

October 3, 2005

In the matter of:
Genwal Resources, Inc.
South Crandall Canyon Mine
I.D. No. 42-02356

Petition for Modification

Docket No. M-2005-048-C

PROPOSED DECISION AND ORDER

On July 5, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.1100-2(e)(2) to Petitioner's South Crandall Canyon Mine, located in Emery County, Utah. The Petitioner alleges that the alternate method outlined 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 and MSHA's investigative report, this Proposed Decision and Order is issued.

Finding of Fact and Conclusion of Law

The alternate 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 75.1100-2(e)(2).

On the basis of the petition and the findings of MSHA's investigation, Genwal Resources, Inc. is granted a modification of the application of 30 CFR 75.1100-2(e)(2) to its South Crandall Canyon 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 Genwal Resources, Inc.'s Petition for Modification of the application of 30 CFR 75.1100-2(e)(2) in the South Crandall Canyon Mine is hereby:

GRANTED, for temporary electrical installations, provided that Petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations.

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.

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