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## **DEPARTMENT OF LABOR**

### **Mine Safety and Health Administration**

#### **Affirmative Decisions on Petitions for Modification Granted in Whole or in Part**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This Federal Register Notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

**ADDRESSES:** Copies of the final decisions are posted on MSHA's Web Site at <http://www.msha.gov/READROOM/PETITION.HTM>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 201 12<sup>th</sup> Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist's desk in Suite 4E401.

**FOR FURTHER INFORMATION CONTACT:** Barbara Barron at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator

may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) an alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

## **II. Granted Petitions for Modification**

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- Docket Number: M-2013-055-C.

FR Notice: 79 FR 4177 (1/24/2014).

Petitioner: Signal Peak Energy, LLC, 100 Portal Drive, Roundup, Montana 59072.

Mine: Bull Mountains Mine No. 1, MSHA I.D. No. 24-01950, located in Musselshell County, Montana.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- Docket Number: M-2013-060-C.

FR Notice: 79 FR 11141 (2/27/2014).

Petitioner: Kimmel's Mining, Inc., P.O. Box 8, Williamstown, Pennsylvania 17098.

Mine: Williamstown Mine #1, MSHA I.D. No. 36-09435, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1400 (Hoisting equipment; general).

- Docket Number: M-2014-030-C.

FR Notice: 79 FR 64627 (10/30/2014).

Petitioner: M-Class Mining, LLC, 11351 N. Thompsonville Road, Macedonia, Illinois 62860.

Mine: MC#1 Mine, MSHA I.D. No. 11-03189, located in Franklin County, Illinois.

Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut return air; permissibility requirements).

- Docket Number: M-2015-022-C.

FR Notice: 80 FR 77024 (12/11/2015).

Petitioner: Speed Mining LLC, P.O. Box 99, Dawes, West Virginia 25054 .

Mine: Refuse Disposal Facility, MSHA I.D. No. 46-05437, located in Kanawha County, West Virginia.

Regulation Affected: 30 CFR 77.214(a) (Refuse piles; general).

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Sheila McConnell

Director

Office of Standards, Regulations, and Variances

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