

November 15, 2005

In the matter of:
Black Stallion Coal Company
Black Stallion Mine
I.D. No. 46-09086

Petition for Modification

Docket No. M-2005-055-C

PROPOSED DECISION AND ORDER

On July 19, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.503 (30 CFR 18.35) to Petitioner's Black Stallion Mine, located in Boone 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 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 75.503.

On the basis of the petition and the findings of MSHA's investigation, Black Stallion Coal Company, LLC is granted a modification of the application of 30 CFR 75.503 to its Black Stallion 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 Black Stallion Coal Company's Petition for Modification of the application of 30 CFR 75.503 for trailing cables used for roof bolters, mobile roof supports, and shuttle cars in the Black Stallion Mine is hereby:

GRANTED, for the trailing cables supplying 480-volt, three-phase alternating current to roof bolters and mobile roof supports and 550-volt, three-phase alternating current to shuttle cars conditioned upon compliance with the following terms and conditions:

1. The maximum lengths of the 480-volt trailing cables shall be 900 feet and the maximum length of the 550-volt trailing cables shall be 850 feet.
2. The trailing cables for the 480-volt mobile roof supports shall not be smaller than 4 A.W.G. and the trailing cables for the roof bolters shall not be smaller than No. 2 A.W.G. The cables for the 550-volt shuttle cars shall not be smaller than No. 2 A.W.G.
3. All circuit breakers used to protect the No. 4 A.W.G. 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 A.W.G. cables. The label shall be maintained legible.
4. All circuit breakers used to protect No. 2 A.W.G. 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 A.W.G. cables. The label shall be maintained legible.
5. Replacement circuit breakers and/or instantaneous trip units, used to protect No. 4 A.W.G. trailing cables shall be calibrated to trip at 500 amperes and this setting shall be sealed.
6. Replacement circuit breakers and/or instantaneous trip units, used to protect No. 2 A.W.G. trailing cables shall be calibrated to trip at 800 amperes and this setting 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. During each production day, persons designated by the mine operator 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 have not had seals removed or tampered with and that they do not exceed the settings stipulated in Items No. 3 and 4.
9. Permanent warning labels shall be installed and maintained on the cover(s) 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.
10. 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.
11. The roof bolting machines, mobile roof supports and shuttle car haulage roads, the location of primary trailing cable anchor points, and the location of belt tailpiece or feeder shall be arranged to:
 - a. Minimize or eliminate the need for secondary (temporary) trailing cable anchoring points; and
 - b. Minimize back-spooling
12. 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. 13.

13. 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 device(s) that protect the affected trailing cables do not exceed the specified setting(s) in Items No. 3 and No. 4. The training shall include the following elements:

- a. The hazards of setting the short circuit interrupting device(s) too high to adequately protect the trailing cables;
- b. How to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained;
- c. Mining methods and operating procedures that will protect the trailing cables against damage;
- d. The proper procedure for examining the trailing cable to ensure that the trailing cables are in safe operating condition by a visual inspection of entire cable, observing the insulation, the integrity of splices, nicks and abrasions.

The procedures as specified in 30 CFR 48.3 for approval of 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.

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