

In the matter of
Penn View Mining Company, Inc.
TJS # 6 Mine
I.D. No. 36-09464

Petition for Modification

Docket No. M-2008-033-C

PROPOSED DECISION AND ORDER

On June 26, 2008 a petition was filed seeking a modification of the application of 30 C.F.R. § 75.503 (30 C.F.R. § 18.35) to Petitioner's TJS # 6 Mine located in Armstrong County, Pennsylvania. 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, comments from the UMWA, and MSHA's investigative report, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

Petitioner proposed an alternative method of compliance with the standard in order to increase the maximum length of trailing cables that supply power to two Fletcher Roof Ranger II roof bolters to 1,200 feet. 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 C.F.R. § 75.503.

On the basis of the petition and the findings of MSHA's investigation, Penn View Mining Company, Inc. is granted a modification of the application of 30 C.F.R. § 75.503 to its TJS # 6 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. § 811(c), it is ordered that Penn View Mining Company, Inc.'s Petition for Modification of the application of 30 C.F.R. § 75.503 for trailing cables used in TJS # 6 Mine is hereby:

GRANTED, for the trailing cables supplying three-phase 480-volt power to Fletcher Roof Ranger II roof bolters, conditioned upon compliance with the following terms and conditions:

1. The maximum length of the No. 2 A.W.G. trailing cable supplying power to the three-phase 480-volt roof bolter shall be 1,200 feet.
2. The 480-volt trailing cables for the Fletcher Roof Ranger roof bolters shall not be smaller than No. 4 A.W.G.
3. 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 485 amperes. The trip setting of these circuit breakers shall be sealed or locked 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.
4. Replacement instantaneous trip units used to protect No. 2 A.W.G. trailing cables shall be calibrated to trip at 485 amperes and this setting shall be sealed or locked.
5. All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available.
6. Short-circuit current setting must not exceed the setting specified in the approval documentation or 70% of the minimum available current, whichever is less.
7. 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. The instantaneous settings of the specially calibrated breakers shall also be visually examined to ensure that the seals or locks have not been removed and that they do not exceed the settings stipulated in items 3.
8. Permanent warning labels shall be installed and maintained on the cover(s) of the power center or distribution box 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.

9. The haulage roads, locations of trailing cables anchoring points, and locations of belt tailpieces or feeders shall be arranged to:
 - (a) Minimize the need for secondary (temporary) trailing cable anchoring points;
 - (b) Prevent shuttle cars from running over their trailing cables; and
 - (c) Minimize back-spooling.

10. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for its approved 30 C.F.R. Part 48 training plan to the Coal Mine Safety and Health District Manager for the area in which the mine is located. The training shall include the following elements:
 - (a) Training in the mining methods and operating procedures that will protect the trailing cables against damage;
 - (b) Training in proper procedures for examining the trailing cables to ensure that they are in safe condition;
 - (c) Training in the hazards of setting the short circuit interrupting device(s) too high to adequately protect the trailing cables; and
 - (d) Training in how to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained.
 - (e) Training in protecting the trailing cable against damage from overheating due to excessive cable stored on cable reels (PIB No. P03-13)

The procedures as specified in 30 C.F.R. § 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 C.F.R. § 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 may 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.

Charles J. Thomas
Acting Deputy Administrator for
Coal Mine Safety and Health