

In The Matter of
Morton Salt Div/Morton International Inc.
Weeks Island Mine & Mill
Mine I.D. No. 16-00970

PETITION FOR MODIFICATION

Docket No. M-2010-001-M

PROPOSED DECISION AND ORDER

On April 22, 2010, Morton Salt, filed a petition, under 30 U.S.C. § 811 (c) and 30 C.F.R. part 44 seeking a modification of the application of 30 C.F.R. § 57.22304 to petitioner's Weeks Island Mine & Mill located in Iberia County, Louisiana. The petitioner alleges that the alternative method outlined in the petition would at all times guarantee no less than the same measure of protection for miners as afforded by the standard.

30 C.F.R. § 57.22304: Approved equipment (II-A mines) provides:

(a) Cutting and drilling equipment used at a face or bench shall be approved by MSHA under the applicable requirements of 30 C.F.R. parts 18 through 36.

(b) While cutting or drilling is in progress, equipment not approved by MSHA under the applicable requirements of 30 C.F.R. parts 18 through 36 shall remain at least 100 feet from the face or bench being mined.

(c) Tests for methane shall be conducted immediately before nonapproved equipment is taken to a face or bench after blasting.

(d) Mine power transformers and stationary equipment not approved by MSHA under the applicable requirements of 30 C.F.R. parts 18 through 36 shall be installed in fresh air or downwind from an atmospheric methane monitor sensor.

The petition proposes approving the FD-13/15A Face Drill manufactured by J.H. Fletcher & Company (Face Drill) because the current application of the standard, prohibiting the use of this type of equipment, under the conditions present would be less safe than the circumstances that will exist as a result of MSHA approving this Petition. The standard requires that this piece of mining equipment be approved by the Approval and Certification Center. The Mechanical and Engineering Safety Division approves mining equipment under the following 30 C.F.R. Part 36 (Permissible Mobile Diesel-Powered Transportation Equipment). The Face Drill function that performs the actual drilling operation is an approved piece of equipment pursuant to 30 C.F.R. Part 18 however; the tramming function is powered by a diesel engine that will not pass permissibility guidelines. Currently the non-permissible diesel engine is disconnected, preventing the use of the tramming function of the Face Drill. The drill is being moved in the mine by placing an LHD unit in front and behind the face drill with slings attached to

each piece of equipment. All three pieces of equipment are moved to the designated room and level. The move requires one miner, one electrician, two LHD operators, and one foreman. The move typically takes three to eight hours to accomplish based on the move location. This move process includes several steps include hitching the face drill to a LHD, disabling the drill's tram system and brakes, disconnecting the LHD, and repositioning the LHD away from the cutting and drilling equipment. Although procedures and training utilized by miners allow these manual steps to be accomplished safely, a machine with its own diesel tram system provides an engineered method to reduce hazards for miner associated with towing vehicles and towed equipment.

MSHA investigators conducted an investigation relevant to the merits of the petition and filed a report of their findings with the Administrator for Metal and Nonmetal 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.

Findings of Fact and Conclusions of Law

The conditions placed on this petition provide greater protection to miners by allowing the Face Drill to be trammed under its own power and not under the assistance of several other pieces of mining equipment. The petitioner's alternative method outlined in the petition will at all times guarantee no less than the same measure of protection for miners as afforded by the standard.

Order

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator, 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 Morton Salt Div/Morton International Inc., petition for modification of the application of 30 C.F.R. § 57.22304 to Weeks Island Mine & Mill located in Iberia County, Louisiana, is hereby:

GRANTED, as it pertains to utilizing the Face Drill at the Weeks Island Mine & Mill location and conditioned upon compliance with the following:

1. The engine must be approved by MSHA under 30 C.F.R. Part 7, Subpart E or meet the specifications as stated in 30 C.F.R. 57.5067(a) (2), that the engine must be a TIER 3 or TIER 4 engine.
2. The engine must be provided with temperature controls and feedback circuitry that prohibits the function of all electrical controls, tramping, and drilling when any surface temperature equals or exceeds 530°C. Install a probe in the exhaust pipe exiting the engine manifold and set the temperature switch so that the AC electricians can not be initiated until the temperature has cooled to 530°C.
3. The battery box must meet the requirements of Title 30 Code of Federal Regulations (30 C.F.R.) Part 7, Subpart C.

4. Both the battery and alternator must be provided with appropriately sized short circuit protection.
5. A single pole switch from the alternator output will be wired to the battery side of the switch or the engine side of the switch.
6. The vehicle must be provided with a fire protection system that has been approved or listed with a Nationally Recognized Testing Laboratory. A layout of the system is required that includes identification of the hazard each nozzle addresses.
7. The vehicle must be provided with an MSHA approved methane monitor that shuts down the engine and prevents the engine from starting when 1.0% or more of methane-in-air is present.

Any party to this action desiring a hearing must file a request for hearing within 30 days after service of the Proposed Decision and Order, in accordance with 30 C.F.R. § 44.14, with the Administrator for Metal and Nonmetal 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 and Order. A party other than the petitioner who has requested a hearing shall also comment on all issues of fact or law presented in the petition. 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, this Proposed Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

/s/ Neal Merrifield

Neal H. Merrifield
Acting Administrator for Metal and Nonmetal
Mine Safety and Health