



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 governs 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, 2024, and December 31, 2024.

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. To arrange an in-person visit, call 202-693-9455 or contact petitionsformodification@dol.gov.

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 (89 FR 68208) included petitions granted through June 30, 2024, the following are petitions granted between July 1, 2024, and December 31, 2024. The granted petitions are shown in the order that MSHA received them.

- Docket Number: M-2023-009-C

FR Notice: 88 FR 55732 (08/16/2023)

Petitioner: Peabody Twentymile Coal Mining, LLC, 29515 Routt County Road 27, Oak Creek, Colorado 80467.

Mine: Foidel Creek Mine, MSHA ID No. 05-03836, located in Routt County, Colorado.

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

- Docket Number: M-2023-010-C

FR Notice: 88 FR 55724 (08/16/2023)

Petitioner: Peabody Twentymile Coal Mining, LLC, 29515 Routt County Road 27, Oak Creek, Colorado 80467.

Mine: Foidel Creek Mine, MSHA ID No. 05-03836, located in Routt County, Colorado.

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

- Docket Number: M-2023-011-C

FR Notice: 88 FR 55730 (08/16/2023)

Petitioner: Peabody Twentymile Coal Mining, LLC, 29515 Routt County Road 27, Oak Creek, Colorado 80467.

Mine: Foidel Creek Mine, MSHA ID No. 05-03836, located in Routt County, Colorado.

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

- Docket Number: M-2023-025-C

FR Notice: 89 FR 7413 (02/02/2024)

Petitioner: Panther Creek Mining, LLC, 903 Dawes Hollow, Dawes, West Virginia 25054.

Mine: Winchester 2 Mine, MSHA ID No. 46-09615, located in Kanawha County, West Virginia.

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

- Docket Number: M-2023-026-C

FR Notice: 89 FR 7415 (02/02/2024)

Petitioner: Panther Creek Mining, LLC, 903 Dawes Hollow, Dawes, West Virginia 25054.

Mine: Winchester 2 Mine, MSHA ID No. 46-09615, located in Kanawha County, West Virginia.

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

Song-ae Aromie Noe,

Director,

Office of Standards, Regulations, and Variances.

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