

February 1, 2007

In the matter of:
Usibelli Coal Mine, Inc.
Usibelli Mine
ID No. 50-00030

Petition for Modification

Docket No. M-2006-056-C

PROPOSED DECISION AND ORDER

On June 2, 2006, Petitioner requested a modification of the application of 30 CFR 77.803 to its Usibelli Mine located in Yukon-Koyukuk County, Alaska. The Petitioner alleges that the proposed alternative method will at all times provide the same measure of protection as 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 (PDO) 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 77.803.

This modification does not replace any other mechanical precautions or the requirements of 30 CFR 77.405(b), which are necessary to safely secure booms or masts during construction or maintenance procedures.

On the basis of the petition and the findings of MSHA's investigation, Usibelli Coal Mine, Inc. is granted a modification of the application of 30 CFR 77.803 to its Usibelli 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

Usibelli Coal Mine, Inc.'s Petition for Modification of the application of 30 CFR 77.803 at the Usibelli Mine is hereby:

GRANTED, to permit disabling the ground-check and ground-fault circuits while lowering or raising the dragline boom or mast during necessary repairs utilizing an onboard motor generator set, conditioned upon compliance with the following terms and conditions:

1. Only MSHA-qualified electricians and persons needed to perform the tasks necessary for boom or mast raising, lowering, assembling, or disassembling during repairs that require raising or lowering the dragline boom or mast by the onboard generators are permitted onboard the dragline.
2. The area shall be roped off or guarded to prevent persons from contacting the frame or cable. Personnel staged at access points for boarding the machine are considered as guarding.
3. No other activity is permitted in close proximity.
4. A person designated by the mine operator shall be on site at all times.
5. An MSHA-qualified electrician shall examine all electrical components within two hours prior to raising or lowering the boom or mast while the dragline is de-energized. After the examination, the dragline shall be energized to assure all electrical components are properly operating. A record of the examination shall be kept and made available for review by interested parties.
6. The ground-fault and ground-check circuits may be disabled while the boom or mast is being raised or lowered provided that the grounding circuit from the dragline to the substation is continuous. An acceptable test would be disconnecting the pilot check circuit at the dragline frame and verifying the circuit breaker supplying power to the dragline cannot be closed.
7. The grounding resistor shall be tested to assure it is properly connected and is not open or shorted out.

8. Normal short-circuit protection shall be provided at all times while the boom or mast is being raised or lowered.
9. During boom or mast raising or lowering procedures, an MSHA-qualified electrician shall be positioned at the substation and the qualified electrician shall be designated to monitor the grounding circuit and resistor. The qualified person shall be able to detect a grounded phase condition or an open grounding conductor without being exposed to shock hazards. The person at the substation shall, at all times, maintain communications with a responsible person at the dragline. If a grounded phase condition or an open ground wire should occur during the raising or lowering of the boom or mast, the person at the substation shall immediately notify the responsible person at the dragline. All persons onboard the machine shall be made aware of the defective condition and shall remain onboard the machine. The boom or mast shall be controlled and the electrical circuit supplying the dragline shall be de-energized, locked, tagged out, and grounded. The power circuit supplying power to the dragline shall remain de-energized until the defective condition is corrected. To ensure that no other defective condition has occurred, the ground-fault and ground-monitor circuits shall be re-installed and the electrical circuit re-energized and tested to determine that they are operating properly. Once the circuits have been tested and no adverse conditions are present, the boom or mast raising or lowering procedures, as outlined above, may resume.
10. During the boom or mast raising or lowering procedure, persons shall not get on or off the dragline while the ground check and ground fault circuits are disabled, unless the circuit supplying power to the dragline is de-energized, locked, and tagged out, and verified by the qualified person at the substation.
11. After the boom or mast raising or lowering is completed, the person designated by the mine operator at the dragline shall notify the qualified person at the substation. The qualified person shall de-energize the power supplying the dragline and restore

the ground-fault and ground-monitor circuit protective relays to their normal settings. The protective relays shall be examined and the protective circuits tested, as required by 30 CFR 77.800-1, prior to re-energizing the dragline power circuit for normal operation.

12. The operator must comply with all other 30 CFR requirements during the raising or lowering of the boom or mast.
13. A written procedure incorporating all the terms and conditions of this modification shall be developed and implemented. The written procedures shall be shared with all persons involved in raising or lowering the boom or mast prior to each such event.
14. Within 60 days of the PDO being granted, the Petitioner shall submit proposed revisions for its approved 30 CFR 48 training plan to the MSHA's District Manager. These proposed revisions shall include initial and refresher training regarding compliance with the PDO.

Any party to this action desiring a hearing on this matter shall file in accordance with 30 CFR 44.14, within 30 days. The request for hearing shall 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 shall be posted by the operator on the mine bulletin board at the mine.

/signed/

Melinda Pon
Acting Deputy Administrator for
Coal Mine Safety and Health