

Signed in Washington, DC, this 7th day of April, 2003.

Jesús Salinas,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

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

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101 of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor (Secretary) may allow the modification of the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA, as designee of the Secretary, has granted or partially granted the requests for modification listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision. The term AFR Notice" appears in the list of affirmative decisions below. The term refers to the **Federal Register** volume and page where MSHA published a notice of the filing of the petition for modification.

FOR FURTHER INFORMATION: Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2352, Arlington, Virginia 22209. Contact Barbara Barron at 202-693-9447.

Dated in Arlington, Virginia this 16th day of April, 2003.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-2002-003-C.

FR Notice: 67 FR 11717.

Petitioner: Knott County Mining Company.

Regulation Affected: 30 CFR 75.900.

Summary of Findings: Petitioner's proposal is to use contactors to obtain under-voltage protection instead of using circuit breakers and to train all qualified persons who perform work on the equipment and circuits on safe maintenance procedures. This is considered an acceptable alternative method for the Mallet Branch Mine. MSHA grants the petition for modification to allow the use of contactors to provide under-voltage, grounded phase, and monitor the grounding conductors for low voltage power circuits serving three-phase alternating current equipment, other than portable and mobile equipment, located at the Mallet Branch Mine with conditions.

Docket No.: M-2002-005-C.

FR Notice: 67 FR 11718.

Petitioner: Cannelton Industries, Inc.

Regulation Affected: 30 CFR 75.503 (18.41(f) of part 18).

Summary of Findings: Petitioner's proposal is to use a spring-loaded device on battery plug connectors on mobile battery-powered machines in lieu of a padlock to prevent the plug connector from accidentally disengaging while under load and provide a warning tag that states "Do Not Disengage Under Load" on all battery plug connectors. This is considered an acceptable alternative method for the Mine No. 130 and Shadrack Mine. MSHA grants the petition for modification for use at the Mine No. 130 and Shadrack Mine with conditions.

Docket No.: M-2002-006-C.

FR Notice: 67 FR 11718.

Petitioner: Point Mining, Inc.

Regulation Affected: 30 CFR 75.503 (18.41(f) of part 18).

Summary of Findings: Petitioner's proposal is to use a threaded ring and a spring-loaded device on battery plug connectors on mobile battery-powered machines instead of using padlocks to prevent the plug connector from accidentally disengaging while under load, and to provide instructions to all persons who operate or maintain the battery-powered machines on the safe practices and provisions for complying

with the alternative method. This is considered an acceptable alternative method for the Campbells Creek No. 4 Mine. MSHA grants the petition for modification for use at the Campbells Creek No. 4 Mine with conditions.

Docket No.: M-2002-007-C.

FR Notice: 67 FR 13196.

Petitioner: Solid Rock Construction, Inc.

Regulation Affected: 30 CFR 75.503 (18.41(f) of part 18).

Summary of Findings: Petitioner's proposal is to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that use of padlocks to secure battery plugs would result in a diminution of safety to the miners. This is considered an acceptable alternative method for the No. 1 Mine. MSHA grants the petition for modification for use at the No. 1 Mine with conditions.

Docket No.: M-2002-008-C.

FR Notice: 67 FR 13196.

Petitioner: Aaron Coal Company, LLC.

Regulation Affected: 30 CFR 75.503 (18.41(f) of part 18).

Summary of Findings: Petitioner's proposal is to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks would result in a diminution of safety to the miners. This is considered an acceptable alternative method for the No. 2 Mine. MSHA grants the petition for modification to permit the use of a spring-loaded device with specific fastening characteristics in lieu of a padlock to secure plugs and electrical type connectors to batteries and to the permissible mobile battery-powered equipment for use at the No. 2 Mine with conditions.

Docket No.: M-2002-019-C.

Petitioner: White County Coal, LLC.

Regulation Affected: 30 CFR 75.503 (18.41(f) of part 18).

Summary of Findings: Petitioner's proposal is to use a round, eye-bolt snap spring-loaded locking device to secure screw caps in place on battery plugs of battery operated scoops and tractors in lieu of using its presently approved bolt