

fire hose to reach the well location on the working face will be available near the working place; (8) sufficient supplies of roof support and ventilation materials will be available near the working place; (9) the quantity of air required by the approved ventilation system and methane and dust control plan, will be used to ventilate the working face, or the longwall face during the mining through operation; (10) equipment will be checked for permissibility and serviced on the shift, and the methane monitor on the longwall or continuous mining machine will be calibrated on the shift, prior to mining through the well; (11) tests for methane will be made with a hand-held methane detector when mining is in progress, at least every 10 minutes from the time mining with the continuous mining machine is within 30 feet of the well until the well is intersected and immediately prior to mining through or the resumption of mining after a well is intersected. When mining with longwall equipment, the tests for methane will be made at least every 10 minutes when the longwall face is within 10 feet of the well; (12) when using continuous mining methods, the working place will be free from accumulations of coal dust and coal spillages and rock dust will be placed on the roof and rib, within 20 feet of the face when mining through the well; (13) all equipment will be de-energized when the well is intersected and the place will be thoroughly examined and determined safe before mining resumes. Any well casing will be removed and no open flame will be permitted in the area until adequate ventilation has been established around the wellbore; (14) after the well has been intersected and the working place determined safe, mining will continue in by the well at a sufficient distance to permit adequate ventilation around the area of the wellbore; (15) only persons engaged in the operation will be permitted in the area of the mining through operation, in by the last open crosscut, such as company personnel, representatives of miners, MSHA personnel and personnel from the appropriate State agency. The mining through operation will be under the direct supervision of a certified official and only the certified official will issue instructions concerning the mining through operation; and (16) for the safety of the miners, MSHA personnel may interrupt or halt the mining through operation when necessary. Persons may review a complete description of the petitioner's alternative method and procedures at the MSHA address listed in this notice.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection to all miners at the Blacksville No. 2 Mine as would be provided by the existing standard.

*Docket Number:* M-2009-022-C.

*Petitioner:* RFI Energy, Inc., 4740 Corridor Place, Suite D, Beltsville, Maryland.

*Mine:* RFI Strip & Tipple, MSHA I.D. No. 36-08763, located in Clarion County, Pennsylvania.

*Regulation Affected:* 30 CFR 77.1301(f) (Explosives and blasting).

*Modification Request:* The petitioner requests a modification of the existing standard to permit its explosives storage magazines to be maintained off-site in their current location, closer than 25 feet to each other, provided that the total contents of both magazines do not exceed the maximum weight for explosives set forth in the US Bureau of Alcohol, Tobacco & Firearms (BATF) Table of Distances. The petitioner states that: (1) The current configuration was previously approved by the BATF and is consistent with the terms of the permit issued to RFI Energy for these magazines by the State of Pennsylvania; (2) to reconfigure the magazines and move one magazine outside the existing enclosed structure would impose prohibitive expense without any commensurate safety improvements, and would place RFI Energy in violation of its existing BATF and Pennsylvania permits for explosives storage; (3) it would be unduly burdensome to relocate the magazines because of the requirements RFI Energy must meet to conform to BATF, and Pennsylvania Department of Homeland Security, as well as MSHA's acceptance of this storage practice during previous inspections conducted by the Agency on behalf of BATF; and (4) in light of the small amounts of explosives regularly stored in the magazines, the lack of the magazines' proximity to roadways, housing, or human traffic, full compliance with a Federal agency (BATF) that has primary jurisdiction over explosives storage requirements, and the rules promulgated and permits granted to RFI Energy by the Pennsylvania Department of Homeland Security for explosives storage, RFI Energy should not be required to expend prodigious amounts of money, time, or physical effort and to violate its existing explosives permits in order to comply with MSHA's explosives storage regulations which, according to the most recent MSHA semi-annual regulatory agenda are slated for revision to harmonize more appropriately with those regulations of the BATF. The

petitioner further states that the alternative method provides equivalent or superior safety to the application of the standard, is already in compliance with BATF and the Pennsylvania Department of Homeland Security, and MSHA has acknowledged in the pending citation that it is unlikely that any injuries would occur given the current scenario.

Dated: December 15, 2009.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. E9-30157 Filed 12-18-09; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of petitions for modification of existing mandatory safety standards.

**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 notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

**DATES:** All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before January 20, 2010.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* [Standards-Petitions@dol.gov](mailto:Standards-Petitions@dol.gov).

2. *Facsimile:* 1-202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express

on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Barbara Barron, Office of Standards, Regulations and Variances 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. Background**

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

**II. Petitions for Modification**

*Docket Number:* M-2009-023-C.

*Petitioner:* Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.

*Mine:* Deserado Mine, MSHA I. D No. 05-03505, located in Rio Blanco County, Colorado.

*Regulation Affected:* 30 CFR 75.380(d)(4)(iv) (Escapeways; bituminous and lignite mines).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance by allowing a reduction in the required width of at least six feet of the working section's alternate escapeway so that the alternate escapeway can be moved to the conveyor belt haulage entry. The reduction in the required width of at least six feet will be between the mobile equipment and the conveyor belt structure for a distance of up to 500 feet. The Deserado Mine has mobile power center equipment and related cables suspended from a monorail in the haulage entry offset from and parallel to the conveyor belt. The reduced width in

the proposed alternate escapeway will be between the belt structure and the hanging cables and power center equipment. The petitioner states that: (1) The power center and related cables and hydraulic hoses will be classified as "mobile equipment" thereby allowing a reduction in the alternate escapeway between the belt structure and mobile equipment; and (2) the conditions in the proposed location for the alternate escapeway in the working section are similar to those in the alternate escapeway already approved and in use in the belt entry near the headgate of the longwall section. The petitioner further states that the following precautions will be taken: (a) Reflective signs indicating "Limited Clearance" will be posted and maintained at both ends of the entire affected area where the clearance is less than 6 feet; (b) all employees required to work on the development section in by the affected area will be instructed on the impact of limited clearance and the importance of maintaining the escapeway in safe and travelable condition; (c) the walkway will be kept free of all hazards and obstructions, and all extraneous material not essential to the mining process, such as spare parts, loose rock and debris, will be removed to ensure a safe travelable walkway; (d) roof bolts installed as primary roof supports will not be used in mounting the monorail system, and supplemental roof bolts will be utilized for mounting the monorail system; and (e) roof bolts used to support the monorail will be of suitable length or type to assure the monorail is anchored in competent roof or designed for the roof structure and will be of suitable strength to support the monorail and the suspended equipment. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

*Docket Number:* M-2009-024-C.

*Petitioner:* Lone Mountain Processing, Inc., Drawer C, St. Charles, Virginia 24282.

*Mine:* Clover Fork No. 1 Mine, MSHA I.D. No. 15-18647, Huff Creek No. 1 Mine, MSHA I.D. No. 15-17234, and Darby Fork No. 1 Mine, MSHA I.D. No. 15-02263, all located in Harlan County, Kentucky.

*Regulation Affected:* 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35 (Portable trailing cables and cords).

*Modification Request:* The petitioner requests a modification of the existing standard to permit: (1) The maximum length of the 480-volt trailing cables

supplying power to the permissible pumps to be 5000 feet, and no greater than 30 horsepower; (2) the minimum kilovolt-ampere (KVA) rating of the power center supplying power to the pumps to be no less than 500 KVA; (3) the trailing cables for the 480-volt permissible pumps that are longer than 550 feet to not be smaller than No. 6 American Wire Gauge (AWG); (4) all circuit breakers used to protect No. 6 AWG trailing cables exceeding 550 feet in length to have instantaneous trip units calibrated to trip at 60 amperes. The trip setting of the circuit breakers will be sealed or locked so that the setting cannot be changed, and will have permanent, legible labels. Each label will be maintained legible and will identify the circuit breaker as being suitable for protecting No. 6 AWG cables; (5) replacement instantaneous trip units used to protect No. 6 AWG trailing cables to be calibrated to trip at 60 amperes, and the setting to be sealed or locked; (6) all circuit breakers used to protect No. 2 AWG trailing cables exceeding 700 feet in length to have instantaneous trip units calibrated to trip at 150 amperes. The trip setting of the circuit breakers will be sealed or locked so that the setting cannot be changed, and will have permanent, legible labels. Each label will be maintained legible and will identify the circuit breaker as being suitable for protecting No. 2 AWG cables; (7) replacement instantaneous trip units used to protect No. 2 AWG trailing cables to be calibrated to trip at 150 amperes and the setting to be sealed or locked; (8) all components that provide short-circuit protection to have a sufficient interruption rating in accordance with the maximum calculated fault currents available; a short-circuit current setting that will not exceed the setting specified in the approval documentation or 70 percent of the minimum available current, whichever is less; (9) permanent warning labels to be installed and maintained on the cover(s) of the power center or distribution box identifying the location of each sealed short-circuit protective device. These labels will warn miners not to change or alter these sealed short-circuit breaker settings. The petitioner states that: (1) Within 60 days after the Proposed Decision and Order becomes final, proposed revisions for its approved 30 CFR part 48 training plan, at any of the listed mines, will be submitted to the Coal Mine Safety and Health District Manager. The training plan will include: (a) Training in the mining methods and operating procedures for protecting the trailing

cables against damage; (b) training in proper procedures for examining the trailing cables to ensure they are in safe condition; (c) training in the hazards of setting short-circuit interrupting device(s) too high to adequately protect the trailing cables; and (d) training in how to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-025-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Sufco Mine, MSHA I.D. No. 42-00089, located in Sevier County, Utah.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane

immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the last open crosscut; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-026-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Sufco Mine, MSHA I.D. No. 42-00089, located in Sevier 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).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total

station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in return air will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air out of the return; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to

the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-027-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Sufco Mine, MSHA I.D. No. 42-00089, located in Sevier County, Utah.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings or longwall faces, as it pertains to use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane

immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings or longwall faces; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings or longwall faces; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the area within 150 feet of pillar workings or longwall faces; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-028-C.

*Petitioner:* Mountain Coal Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80802.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic

distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the last open crosscut; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part

48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-029-C.

*Petitioner:* Mountain Coal Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in return air will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will

continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air out of the return; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-030-C.

*Petitioner:* Mountain Coal Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings or longwall faces, as it pertains to use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated

mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings or longwall faces; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings or longwall faces; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the area within 150 feet of pillar workings or longwall faces; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the

equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-031-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Dugout Canyon Mine, MSHA I.D. No. 42-01890, located in Carbon County, Utah.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA

upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the last open crosscut; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-032-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Dugout Canyon Mine, MSHA I.D. No. 42-01890, 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).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-

voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in return air will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air out of the return; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with

all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-033-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Dugout Canyon Mine, MSHA I.D. No. 42-01890, located in Carbon County, Utah.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings or longwall faces, as it pertains to use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the

results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings or longwall faces; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings or longwall faces; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the area within 150 feet of pillar workings or longwall faces; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-034-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Skyline #3 Mine, MSHA I.D. No. 42-01566, located in Carbon County, Utah.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of battery-powered non-permissible surveying equipment in or inby the last open crosscut, as it pertains to the use of non-permissible surveying equipment including, but not limited to, low-

voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in or inby the last open crosscut will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the last open crosscut; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the

equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-035-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Skyline #3 Mine, MSHA I.D. No. 42-01566, 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).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment in return airways, as it pertains to the use of non-permissible surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. Petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used in return air will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure

that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment in or inby the last open crosscut; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn outby the last open crosscut; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air out of the return; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

*Docket Number:* M-2009-036-C.

*Petitioner:* Canyon Fuel Company, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Skyline #3 Mine, MSHA I.D. No. 42-01566, located in Carbon County, Utah.

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to permit the use of battery-powered non-permissible surveying equipment within 150 feet of pillar workings or longwall faces, as it pertains to use of non-permissible

surveying equipment, including, but not limited to, low-voltage or battery-powered non-permissible survey equipment, portable battery-operated mine transits, total station surveying equipment, electronic distance meters, and other equipment that may have to be used including tools such as data loggers and laptop computers. The petitioner proposes the following: (a) Non-permissible electronic surveying equipment may be used when equivalent permissible electronic surveying equipment is not available. Such non-permissible surveying equipment includes portable battery-powered total station surveying equipment, mine transits, distance meters and data loggers; (b) all non-permissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined prior to use to ensure the equipment is being maintained in a safe operating condition. These checks will include: (i) Checking the instrument for any physical damage and the integrity of the case; (ii) removing the battery and inspecting it for corrosion; (iii) inspecting the contact points to ensure a secure connection to the battery; (iv) reinserting the battery and powering up and shutting down to ensure proper connections; and (v) checking the battery compartment cover to ensure that it is securely fastened; (c) record the results of the inspection and retain for one year, and make available to MSHA upon request; (d) a qualified person will continuously monitor for methane immediately before and during the use of non-permissible surveying equipment within 150 feet of pillar workings or longwall faces; (e) non-permissible surveying equipment will not be used if methane is detected in concentrations at or above the levels specified in 30 CFR 75.323, for the area being surveyed. When methane is detected at such level while the non-permissible surveying equipment is being used, the equipment will be de-energized immediately and the non-permissible electronic equipment withdrawn further than 150 feet from pillar workings or longwall faces; (f) all hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition; (g) batteries contained in the surveying equipment must be changed-out or charged in intake air outby the area within 150 feet of pillar workings or longwall faces; (h) qualified personnel engaged in the use of surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of non-permissible surveying equipment in

areas where methane could be present; (i) the non-permissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions in this petition; and (j) submit proposed revisions for the part 48 training plan to the District Manager, which will include specified initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the standard.

Dated: December 15, 2009.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. E9-30158 Filed 12-18-09; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of petitions for modification of existing mandatory safety standards.

**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 notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

**DATES:** All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before January 20, 2010.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* [Standards-Petitions@dol.gov](mailto:Standards-Petitions@dol.gov).

2. *Facsimile:* 1-202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, *Attention:* Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, *Attention:* Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Barron, Office of Standards, Regulations and Variances 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. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

#### II. Petitions for Modification

*Docket Number:* M-2009-042-C.

*Petitioner:* Bledsoe Coal Corporation, Route 2008, Box 351 A, Big Laurel, Kentucky 40808.

*Mine:* Abner Branch Mine, MSHA I. D No. 15-19132 Leslie County, Kentucky.

*Regulation Affected:* 30 CFR 75.503 (Permissible electric face equipment; maintenance).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the maximum length of trailing cables to be increased for supplying power to permissible pumps in the mine. The petitioner states that: (1) This petition will apply only to trailing cables supplying three-phase,

480-volt power for permissible pumps; (2) the maximum length of the 480-volt power for permissible pump will be 4000 feet; (3) the 480-volt power to permissible pump trailing cables will not be smaller than #6 American Wire Gauge (AWG); (4) all circuit breakers used to protect trailing cables exceeding the pump approval length or Table 9 of Part 18 will have an instantaneous trip unit calibrated to trip at 75 percent of phase to phase short circuit current. The trip setting of these circuit breakers will be sealed or locked, the circuit breakers will have permanent, legible labels, each label will identify the circuit breaker as being suitable for protecting the trailing cables, and the labels will be maintained legible. In instances where a 75 percent instantaneous set point will not allow a pump to start due to motor inrush, a thermal magnetic breaker will be furnished. The thermal rating of the circuit breaker will be no greater than 75 percent of the available short circuit current and the instantaneous setting will be adjusted 1 setting above the motor inrush trip point. This setting will be sealed or locked; (5) replacement instantaneous trip units used to protect pump trailing cables exceeding the length of item #4 will be calibrated to trip at 75 percent of the available phase to phase short circuit current and this setting will be sealed or locked; (6) permanent warning labels will be installed and maintained on the cover(s) of the power center to identify the location of each sealed or locked short-circuit protection device. The labels will warn miners not to change or alter the short circuit settings; (7) the mines current pump circuits that have greater lengths than approved or in Table 9 are attached to the petition. All future pump installation with excessive cable lengths will have a short circuit survey conducted and item 1-6 will be implemented. A copy of each pumps short circuit survey will be available at the mine site for inspection; (8) the alternative method will not be implemented until miners who have been designated to examine the integrity of seals or locks, have received the elements of training to verify the short-circuit settings and the proper procedures for examining trailing cables for defects and damage. The petitioner further states that: (1) Within 60 days after the Proposed Decision and Order becomes final, proposed revisions for approved 30 CFR part 48 training plans at any of the listed mines will be submitted to the Coal Mine Safety and Health District Manager. The training plan will include: (a) Training in the mining methods and operating