

**March 14, 2006**

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

Petition for Modification  
  
Docket No. M-2005-066-C

PROPOSED DECISION AND ORDER

On September 28, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.503 (30 CFR 18.35) to Petitioner's San Juan South Mine located in San Juan County, New Mexico. 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 and recommendations 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 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 75.503.

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 75.503 to its San Juan South 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 75.503 for trailing cables used for continuous mining machines, roof bolting machines, feeder breakers, and auxiliary fans in the San Juan South Mine is hereby:

GRANTED, for the trailing cables supplying 995-volt three-phase alternating current to roof bolting machines, continuous mining machines, feeder breakers, and auxiliary fans conditioned upon compliance with the following terms and conditions:

1. The maximum length of the trailing cables supplying power to three-phase 995-volt continuous mining machines shall be 1,100 feet. The maximum length of the trailing cables supplying power to the three-phase 995-volt roof bolting machines, feeder breakers, and auxiliary fans shall be 1,000 feet.
2. The trailing cables for the 995-volt continuous mining machines and feeder breakers shall not be smaller than No. 2/0 American Wire Gauge (AWG), SHD-GC. The trailing cables for the 995-volt roof bolting machines and auxiliary fans shall not be smaller than No. 2 AWG, SHD-GC.
3. All circuit breakers used to protect the No. 2/0 AWG trailing cables exceeding 850 feet in length shall have instantaneous trip units calibrated to trip at 1500 amperes. The trip setting of these circuit breakers shall be sealed 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. 2/0 AWG cables. The label shall be maintained legible.
4. All circuit breakers used to protect No. 2 AWG trailing cables exceeding 700 feet in length shall have instantaneous trip units calibrated to trip at 800 amperes. The trip setting of these circuit breakers shall be sealed 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 AWG cables. The label shall be maintained legible.
5. Replacement circuit breakers and/or instantaneous trip units used to protect No. 2/0 AWG trailing cables shall be calibrated to trip at 1500 amperes; this setting shall be sealed. A certification tag showing

the maximum amps and the date certified by Intermountain Electronics or other MSHA-acceptable vendor shall be attached to the circuit breaker or trip unit.

6. Replacement circuit breakers and/or instantaneous trip units, used to protect No. 2 AWG trailing cables shall be calibrated to trip at 800 amperes; this setting shall be sealed. A certification tag showing the maximum amps and the date certified by Intermountain Electronics or other MSHA-acceptable vendor shall be attached to the circuit breaker or trip unit.
7. All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available. Short-circuit current setting must not exceed 75% of the minimum available current.
8. The trailing cable for the continuous mining machines, roof bolting machines, auxiliary fans, and feeder breakers shall be hung on well-insulated hangers from the section power center to the slack pile of the trailing cable for each machine or to the last open crosscut, whichever is further outby. Distribution boxes shall not be used to supply power to equipment covered in this petition.
9. During each production shift, persons designated by the mine operator shall visually examine the trailing cables to ensure that the cables are in safe operating condition and that the instantaneous settings of the specially-calibrated circuit breaker settings, as stipulated in items 5 and 6, do not have seals removed or tampered with. The examination must verify that the cables are hung on insulated hangers and that excessive cables are not stored on the roof bolter cable reel. Any discrepancies must be corrected prior to operation.
10. Permanent warning labels shall be installed and maintained on the cover of the power center 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.

11. In the event the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable shall be removed from service immediately and repaired or replaced. Also, additional precautions shall be taken to ensure that the cable is protected and maintained in safe operating condition.
12. The Petitioner's alternative method shall not be implemented until all miners who have been designated to examine the integrity of seals, verify the short-circuit settings, and examine trailing cables for defects have received the elements of training specified in item 13.
13. Within 60 days after this Proposed Decision and Order becomes final, 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 miners designated to examine the trailing cables for safe operating condition and verify that the short-circuit settings of the circuit-interrupting devices that protect the affected trailing cables do not exceed the settings specified in Items 3 and 4 of these Terms and Conditions. The training shall include the following elements:
  - (a) The hazards of setting the short-circuit interrupting device too high to adequately protect the trailing cables;
  - (b) How to verify that the circuit-interrupting devices protecting the trailing cables are properly set and maintained;
  - (c) Mining methods and operating procedures that will protect the trailing cables against damage;
  - (d) The proper procedure for examining the trailing cables to ensure that they are in safe operating condition by means of a visual inspection of entire cable: observing the insulation, the integrity of splices, and any nicks or abrasions.

The procedures as specified in 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.

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John F. Langton  
Deputy Administrator for  
Coal Mine Safety and Health