

January 27, 2006

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

Petition for Modification

Docket No. M-2005-065-C

PROPOSED DECISION AND ORDER

On September 27, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.900 to Petitioner's Black Stallion Mine located in Boone County, West Virginia. The Petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA investigators conducted an investigation relevant to the merits of the petition and filed reports 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 reports and recommendations, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by 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 75.900.

On the basis of the petition and the findings of MSHA's investigation, Black Stallion Coal Company is granted a modification of the application of 30 CFR 75.900 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 75.900 in the Black Stallion Mine, is hereby:

GRANTED, to allow the use of contactors, in conjunction with circuit breakers, to provide undervoltage and ground fault protection for low- and medium-voltage three-phase alternating current power circuits, conditioned upon compliance with the following special terms and conditions:

1. The nominal voltage of the power circuit(s) shall not exceed 995 volts.
2. The nominal voltage of the control circuit(s) shall not exceed 120 volts.
3. The contactor must be rated for the maximum voltage and full load current of the circuit being protected.
4. Vacuum contactors shall be built in the same enclosure as the breaker.
5. Vacuum contactors with associated protective relays shall provide undervoltage protection for low- and medium-voltage circuits serving three-phase alternating current equipment.
6. A short-circuit survey shall be performed by the operator to determine the short-circuit current that could occur on the equipment circuits. The contactor will be rated to withstand the short-circuit current to which it would be subjected without compromising the integrity or operation of the unit. The contactor will be required to open only as a control device activated by the ground-monitor circuit.
7. Each circuit breaker installed in conjunction with a contactor shall be equipped with devices to provide short-circuit protection for each piece of equipment.
8. The instantaneous magnetic trip settings of each circuit breaker that provides short-circuit protection for the power circuits shall be set in accordance with the requirements of the 1993 National Electric Code.
9. When a contactor trips on a ground-fault condition or when a ground-check monitor trips, it shall not automatically reset and must require a manual reset.

10. The fail-safe ground-check circuit shall cause the contactor to open when either the ground or pilot wire is broken.
11. Circuits providing power to portable or mobile equipment shall not be designed to be capable of being remotely started.
12. Prior to each remote start-up, an audible alarm at each vacuum contactor or affected area shall sound for at least 10 seconds. Circuits shall be wired so that the vacuum contactors can only be closed remotely when the undervoltage or loss of voltage condition no longer exists. All other conditions that cause the vacuum contactor to open shall require a manual reset at the vacuum contactor. Circuits providing power to portable or mobile equipment shall not be designed to be remotely started.
13. The Petitioner's alternative method shall not be implemented until all qualified persons who perform work on the equipment and circuits have received training in safe maintenance procedures and in the terms and conditions of the Proposed Decision and Order.
14. Within 60 days after this Petition for Modification is granted, 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 all miners who are assigned to work in the area. The training shall include the following elements:
 - (a) The purpose of the pre-start alarm systems, and vacuum contactor systems;
 - (b) The potential hazards of working on or near belt conveyors and belt conveyor drives; and
 - (c) The requirements of 30 CFR 75.1725(c) and (d).

The procedures of 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