
From: Hales, David DC [David.DC.Hales@bhpbilliton.com]
Sent: Monday, December 20, 2010 8:27 PM
To: zzMSHA-Standards - Comments to Fed Reg Group; Silvey, Patricia - MSHA
Cc: TForeback@admin.nmt.edu; egreen@crowell.com; bwatzman@nma.org; Ortega, Josh
Subject: San Juan Coal Company Comments - RIN 1219-AB76
Attachments: Rockdusting ETS Final Commets.pdf

Attached are the comments submitted on behalf of San Juan Coal Company regarding RIN 1219-AB76.

Regards,
David Hales

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12/28/2010

AB76-COMM-2

San Juan Coal Company



December 17, 2010

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Patricia Silvey
Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard, Room 2350
Arlington, Virginia 22209

Dear Ms. Silvey

RE: RIN 1219-AB76 Comments Submitted on behalf of San Juan Coal Company

San Juan Coal Company has prepared the following comments in regard to the Emergency Temporary Standard for Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines.

NIOSH determined that the finer coal dust particle size found in intake airways requires a greater incombustible content to significantly decrease the potential for propagation of explosions than the 65 percent required under MSHA's existing standard, since the explosion hazard increases as the coal dust particle size decreases.

Comment: Upon review of the information contained in the Federal Register Notice, it appears that NIOSH testing was only conducted on one particular coal seam. That seems to be a very narrow if not incomplete view of the nature of this hazard. It would seem that the true analysis of the overall hazard to miners in other coal seams is not accurately quantified by this study.

The increased requirements for rockdusting, particularly in intake airways will drive up the respirable dust contained in those aircourses. That standard coupled with a proposal to cut the respirable dust standard in half, in those same air courses creates some incompatible standards. There has to be more rockdust but with less respirable dust.

If this is to be the standard, MSHA must revise its position with regard to the use of wet dusting systems for intake roadways and aircourses.

Another comment San Juan Coal Company would make is with regard to the area of enforcement related to Section 75.400 as well as the changes to 75.403.

The current standard compiles all combustible materials violations into one section of the law whether it is a violation involving mobile equipment, fixed plant equipment or even the surfaces of the mine entries. In order to fully quantify and analyze where problem areas really exist, MSHA should modify 30 CFR Part 75.400 to include three separate sections.

The standard should have a section (a) prohibiting accumulations of combustibles on rockdusted surfaces of the mine entries.

The standard should also have a section (b) prohibiting accumulations of combustibles on mobile equipment powered by diesel, electric, battery or even pneumatic.

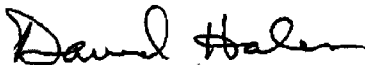
There should also be a section (c) prohibiting accumulations of combustible materials on fixed plant equipment such as conveyor belts, power distribution and other fixed equipment.

This change would help truly identify where a problem area might be rather than lumping all accumulations citations under one standard. This would make it easier for miners to review the violations that have been issued and see where improvement is needed.

San Juan Coal Company appreciates the opportunity to provide these comments regarding this topic and hope they will be considered in the next steps the Agency takes.

If you have questions or need additional information, please contact me at (505) 598-2153.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Hales".

David C. Hales CMSP
Health & Safety Superintendent