

In the matter of:
South Central Coal Co. Inc.
(formerly Heidtman Mining, LLC)
Sebastian Mine
(formerly Sebastian County Coal Mine)
I.D. No. 03-01736

Petition for Modification

Docket No. M-2008-053-C

Proposed Decision and Order

On December 2, 2008, Heidtman Mining, LLC filed a petition seeking a modification of the application of 30 C.F.R. § 75.1700 to Sebastian County Coal Mine, located in Sebastian County, Arkansas. The mine changed ownership on May 3, 2010 and the current controller (South Central Coal Co. Inc.) has requested that the Mine Safety and Health Administration (MSHA) continue with the petition investigation as submitted. The petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

Section 30 C.F.R. § 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The extraction of methane from coal seams and surrounding strata is a rapidly growing component of the domestic natural gas supply. Recent innovations in drilling techniques have resulted in development of several types of wells and production methods to extract coalbed methane (CBM) resources. Drill holes are deviated in both the horizontal and vertical planes using these techniques. These techniques differ from vertical gas wells and require different techniques in order to plug the wells. Procedures to address the potential hazards presented by CBM wells must be implemented to

protect the coal miners who will be exposed to these wells. When coal mines intersect inadequately plugged CBM wells, methane inundations, ignitions and explosions are possible.

The alternative method proposed by Petitioner include well plugging procedures, water infusion and ventilation methods, and procedures for mining through each CBM well and/or its branches.

Finding of Fact and Conclusion of Law

The Sebastian Mine is an underground coal mine that operates in the Hartshorn Coal Seam. The mine employs 25 people and operates a single continuous mining section. On average, the mine produces 700 tons of coal daily. The coal bed is approximately 70 inches in height and the mine is ventilated by one exhausting fan. Second quarter 2010 total liberation results for the mine in the 2nd quarter of 2010 was 151,036 cubic feet of methane in 24 hours.

Sebastian Mine extracts CBM from the coal seam prior to mining in order to reduce methane emissions and, thus, the incidence of face ignitions. The wells are drilled from the surface using directional drilling technology to develop horizontal branches within the coal seam being mined. Drill holes may be deviated in both the horizontal and vertical planes using these techniques. Multiple horizontal branches may be developed from a single well and multiple seams may be developed from a single well. The drilling industry has trademarked several different proprietary names for these drilling processes. For purposes of this Order, these proprietary drilling processes will be referred to as generic "surface directional drilled" (SDD) wells.

On June 15 and 16, 2010, MSHA conducted an investigation of the Sebastian Mine petition and filed a report of its findings and recommendations with the Administrator for Coal Mine Safety and Health. Based on information gathered during the investigation, MSHA evaluated Petitioner's proposed alternative method and, as amended by the terms and conditions of MSHA, concluded that it would provide the same measure of protection afforded by 30 C.F.R. § 75.1700. The alternative method has been successfully used to prepare CBM wells for safe intersection by using one or more of the following methods: (1) Cement Plug, (2) Polymer Gel, (3) Bentonite Gel, (4) Active Pressure Management and Water Infusion, and (5) Remedial Work. The alternate method will prevent the CBM well methane from entering the underground mine.

Petitioner's proposed alternative method includes provisions from previously approved petition requests that permit a smaller barrier and/or permit mining through properly plugged oil and gas wells. These alternative methods have proven safe and effective

when properly implemented. In addition, the Sebastian Mine petition request also includes additional provisions that are specific to SDD wells.

Accordingly, after a review of the entire record, including the petition and MSHA's investigative report, South Central Coal Co. Inc. is granted a modification of the application of 30 C.F.R. § 75.1700 to its Sebastian Mine, and this Proposed Decision and Order (PDO) is issued.

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), and 30 C.F.R. Part 44, a modification of the application of 30 C.F.R. § 75.1700 at the Sebastian Mine is hereby:

GRANTED, to allow mining within or through the 300-foot barrier around SDD oil and gas wells, conditioned upon compliance with the following terms and conditions:

1. DISTRICT MANAGER APPROVAL REQUIRED

A minimum working barrier of 300 feet in diameter shall be maintained around all SDD wells until approval to proceed with mining has been obtained from the District Manager. This barrier extends around all vertical and horizontal branches drilled in the coal seam. This barrier also extends around all vertical and horizontal branches within overlying coal seams subject to caving or subsidence from the coal seam being mined when methane leakage through the subsidence zone is possible. The District Manager may choose to approve each branch intersection, each well, or a group of wells as applicable to the conditions. The District Manager may require a certified review of the proposed methods to prepare the SDD wells for intersection by a professional engineer in order to assess the applicability of the proposed system(s) to the mine-specific conditions.

2. MANDATORY PROCEDURES FOR PREPARING, PLUGGING, AND REPLUGGING SDD WELLS

a. MANDATORY COMPUTATIONS AND ADMINISTRATIVE PROCEDURES PRIOR TO PLUGGING OR REPLUGGING

1. Probable Error of Location – Directional drilling systems rely on sophisticated angular measurement systems and computer models to calculate the estimated location of the well bore. This estimated hole location is subject to cumulative measurement errors so that

the distance between actual and estimated location of the well bore increases with the depth of the hole. Modern directional drilling systems are typically accurate within one or two degrees depending on the specific equipment and techniques. The probable error of location is defined by a cone described by the average accuracy of angular measurement around the length of the hole. For example: a hole that is drilled 500 vertical feet and deviated into a coal seam at a depth of 700 feet would have a probable error of location at a point that is 4,000 feet from the hole collar (about 2,986 ft. horizontally from the well collar) of 69.8 ft. ($4,000 \text{ ft.} \times \sin(1.0 \text{ degree})$) if the average accuracy of angular measurement was one degree and 139.6 ft if the average accuracy of angular measurement was two degrees. In addition to the probable error of location, the true hole location is also affected by underground survey errors, surface survey errors, and random survey errors.

2. Minimum Working Barrier Around Well – For purposes of this Order, the minimum working barrier around any coalbed methane well or branches of a coalbed methane well in the coal seam is 50 feet plus the probable error of location. For example: for a hole that is drilled 500 vertical feet and deviated into a coal seam at a depth of 700 feet using drilling equipment that has an average accuracy of angular measurement of one degree, the probable error of location at a point that is 4,000 feet from the hole collar is 69.8 ft. Therefore, the minimum working barrier around this point of the well bore is 120 ft. (69.8 ft. plus 50 ft., rounded up to the nearest foot). The 50 additional feet is a reasonable separation between the probable location of the well and mining operations. When mining is within the minimum working barrier distance from a coalbed methane well or branch, the mine operator must comply with the provisions of this Order. Coalbed methane wells must be prepared in advance for safe intersection and specific procedures must be followed on the mining section in order to protect the miners when mining within this minimum working barrier around the well. The District Manager may require a greater minimum working barrier around coalbed methane wells where geologic conditions, historical location errors, or other factors warrant a greater barrier.
3. Ventilation Plan Requirements – The ventilation plan shall contain a description of all SDD coalbed methane wells drilled in the area to be mined. This description should include the well numbers, the date drilled, the diameter, the casing information, the coal seams

developed, maximum depth of the wells, abandonment pressures, and any other information required by the District Manager. All or part of this information may be listed on the 30 C.F.R. § 75.372 map. The ventilation plan shall include the techniques that the mine operator plans to use to prepare the SDD wells for safe intersection, the specifications and steps necessary to implement these techniques, and the required operational precautions that are required when mining within the minimum working barrier. In addition, the ventilation plan will contain any additional information or provisions related to the SDD wells required by the District Manager.

4. Ventilation Map - The ventilation map specified in 30 C.F.R. § 75.372 shall contain the following information:
 - i. The surface location of all coalbed methane wells in the active mining area and any projected mining area as specified in 30 C.F.R. § 75.372(b)(14);
 - ii. Identifying information of coalbed methane wells (i.e. API hole number or equivalent);
 - iii. The date that gas production began from the well;
 - iv. The coal seam intersection of all coalbed methane wells;
 - v. The horizontal extents in the coal seam of all coalbed methane wells and branches;
 - vi. The outline of the probable error of location of all coalbed methane wells; and
 - vii. The date of mine intersection and the distance between estimated and actual locations for all intersections of the coalbed methane well and branches.

b. MANDATORY PROCEDURES FOR PLUGGING OR REPLUGGING SDD WELLS

The mine operator shall include one or more of the following methods to prepare SDD wells for safe intersection in the mine ventilation plan. The methods approved in the ventilation plan must be completed on each SDD well before mining encroaches on the minimum working barrier around the well or branch of the well in the coal seam being mined. If methane leakage through subsidence cracks is a problem when retreat mining, the minimum working barrier must be maintained around wells and branches in overlying coal seams or the wells and branches must be prepared for safe intersection as specified in the mine ventilation plan.

1. Cement Plug - Cement may be used to fill the entire SDD hole system. Squeeze cementing techniques are necessary for SDD plugging due to the lack of tubing in the hole. Cement should fill void spaces and eliminate methane leakage along the hole. Once the cement has cured, the SDD system may be intersected multiple times without further hole preparation. Gas cutting occurs if the placement pressure of the cement is less than the methane pressure in the coal seam. Under these conditions, gas will bubble out of the coal seam and into the unset cement creating a pressurized void or series of interconnected pressurized voids. Water cutting occurs when formation water and standing water in the hole invades or displaces the unset cement. Standing water has to be bailed out of the hole or driven into the formation with compressed gas to minimize water cutting. The cement pressure must be maintained higher than the formation pressure until the cement sets to minimize both gas and water cutting. The cementing program in the ventilation plan must address both gas and water cutting.

Due to the large volume to be cemented and potential problems with cement setting prior to filling the entire SDD system, adequately sized pumping units with back-up capacity must be used. Various additives such as retarders, lightweight extenders, viscosity modifiers, thixotropic modifiers, and fly ash may be used in the cement mix. The volume of cement pumped should exceed the estimated hole volume to ensure the complete filling of all voids. The complete cementing program, including hole dewatering, cement, additives, pressures, pumping times and equipment must be specified in the ventilation plan. The material safety data sheets (MSDS) for all cements, additives and components and any personal protective equipment and techniques to protect workers from the potentially harmful effects of the cement and cement components should be included in the ventilation plan. Records of cement mixes, cement quantities, pump pressures, and flow rates and times should be retained for each hole plugged.

SDD holes may be plugged with cement years in advance of mining. However, the District Manager shall require suitable documentation of the cement plugging in order to approve mining within the minimum working barrier around coalbed methane wells.

2. Polymer Gel - Polymer gels start out as low viscosity, water-based mixtures of organic polymers that are crosslinked using time-delayed activators to form a water-insoluble, high-viscosity gel after being pumped into the SDD system. Although polymer gel systems never solidify, the activated gel should develop sufficient strength to resist gas flow. A gel that is suitable for treating SDD wells for mine intersection will reliably fill the SDD system and prevent gas-filled voids. Any gel chemistry used for plugging SDD wells should be resistant to bacterial and chemical degradation and remain stable for the duration of mining through a SDD system.

Water may dilute the gel mixture to the point where it will not set to the required strength. Water in the holes should be removed before injecting the gel mixture. Water removal can be accomplished by conventional bailing and then injecting compressed gas to squeeze the water that accumulates in low spots back into the formation. Gas pressurization should be continued until the hole is dry. Another potential problem with gels is that dissolved salts in the formation waters may interfere with the cross-linking reactions. Any proposed gel mixtures must be tested with actual formation waters.

Equipment to mix and pump gels should have adequate capacity to fill the hole before the gel sets. Back-up units should be available in case something breaks while pumping. The volume of gel pumped should exceed the estimated hole volume to ensure the complete filling of all voids and allow for gel to infiltrate the joints in the coal seam surrounding the hole. Gel injection and setting pressures should be specified in the ventilation plan. To reduce the potential for an inundation of gel, the final level of gel should be close to the level of the coal seam and the remainder of the hole should remain open to the atmosphere until mining in the vicinity of the SDD system is completed. Packers may be used to isolate portions of the SDD system.

The complete polymer gel program, including advance testing of the gel with formation water, dewatering systems, gel specifications, gel quantities, gel placement, pressures, and pumping equipment must be specified in the ventilation plan. The MSDS for all gel components and any personal protective equipment and techniques to protect workers from the potentially

harmful effects of the gel and gel components should be included in the ventilation plan. A record of the calculated hole volume, gel quantities, gel formulation, pump pressures, and flow rates and times should be retained for each hole that is treated with gel. Other gel chemistries other than organic polymers may be included in the ventilation plan with appropriate methods, parameters, and safety precautions.

3. Bentonite Gel - High-pressure injection of bentonite gel into the SDD system will infiltrate the cleat and butt joints of the coal seam near the well bore and effectively seal these conduits against the flow of methane. Bentonite gel is a thixotropic fluid that sets when it stops moving. Bentonite gel has a significantly lower setting viscosity than polymer gel. While the polymer gel fills and seals the borehole, the lower strength bentonite gel must penetrate the fractures and jointing in the coal seam in order to be effective in reducing formation permeability around the hole. The use of bentonite gel is restricted to depleted CBM applications that have low abandonment pressures and limited recharge potential. In general, these applications will be mature CBM fields with long production histories.

A slug of water should be injected prior to the bentonite gel in order to minimize moisture-loss bridging near the well bore. The volume of gel pumped should exceed the estimated hole volume to ensure that the gel infiltrates the joints in the coal seam for several feet surrounding the hole. Due to the large gel volume and potential problems with premature thixotropic setting, adequately sized pumping units with back-up capacity are required. Additives to the gel may be required to modify viscosity, reduce filtrates, reduce surface tension, and promote sealing of the cracks and joints around the hole. To reduce the potential for an inundation of bentonite gel, the final level of gel should be approximately the elevation of the coal seam and the remainder of the hole should remain open to the atmosphere until mining in the vicinity of the SDD system is completed. If a water column is used to pressurize the gel, it must be bailed down to the coal seam elevation prior to intersection.

The complete bentonite gel program, including formation infiltration and permeability reduction data, hole pretreatment, gel specifications, additives, gel quantities flow rates, injection

pressures and infiltration times, must be specified in the ventilation plan. The ventilation plan should list the equipment used to prepare and pump the gel. The MSDS for all gel components and any personal protective equipment and techniques to protect workers from the potentially harmful effects of the gel and additives should be included in the ventilation plan. A record of hole preparation, gel quantities, gel formulation, pump pressures, and flow rates and times should be retained for each hole that is treated with bentonite gel.

4. Active Pressure Management and Water Infusion - Reducing the pressure in the hole to less than atmospheric pressure by operating a vacuum blower connected to the wellhead may facilitate safe intersection of the hole by a coal mine. The negative pressure in the hole will limit the quantity of methane released into the higher pressure mine atmosphere. If the mine intersection is near the end of a horizontal branch of the SDD system, air will flow from the mine into the upstream side of the hole and be exhausted through the blower on the surface. On the downstream side of the intersection, if the open hole length is short, the methane emitted from this side of the hole may be diluted to safe levels with ventilation air. Conversely, safely intersecting this system near the bottom of the vertical hole may not be possible because the methane emissions from the multiple downstream branches may be too great to dilute with ventilation air. The methane emission rate is directly proportional to the length of the open hole. Successful application of vacuum systems may be limited by caving of the hole or water collected in dips in the SDD system. Another important factor in the success of vacuum systems is the methane liberation rate of the coal formation around the well – older, more depleted wells that have lower methane emission rates are more amenable to this technique. The remaining methane content and the formation permeability should be addressed in the ventilation plan.

Packers may be used to reduce methane inflow into the coal mine after intersection. All packers on the downstream side of the hole must be equipped with a center pipe so that the inby methane pressure may be measured or so that water may be injected. Subsequent intersections should not take place if pressure in a packer-sealed hole is excessive. Alternatively, methane produced by the downstream hole may be piped to an in-mine degas system

to safely transport the methane out of the mine or may be piped to the return air course for dilution. In-mine methane piping should be protected as stipulated in "Piping Methane in Underground Coal Mines," MSHA IR 1094, (1978). Protected methane diffusion zones may be established in return air courses if needed. Detailed sketches and safety precautions for methane collection, piping and diffusion systems must be included in the ventilation plan (30 C.F.R. § 75.371(ee)).

Water infusion prior to intersecting the well will temporarily limit methane flow. Water infusion may also help control coal dust levels during mining. High water infusion pressures may be obtained prior to the initial intersection by the hydraulic head resulting from the hole depth or by pumping. Water infusion pressures for subsequent intersections are limited by leakage around in-mine packers and limitations of the mine water distribution system. If water infused prior to the initial intersection, the water level in the hole must be lowered to the coal seam elevation before the intersection.

The complete pressure management strategy including negative pressure application, wellhead equipment, and use of packers, in-mine piping, methane dilution, and water infusion must be specified in the ventilation plan. Procedures for controlling methane in the downstream hole must be specified in the ventilation plan. The remaining methane content and formation permeability should be addressed in the ventilation plan. The potential for the coal seam to cave into the well should be addressed in the ventilation plan. Dewatering methods should be included in the ventilation plan. A record of the negative pressures applied to the system, methane liberation, use of packers and any water infusion pressures and application time should be retained for each intersection.

5. Remedial work - If problems are encountered in preparing the holes for safe intersection, then remedial measures must be taken to protect the miners. For example: if only one-half of the calculated hole volume of cement could be placed into a SDD well due to hole blockage, holes should be drilled near each branch that will be intersected and squeeze cemented using pressures sufficient to fracture into the potentially empty SDD holes. The District

Manager will approve remedial work in the ventilation plan on a case-by-case basis.

3. **MANDATORY PROCEDURES AFTER APPROVAL HAS BEEN GRANTED BY THE DISTRICT MANAGER TO MINE WITHIN THE MINIMUM WORKING BARRIER AROUND THE WELL OR BRANCH OF THE WELL**

- a. The mine operator, the District Manager, the miners' representative, or the State may request a conference prior to any intersection or after any intersection to discuss issues or concerns. Upon receipt of any such request, the District Manager shall schedule a conference. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation.
- b. The mine operator must notify the District Manager, the State and the miners' representative at least 48 hours prior to the intended intersection of any coalbed methane well.
- c. The initial intersection of a well or branch of a well typically has a higher risk than subsequent intersections. The initial intersection typically indicates if the well preparation is sufficient to prevent the inundation of methane. For the initial intersection of a well or branch, the following procedures are mandatory:
 1. When mining advances within the minimum barrier distance of the well or branches of the well, the entries that will intersect the well or branches must be posted with a readily visible marking. For longwalls, both the head and tailgate entries must be so marked. Marks must be advanced to within 100 feet of the working face as mining progresses. Marks will be removed after well or branches are intersected in each entry or after mining has exited the minimum barrier distance of the well.
 2. Entries that will intersect vertical segments of a well shall be marked with drivage sights in the last open crosscut when mining is within 100 feet of the well. When a vertical segment of a well will be intersected by a longwall, drivage sights shall be installed on 10-foot centers starting 50 feet in advance of the anticipated intersection. Drivage sights shall

be installed in both the headgate and tailgate entries of the longwall.

3. The operator shall ensure that fire-fighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working face of the mine-through (when either the conventional or the continuous mining method is used) is available and operable during all well mine-throughs. The fire hose shall be located in the last open crosscut of the entry or room. The operator shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section. When the longwall mining method is used, a hose to the longwall water supply is sufficient. All fire hoses shall be connected and ready for use, but do not have to be charged with water, during the cut-through.
4. The operator shall ensure that sufficient supplies of roof support and ventilation materials are available at the working section. In addition, emergency plugs, packers, and setting tools to seal both sides of the well or branch shall be available in the immediate area of the cut-through.
5. When mining advances within the minimum working barrier distance from the well or branch of the well, the operator shall service all equipment and check for permissibility at least once daily. Daily permissibility examinations must continue until the well or branch is intersected or until mining exits the minimum working barrier around the well or branch.
6. When mining advances within the minimum working barrier distance from the well or branch of the well, the operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine at least once daily. Daily methane monitor calibration must continue until the well or branch is intersected or until mining exits the minimum working barrier around the well or branch.

7. When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that mining with the continuous mining machine or longwall face is within the minimum working barrier around the well or branch. During the cutting process, no individual shall be allowed on the return side until the mine-through has been completed and the area has been examined and declared safe. The shearer must be idle when any miners are inby the tail drum.
8. When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor within 20 feet of the face when mining through the well or branch. On longwall sections, rock dust shall be applied on the roof, rib, and floor up to both the headgate and tailgate pillared area.
9. Immediately after the well or branch is intersected, the operator shall de-energize all equipment, and the certified person shall thoroughly examine and determine the working place safe before mining is resumed.
10. After a well or branch has been intersected and the working place determined safe, mining shall continue inby the well a sufficient distance to permit adequate ventilation around the area of the well or branch.
11. No open flame shall be permitted in the area until adequate ventilation has been established around the well bore or branch. Any casing, tubing or stuck tools will be removed using the methods approved in the ventilation plan.
12. No person shall be permitted in the area of the mine-through operation inby the last open crosscut during active mining except those actually engaged in the operation, including company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.
13. The operator shall warn all personnel in the mine to the planned intersection of the well or branch prior to their

going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well or branch has been intersected.

14. The mine-through operation shall be under the direct supervision of a certified person. Instructions concerning the mine-through operation shall be issued only by the certified person in charge.
 15. All miners shall be in known locations and in constant two-way communications with the responsible person under 30 C.F.R. § 75.1501 when active mining occurs within the minimum working barrier of the well or branch.
 16. The responsible person required under 30 C.F.R. § 75.1501 is responsible for well intersection emergencies. The well intersection procedures must be reviewed by the responsible person prior to any planned intersection.
 17. A copy of the order shall be maintained at the mine and be available to the miners.
 18. The provisions of this order do not impair the authority of representatives of MSHA to interrupt or halt the mine-through operation and to issue a withdrawal order when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the mine-through operation and/or a withdrawal of personnel by issuing either a verbal or a written order to that effect to a representative of the operator, which order shall include the basis for the order. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption of mine-through operations. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.
- d. For subsequent intersections of branches of a well, appropriate procedures to protect the miners shall be specified in the ventilation plan.

4. MANDATORY PROCEDURES AFTER SDD INTERSECTIONS

- a. All intersections with SDD wells and branches that are in intake air courses shall be examined as part of the pre-shift examinations required under 30 C.F.R. § 75.360.
- b. All other intersection with SDD wells and branches shall be examined as part of the weekly examinations required under 30 C.F.R. § 75.364.

5. OTHER REQUIREMENTS

- a. Within 30 days after this Order becomes final, the operator shall submit proposed revisions for its approved 30 C.F.R. Part 48 training plan to the District Manager. These proposed revisions shall include initial and refresher training regarding compliance with the terms and conditions stated in the Order. The operator shall provide all miners involved in the mine-through of a well or branch with training regarding the requirements of this Order prior to mining within the minimum working barrier of the next well or branch intended to be mined through.
- b. Within 30 days after this Order becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required by 30 C.F.R § 75.1501. The operator shall revise the program to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised program within 30 days of the approval of the revised mine emergency evacuation and firefighting program of instruction.

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 Proposed Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

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