

In the matter of
San Juan Coal Company
San Juan South Underground Mine
I.D. No. 29-02170

Petition for Modification

San Juan Deep Mine
I.D. No. 29-02201

Docket No. M-2001-077-C

PROPOSED DECISION AND ORDER

On July 19, 2001, a petition was filed seeking a modification of the application of 30 CFR 75.804 to Petitioner's San Juan South Underground Mine and San Juan Deep Mine, both located in San Juan County, New Mexico. The modification seeks to use an alternative design of high-voltage cable from that approved with the longwall mining machine described in Paragraph 20 of the terms and conditions in the Proposed Decision and Order granting a modification of 30 CFR 75.1002, issued October 31, 2001, and finalized November 30, 2000 (Docket No. M-2000-116-C). 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.

At the time the petition was filed, the development scheme included coal being produced from both the San Juan Deep Mine and the San Juan South Underground Mine. However, by letter dated October 1, 2002, MSHA was notified that development would be conducted from the San Juan South Mine only. The letter requested withdrawal of the petition for the San Juan Deep Mine in Docket No. M-2000-116-C. On April 5, 2002, San Juan Coal Company confirmed by e-mail that it wished to withdraw its petition request for 30 CFR 75.804 for the San Juan Deep Mine.

MSHA personnel conducted an investigation of the petition and filed a report of their findings and recommendations with the Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition, MSHA's investigative report and recommendations, 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 75.804.

On the basis of the petition and the findings of MSHA's investigation, San Juan Coal Company, is granted a modification of the application of 30 CFR 75.804 to its San Juan South Underground Mine and the modification is dismissed as it applies to the San Juan Deep 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 San Juan Coal Company's Petition for Modification of the application of 30 CFR 75.804 is hereby:

DISMISSED, for the San Juan Deep Mine (I.D. No. 29-02201).

GRANTED, for the 4,160-volt longwall high-voltage cable located at the San Juan South Underground Mine, conditioned upon compliance with the following terms and conditions:

1. The high-voltage cables used for high voltage longwall equipment, shall be 5KV, 3/C type SHD+GC or similar 5,000-volt cable with a center ground check conductor, but otherwise manufactured to the ICEA Standard S-75-381 for Type SHD, three-conductor cables. The cable shall be MSHA accepted as flame-resistant.
2. The cable construction shall be symmetrical 3/C, 3/G, and 1/GC.
3. The ground check conductor shall not be smaller than a No. 16 AWG stranded conductor.
4. The Petitioner's alternative method shall not be implemented until all qualified electrical personnel (that meet the requirements of 30 CFR 75.153) who perform maintenance on the longwall equipment have received "hands on" training in the installation, splicing and repair of these specially designed high-voltage cables. This training shall also include, if any, the permissibility change requirements for the above specified cables.
5. Within 60 days after the Proposed Decision and Order becomes final, the Petitioner shall submit proposed

revision(s) for its approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the alternative method outlined in the Proposed Decision and Order.

Any party to this section 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, 4015 Wilson Boulevard, Arlington, Virginia 22203. 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.

Michael J. Lawless
Deputy Administrator
for Coal Mine Safety and Health