

In the matter of  
Bowie Resources Limited  
Bowie No. 3 Mine  
I.D. No. 05-04758

Petition for Modification  
  
Docket No. M-2003-072-C

PROPOSED DECISION AND ORDER

On September 23, 2003, a petition was filed seeking a modification of the application of 30 CFR 75.901(a) to Petitioner's Bowie No. 3 Mine, located in Delta County, Colorado. 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 75.901(a).

On the basis of the petition and the findings of MSHA's investigation, Bowie Resources Limited, is granted a modification of the application of 30 CFR 75.901(a) in the Bowie No. 3 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 Bowie Resources Limited's Petition for Modification of the application of 30 CFR 75.901(a) in the Bowie No. 3 Mine is hereby:

GRANTED, for the Intermountain Electric Inc., 480-volt, Serial No. 26630-12/99, 460KW diesel powered generator (DPG) set, supplying power to a 400 KVA autotransformer to develop 995-volt power circuits, conditioned upon compliance with the following terms and conditions:

1. The 460KW, 480-volt, diesel powered generator set with an approved diesel drive engine shall only be used to move equipment in, out, and around the mine and to perform work in areas outby section loading points where equipment is not required to be maintained permissible. The generator set shall not be used to power a continuous miner engaged in cutting coal or rock.
2. The sum of all motors operated by the diesel powered generator set at one time shall not exceed 350 horsepower.
3. The neutral of the wye configured secondary of the 480-volt to 995-volt step-up transformer shall have in series between it and the frame of the generator unit, a 995-volt rated resistor that will limit phase-to-frame fault current to 0.5 ampere continuously.
4. The 480-volt output circuit of the generator shall be equipped with a sensitive ground fault relay set to cause the circuit breaker that supplies power to the primary of the 480-volt transformer to trip and shut down the diesel engine when a phase-to-frame fault of 90 milliamperes or less occurs.
5. The secondary transformer 480-volt and 995-volt circuits shall each be equipped with a sensitive ground fault relay that will cause their respective circuit breaker(s) to trip and shut down the diesel engine when a phase-to-frame fault of 90 milliamperes or less occurs.
6. The 995-volt circuit breaker(s) shall be provided with a means to provide short-circuit, overcurrent, grounded-phase, undervoltage and ground monitoring protection. The protection for the 995-volt portable equipment cables shall be provided by a properly rated circuit breaker that is equipped with the instantaneous only trip unit that provides the specified protection for the portable cables attached to the circuit breaker. Each 995-volt, three phase circuit shall be provided with overload protection that will de-energize all three phases in the event that any one phase is overloaded and the overloads must meet the requirements of the National Electrical

Code. The instantaneous only trip unit for the 995-volt circuit breaker shall be adjusted to trip at 70 percent of the maximum allowable short-circuit current available at the point where the portable cable enters the equipment or the maximum allowable instantaneous settings in 30 CFR 75.601-1, whichever is less or shall be adjusted to not exceed the instantaneous setting values specified in the attached breaker/cable length setting chart(s) (Charts B and D).

7. The 480-volt circuit breaker(s) shall be provided with a means to provide short-circuit, overcurrent, grounded-phase, undervoltage and ground monitoring protection. The protection for the 480-volt portable equipment cables shall be provided by a properly rated circuit breaker that is equipped with the instantaneous only trip unit that provides the specified protection for the portable cables attached to the circuit breaker. Each 480-volt, three phase circuit shall be provided with overload protection that will de-energize all three phases in the event that any one phase is overloaded and the overloads must meet the requirements of the National Electrical Code. The instantaneous only trip unit for the 480-volt circuit breaker shall be adjusted to trip at 70 percent of the maximum allowable short-circuit current available at the point where the portable cable enters the equipment or the maximum allowable instantaneous settings in 30 CFR 75.601-1, whichever is less or shall be adjusted to not exceed the instantaneous setting values specified in the breaker/cable length setting chart(s) (Charts A and C).
8. When the generator set is used, to move equipment or perform work in areas outby the section loading point where equipment is not required to be maintained permissible, the equipment portable cable length(s) shall not exceed the length(s) specified in 30 CFR Part 18, Table 9.
9. Permanent label(s) showing the maximum circuit breaker setting(s) and maximum portable cable length(s) shall be installed on each circuit breaker. The permanent label(s) shall be maintained legible.
10. The 995-volt portable cable(s) that extend from the generator to mobile equipment shall be type SHD-GC with a minimum of 2,000-volt rating, and shall have an outer jacket that has been accepted by MSHA as flame-resistant. All other portable cables used to supply power to 480-volt equipment shall have a minimum of 2,000-volt rating and shall have an outer jacket that has been accepted by MSHA as flame-resistant.

11. A strain relief device shall be provided on each end of the cable(s) that extend between the generator and each piece of mobile equipment or pump being powered.
12. Prior to moving each piece of equipment, powering a water pump or performing work in areas outby the section loading point where the equipment is not required to be maintained permissible, and upon start-up of the diesel generator, a functional test of each ground fault and ground wire monitor system shall be performed by a qualified electrician who meets the requirements of 30 CFR 75.153.
13. The diesel generator system shall not be operated until after MSHA has inspected the equipment and determined that it is in compliance with all the above terms and conditions.
14. Power circuits from the generator set to the equipment being moved shall be limited to the use of only one circuit breaker at a time when a piece of equipment is being moved in, out or around the mine.
15. The diesel generator system, when in use, 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.
16. 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.
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, at any of the listed mines, to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify the following:
  - a. The "hands on" specific training specified in Condition No. 17;
  - b. Initial training regarding the terms and conditions stated in the Proposed Decision and Order; and
  - c. Training in the hazards of setting short circuit interrupting device(s) too high to adequately protect the 480-volt and 995-volt portable cables.

- d. 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, as amended, (Federal Register 53430, December 28, 1990) 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