry system by controlling the risk of fires caused by the exhaust system. The consequences of a fire in a two-entry system have not changed.

The requirement for maintaining the surface temperature of the exhaust system of diesel-powered equipment below 302 degrees Fahrenheit is necessary to prevent fires. A system maintained below 302 degrees Fahrenheit will not ignite combustible materials. Requiring that the surface temperature of the exhaust system be maintained below 302 degrees Fahrenheit on diesel-powered equipment is practical and achievable. Several options exist, including insulating materials and water jackets. Water-cooled manifolds, turbocharger housings, and exhaust pipes are the most effective and reliable means of maintaining the exhaust system surface temperature below 302 degrees Fahrenheit.

Furthermore, coal dust, oil, and other combustible lubricants must not be permitted to accumulate under the insulating materials. 30 C.F.R. § 75.400 requires that coal dust and other combustible materials be cleaned up and not be permitted to accumulate in active workings or on diesel-powered equipment therein. The previously granted modification also requires, in section V(G), that the operator adopt and comply with a diesel equipment maintenance program. This program could include more frequent changes of wraps and repairs of exhaust leaks under wrapped components to reduce the accumulation of combustible materials.

Finally, a system to separate and minimize contact between combustible fluids and engine exhaust surfaces is already required in 30 C.F.R. § 75.1909.

The modification granted in Docket No. M-1999-026-C does not result in a diminution of safety to the miners, and the petition does not provide an alternate method of compliance that will at all times guarantee no less than the same level of protection to the miners as under the existing modification of 30 C.F.R. § 75.350.

ORDER

Wherefore, pursuant to the authority delegated 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., § 811(c), it is ordered that amending the modification of 30 C.F.R. § 75.350 based upon the allegation that use of wrapped exhaust components to maintain the surface temperature of the exhaust system below 302 degrees Fahrenheit on heavy-duty diesel equipment presents a diminution of safety to miners and an alternative system to separate and minimize contact between combustible fluids and engine exhaust surfaces at West Ridge Resources, Inc.'s West Ridge mine is hereby:

DENIED.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 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 may 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.

Charles J. Thomas,
Acting Deputy Administrator for Coal Mine Safety and Health