



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: The Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification of mandatory safety standards. Any mine operator or representative of miners may petition for an alternative method of complying with an existing safety standard. MSHA reviews the content of each submitted petition, assesses the mine in question, and ultimately issues a decision on the petition. This notice includes a list of petitions for modification that were granted after MSHA's review and investigation, between July 1, 2022, and December 31, 2022.

ADDRESSES: Copies of the final decisions are posted on MSHA's website at <https://www.msha.gov/regulations/rulemaking/petitions-modification>. The public may inspect the petitions and final decisions in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except federal holidays. Before visiting MSHA in person, call 202-693-9455 to make an appointment, in keeping with the Department of Labor's COVID-19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), Noe.Song-Ae.A@dol.gov (email), or 202-693-9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101(c) of the Federal Mine Safety and Health Act of 1977, any mine operator or representative of miners may petition to use an alternative approach to comply with a mandatory safety standard. In response, the Secretary of Labor (Secretary) or his or her designee 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. In other instances, MSHA may deny, dismiss, or revoke a petition for modification. In accordance with 30 CFR 44.5, MSHA publishes every final action granting a petition for modification.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA granted or partially granted the petitions for modification below. Since the previous Federal Register notice (87 FR 42503) included petitions granted through June 30, 2022, the following are petitions granted between July 1, 2022, and December 31, 2022. The granted petitions are shown in the order that MSHA received them.

- Docket Number: M-2021-003-M

FR Notice: 86 FR 32065 (6/16/2021)

Petitioner: Tata Chemicals Soda Ash Partners, P.O. Box 551, Green River, Wyoming 82935.

Mine: Tata Chemicals Mine, MSHA ID No. 48-00155, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

- Docket Number: M-2021-005-M

FR Notice: 87 FR 8610 (2/15/2022)

Petitioner: U.S. Silica Company, Pacific Plant, 819 Osage Street, Missouri 63039.

Mine: Pacific Plant, MSHA ID No. 23-00544, located in Franklin County, Missouri.

Regulation Affected: 30 CFR 56.13020 (Use of compressed air).

- Docket Number: M-2021-006-C

FR Notice: 86 FR 24896 (5/10/2021)

Petitioner: Patton Mining, LLC., P.O. Box 457, Hillsboro, Illinois, 62049

Mine: Deer Run Mine, MSHA I.D. No. 11-03182, located in Montgomery County, Illinois.

Regulations Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance); and 18.35(a)(5)(i) (Portable (trailing) cables and cords).

- Docket Number: M-2021-025-C

FR Notice: 86 FR 40081 (7/26/2021)

Petitioner: Wolf Run Mining Company, 21550 Barbour County Highway, Philippi, West Virginia 26416.

Mine: Leer South Mine, MSHA ID No. 46-04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.1904(b)(6) (Underground diesel fuel tanks and safety cans).

- Docket Number: M-2021-027-C

FR Notice: 86 FR 46021 (8/17/2021)

Petitioner: Emery County Coal Resources, Inc., P.O. Box 910, East Carbon, Utah
84520.

Mine: Lila Canyon Mine, MSHA ID No. 42-02241, located in Carbon County, Utah.

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-2021-028-C

FR Notice: 86 FR 46021 (8/17/2021)

Petitioner: Emery County Coal Resources, Inc., P.O. Box 910, East Carbon, Utah
84520.

Mine: Lila Canyon Mine, MSHA ID No. 42-02241, located in Carbon County, Utah.

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

- Docket Number: M-2021-029-C

FR Notice: 86 FR 46021 (8/17/2021)

Petitioner: Emery County Coal Resources, Inc., P.O. Box 910, East Carbon, Utah
84520.

Mine: Lila Canyon Mine, MSHA ID No. 42-02241, located in Carbon County, Utah.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- Docket Number: M-2021-32-C

FR Notice: 86 FR 59430 (10/27/2021)

Petitioner: Consol Pennsylvania Coal Company LLC, 192 Crabapple Road, Wind
Ridge, Pennsylvania 15380.

Mine: Bailey Mine, MSHA ID No. 36-07230, located in Greene County,
Pennsylvania.

- Regulation Affected: 30 CFR 75.312(c) and (d) (Main mine fan examinations and records).
- Docket Number: M-2021-033-C
FR Notice: 86 FR 59428 (10/27/2021)
Petitioner: Consol Pennsylvania Coal Company LLC, 685 Patterson Creek Road, Sycamore, Pennsylvania 15364.
Mine: Harvey Mine, MSHA ID No. 36-10045, located in Greene County, Pennsylvania.
Regulation Affected: 30 CFR 75.312(c) and (d) (Main mine fan examinations and records).
 - Docket Number: M-2021-041-C
FR Notice: 86 FR 72630 (12/22/2021)
Petitioner: Bronco Utah Operations LLC, Hwy 10 South 550 West Consol Road, P.O. Box 527, Emery, Utah 84522.
Mine: Emery Mine, MSHA ID No. 42-00079, located in Emery County, Utah.
Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).
 - Docket Number: M-2021-043-C
FR Notice: 87 FR 10254 (02/23/2022)
Petitioner: Century Mining, LLC, 7004 Buckhannon Road, Volga, West Virginia 26238.
Mine: Longview Mine, MSHA ID No. 46-09447, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.1904(b)(6) (Underground diesel fuel tanks and safety cans).
 - Docket Number: M-2021-046-C

FR Notice: 87 FR 9644 (2/22/2022)

Petitioner: Prairie State Generating Company, LLC, 4274 County Highway 12, Marissa, Illinois, 62257.

Mine: Lively Grove Mine, MSHA ID No. 11-03193, located in St. Clair County, Illinois.

Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

- Docket Number: M-2022-006-C

FR Notice: 87 FR 24591 (4/26/2022)

Petitioner: ICG Beckley, LLC, P.O. Box 49, Eccles, West Virginia 25836.

Mine: Beckley Pocahontas Mine, MSHA ID No. 46-05252, located in Raleigh County, West Virginia.

Regulation Affected: 30 CFR 75.312(c) (Mine Fan Examination and Records).

- Docket Number: M-2022-006-M

FR Notice: 87 FR 14297 (3/14/2022)

Petitioner: Nevada Gold Mines, LLC, 1655 Mountain City Highway, Elko, Nevada 89801.

Mine: Turquoise Ridge Mine, MSHA ID No. 26-02286, located in Humboldt County, Nevada.

Regulation Affected: 30 CFR 57.11052(d) (Refuge areas).

- Docket Number: M-2022-009-C

FR Notice: 87 FR 38188 (6/27/2022)

Petitioner: American Consolidated Natural Resources, Inc., 46226 National Road, St. Clairsville, Ohio 43950.

Mines: Ohio County Mine, MSHA ID No. 46-01436, located in Marshall County,

West Virginia; Marshall County Mine, MSHA ID No. 46-01437, located in Marshall

County, West Virginia; Marion County Mine, MSHA ID No. 46-01433, located in Marion County, West Virginia; and Harrison County Mine, MSHA ID No. 46-01318, located in Harrison County, West Virginia.

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

- Docket Number: M-2022-010-C

FR Notice: 87 FR 38187 (6/27/2022)

Petitioner: American Consolidated Natural Resources, Inc., 46226 National Road, St. Clairsville, Ohio 43950.

Mines: Ohio County Mine, MSHA ID No. 46-01436, located in Marshall County, West Virginia; Marshall County Mine, MSHA ID No. 46-01437, located in Marshall County, West Virginia; Marion County Mine, MSHA ID No. 46-01433, located in Marion County, West Virginia; and Harrison County Mine, MSHA ID No. 46-01318, located in Harrison County, West Virginia.

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

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Director,

Office of Standards, Regulations, and Variances.