

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 CONTACT: 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 at Arlington, Virginia this 19th day of June 2003.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-2001-027-C.

FR Notice: 66 FR 30232.

Petitioner: Eighty-four Mining Company.

Regulation Affected: 30 CFR 75.312(c).

Summary of Findings: Petitioner's proposal is to test automatic closing doors and the automatic fan signal devices at least every 31 days without shutting down the fan and without removing miners from the mine, to eliminate the hazards associated with shutting down the fan. This is considered an acceptable alternative method for the Mine 84. MSHA grants the petition for modification for tests of (1) the automatic fan stoppage signal device; and (2) the automatic closing air flow reversal prevention doors to be performed without shutting down the mine fan without removing the miners from the mine at the Mine 84 with conditions.

Docket No.: M-2001-061-C.

FR Notice: 66 FR 34466.

Petitioner: Cumberland River Coal Company.

Regulation Affected: 75.364(b)(2) & (4).

Summary of Findings: Petitioner's proposal is to establish two monitoring stations to evaluate the air entering and leaving the area of the return air course where the roof is deteriorating. The petitioner will have a certified person examine the monitoring stations on a weekly basis and record the date, his/her initials, time of examination, and the quantity and quality of air in a book or on a date board maintained on the surface of the mine and made accessible to all interested parties. This is considered an acceptable alternative method for the Band Mill Mine. MSHA grants the petition for modification for the examination of approximately 600 feet of unsafe-to-travel air course in the 2 East Submains which ventilates the 1-Left Panel off of 2 East Submain mine seals at the Band Mill Mine with conditions.

Docket No.: M-2001-075-C.

FR Notice: 66 FR 41891.

Petitioner: Rockhouse Creek Development Corporation.

Regulation Affected: 30 CFR 75.1103-4(a).

Summary of Findings: Petitioner's proposal is to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries. This is considered an acceptable alternative method for the No. 1 Deep Mine. MSHA grants the petition for modification for the use of a carbon monoxide monitoring system that identifies the location of sensors in lieu of identifying belt flights at the No. 1 Deep Mine with conditions.

Docket No.: M-2001-103-C.

FR Notice: 66 FR 64993.

Petitioner: Consol Pennsylvania Coal Company.

Regulation Affected: 30 CFR 75.312(c) and (d).

Summary of Findings: Petitioner's proposal is to test automatic closing doors and the automatic fan signal devices at least every 31 days without shutting down the fan and without removing miners from the mine, to eliminate the hazards associated with shutting down the fan. This is considered an acceptable alternative method for the Enlow Fork Mine. MSHA grants the petition for modification for tests of (1) the automatic fan stoppage signal device; and (2) the automatic closing air flow reversal prevention doors to be performed without shutting down the mine fan without removing the miners from the mine at the Enlow Fork Mine with conditions.

Docket No.: M-2001-106-C.

FR Notice: 67 FR 1368.

Petitioner: Aracoma Coal Company.

Regulation Affected: 30 CFR 75.900.

Summary of Findings: Petitioner's proposal is to use a properly rated vacuum contactor for under-voltage circuit protection and phase circuit protection. The petitioner proposes to also use a neutral grounding resistor not more than 15 amperes for 480-volt circuit and/or over-current circuit protection, and conduct monthly examinations on each circuit for proper operation of the contactor and actuated under-voltage and grounded phase trip devices. This is considered an acceptable alternative method for the Aracoma Alma Mine No. 1. 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 and medium-voltage power circuits serving three-phase alternating current equipment located at the Aracoma Alma Mine with conditions.

Docket No.: M-2001-113-C.

FR Notice: 67 FR 07551.

Petitioner: Centralia Mining.

Regulation Affected: 30 CFR 49.2(b).

Summary of Findings: Petitioner's proposal is to permit the reduction of two mine rescue teams with five members and one alternate each, to two mine rescue teams or three members with one alternate who serves both teams at its Skidmore Slope Mine. This is considered an acceptable alternative method for use at the Skidmore Slope Mine. MSHA grants the petition for modification for the Skidmore Slope Mine to allow each of the two mine rescue teams to include three members with one alternate who serves both