

(a) All miners who will be involved with or affected by the use of the 3M Versaflo TR-800 or CleanSpace EX PAPRs shall receive training in accordance with 30 CFR 48.7 on the requirements of the Proposed Decision and Order (PDO) granted by MSHA and manufacturer guidelines. Such training shall be completed before any 3M Versaflo TR-800 or CleanSpace EX PAPR can be used in by the last open crosscut or in the return air outby the last open crosscut. The operator shall keep a record of such training and provide such record to MSHA upon request.

(b) The PAPRs, battery packs, all associated wiring and connections shall be inspected before use to determine if there is any damage to the units that would negatively impact intrinsic safety. If any defects are found, the PAPR shall be removed from service.

(c) A separate logbook shall be maintained for the 3M Versaflo TR-800 and CleanSpace EX PAPRs that will be kept with the equipment, or in a location with other mine record books and shall be made available to MSHA upon request. The equipment shall be examined at least weekly by a qualified person as defined in 30 CFR 75.512-1 and the examination results recorded in the logbook. Examination records shall be maintained for one year.

(d) All 3M Versaflo TR-800 and CleanSpace EX PAPRs to be used in by the last open crosscut or in the return air outby the last open crosscut shall be physically examined prior to initial use and each unit shall be assigned a unique identification number. Each unit shall be examined by the person to operate the equipment prior to taking the equipment underground to ensure the equipment is used according to the original equipment manufacturer's recommendations and maintained in a safe operating condition. The examinations for the 3M Versaflo TR-800 PAPRs shall include:

(1) Check the equipment for any physical damage and the integrity of the case.

(2) Remove the battery and inspect for corrosion.

(3) Inspect the contact points to ensure a secure connection to the battery.

(4) Reinsert the battery and power up and shut down to ensure proper connections.

(5) Check the battery compartment cover or battery attachment to ensure that it is securely fastened.

(6) For equipment utilizing lithium type cells, ensure that lithium cells and/or packs are not damaged or swelled in size.

The CleanSpace EX PAPR does not have an accessible/removable battery. The internal battery and motor/blower assembly are both contained within the "power unit" assembly and the battery cannot be removed, reinserted or fastened. Therefore, examination of the CleanSpace EX PAPR shall include any indications of physical damage.

(e) All 3M Versaflo TR-800 and CleanSpace EX PAPR units shall be serviced according to the manufacturer's recommendations.

(f) Prior to energizing and during use of the 3M Versaflo TR-800 or the CleanSpace EX PAPR in by the last open crosscut or in the return air outby the last open crosscut, procedures in accordance with 30 CFR 75.323 shall be followed.

(g) Only the 3M TR-830 Battery Pack, which meets lithium battery safety standard UL 1642 or IEC 62133, in the 3M Versaflo TR-800 PAPR shall be used. Only the CleanSpace EX Power Unit, which meets lithium battery safety standard UL 1642 or IEC 62133, in the CleanSpace EX shall be used.

(h) If battery packs for the 3M Versaflo TR-800 PAPR are provided, all battery "change outs" shall occur in intake air outby the last open crosscut.

(i) The following maintenance and use conditions shall apply to equipment containing lithium type batteries:

(1) Neither the 3M TR-830 Battery Pack nor the CleanSpace EX Power Unit shall be disassembled nor modified by anyone other than permitted by the manufacturer of the equipment.

(2) The 3M TR-830 Battery Pack shall be charged only in an area free of combustible material and in intake air outby the last open crosscut. The 3M TR-830 Battery Pack shall be charged only by a manufacturer's recommended battery charger, such as the:

(i) 3M Battery Charger Kit TR-641N, which includes one 3M Charger Cradle TR-640 and one 3M Power Supply TR-941N, or,

(ii) 3M 4-Station Battery Charger Kit TR-644N, which includes four 3M Charger Cradles TR-640 and one 3M 4-Station Battery Charger Base/Power Supply TR-944N.

(3) The CleanSpace EX internal battery, which is contained within the power unit assembly, shall be charged in areas located outby the last open crosscut in intake air and only the manufacturer's recommended battery chargers shall be used, such as the CleanSpace EX Battery Charger, Product Code PAF-0066.

(4) Neither the 3M TR-830 Battery Pack nor the CleanSpace EX power unit which contains the internal battery, shall be exposed to water, allowed to get

wet or immersed in liquid. This does not preclude incidental exposure of the 3M TR-830 Battery Pack or the CleanSpace EX power unit assembly.

(5) Neither the 3M Versaflo TR-800 PAPR nor the CleanSpace EX PAPR, including the internal battery, shall be used, charged or stored in locations where the manufacturer's recommended temperature limits are exceeded. Neither the 3M Versaflo TR-800 PAPR nor the CleanSpace EX PAPR shall be placed in direct sunlight nor stored near a source of heat.

(j) Annual retraining shall be given to all miners who will be involved with or affected by the use of the 3M Versaflo TR-800 or CleanSpace EX PAPRs in accordance with 30 CFR 48.8. Training of new miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.5, and training of experienced miners on the requirements of the PDO granted by MSHA in accordance with 30 CFR 48.6 shall be given. The operator shall keep a record of such training and provide such record to MSHA upon request.

(k) The miners at Hamilton County Coal, LLC, Mine No. 1 Mine, are not represented by a labor organization and there are no representatives of miners at the mine. A copy of this petition has been posted on the bulletin board at Hamilton County Coal, LLC, Mine No. 1 Mine, on August 29, 2024.

The petitioner asserts that the alternative method in the petition will at all times guarantee no less than the same measure of protection afforded to the miners by the standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

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BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Northern Star (Pogo), LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before November 4, 2024.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2024–0047 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2024–0047.

2. *Fax:* 202–693–9441.

3. *Email:* petitioncomments@dol.gov.

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk, 4th Floor West. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. 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, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), Petitionsformodification@dol.gov (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

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 of Labor 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. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2024–002–M.

Petitioner: Northern Star (Pogo), LLC, 3204 International Street, Fairbanks, AK 99702.

Mine: Pogo Mine, MSHA ID No. 50–01642, located in Southeast Fairbanks, Alaska.

Regulation Affected: 30 CFR 57.11052, Refuge areas.

Modification Request: The petitioner requests a modification of 30 CFR 57.11052 to allow the use of sealed, purified drinking water in lieu of providing potable water through waterlines in refuge areas.

The petitioner states that:

(a) Pogo Mine is an underground portal gold mine that began producing in 2005 and has permitting to continue mining through 2030.

(b) Pogo Mine currently has 14 refuge chambers and 10 entrapment chambers located throughout the underground portion of the mine. In these purpose-built refuge chambers, drinkable water has always been supplied via commercially purchased water in sealed bottles. Fire suppression is provided with fire extinguishers on the exterior and fire blankets on the interior.

(c) Each refuge chamber cut out is provided with a waterline. However, due to the configuration and condition of the waterlines and the quality of the water source, the water flowing through these lines is not potable. Installing waterlines that provide potable drinking water to each refuge chamber is not feasible due to the lack of essential infrastructure. Given the non-potable nature of the water and the potential for waterline damage, there is no guarantee that potable drinking water can be provided via the waterlines, as could be interpreted by 30 CFR 57.11052(d). Application of the standard could adversely impact the safety of miners using the refuge if they were to rely on the waterlines that run throughout the mine to the refuge chambers. The alternative method of storing sealed, purified water inside each refuge chamber provides certainty that miners will have sanitary drinking water available to them, regardless of the current condition of the water supply or the nature of any emergency that might occur in the future.

(d) All refuge and entrapment chambers at Pogo Mine are portable. By allowing the use of refuge and entrapment chambers that are not connected to waterlines, the mine will have greater flexibility in the locating of the chambers. This will allow the chambers to continue to be located near where miners are working, and to be relocated more quickly to working areas where needed. Additionally, when damage or corrosion occur in the waterline connections it has forced the mine to pull refuge chambers from service due to water damage internally.

This reduces the number of available assets in the event of an emergency.

(e) All refuge and entrapment chambers meet all criteria for safe areas of refuge to include steel (non-combustible) construction throughout, large enough to accommodate readily the normal number of persons in that area of the mine, constructed so they are gas tight with positive pressure to expel potential harmful gasses, and provided with compressed air lines and suitable hand tools for getting chambers in service. Water and stopping materials are not needed for miners to be protected during an emergency if they were to seek refuge per the manufacturer's recommendations for use.

(f) The manufacturer cautions use of water as potential fire suppression internally. This should be avoided to prevent damage and compromise of air scrubbing units. Standard firefighting practices also caution that use of water for firefighting in a sealed enclosed space would create more hazards from steam production and arcing of electronics used, potentially injuring miners and making the units less safe.

(g) The petitioner proposes that the Proposed Decision and Order (PDO) granted by MSHA apply to all existing refuge chambers and to future refuge chambers and locations.

(h) The alternative method in the petition will always guarantee no less than the same measure of protection afforded to the miners by the standard.

The petitioner proposes the following alternative method:

(a) The 14 portable refuge chambers in use at Pogo Mine are MineARC, Bost, and DEA refuge chambers and are made of steel. Each of these portable refuge chambers is equipped for a capacity of 8 to 20 miners depending on which unit is in the area. The combined capacity of the refuge chambers far exceeds the normal maximum work crew of approximately 100 miners underground on any given day during any shift.

(b) Drinking water shall continue to be supplied via commercially purchased water in sealed individual portions in each refuge chamber. The water is currently supplied by the case and packaged into 16.9 fluid ounce (500 milliliter) portions with 24 to 30 individual portions per case.

(c) The refuge chambers at the Pogo Mine are equipped to provide a minimum of 1.18 gallons (4.5 liters) per person that the chambers are rated to hold.

(d) The condition and quantity of water is confirmed by inspection, on a regular basis.

(e) Written instructions for conservation of water shall be provided with the refuge chamber supplies.

(f) All miners affected shall receive training in the operation of the refuge

chambers and shall receive refresher training annually.

(g) The refuge chambers shall be inspected regularly, with quarterly inspections and servicing from manufacturer approved representatives.

These inspections and servicing shall continue to be documented and provided to the Mine Manager or their designee.

(h)

TABLE 1—REFUGE CHAMBERS AT POGO MINE
[Current status]

Refuge chamber	Manufacturer	Number capacity in persons
MRC 1	DEA	16
MCR 2	DEA	16
MCR 3	DEA	8
MCR 4	DEA	12
MCR 5	Bost	20
MCR 6	Bost	20
MCR 7	Bost	20
MCR 8	MineArc	16
MCR 9	MineArc	16
MCR 10	MineArc	8
MCR 11	MineArc	8
MCR 18	MineArc	8
MCR 19	MineArc	8
MCR 24	Bost	20

TABLE 2—ENTRAPMENT CHAMBERS AT POGO MINE
[Current status]

Entrapment chamber	Manufacturer	Number capacity in persons
MCR 12	MineArc	6
MCR 13	MineArc	6
MCR 14	MineArc	6
MCR 15	MineArc	6
MCR 16	MineArc	6
MCR 17	MineArc	6
MCR 20	MineArc	4
MCR 21	MineArc	4
MCR 22	MineArc	4
MCR 23	MineArc	4

(i) Portable refuge chambers have a capacity from 8 to 20 persons with 4 that have a 20-person capacity. Additionally, portable entrapment chambers have a capacity of 4 to 6 persons and are utilized per Northern Star (Pogo), LLC, standards to provide safe refuge for persons potentially working behind heavy equipment who may be entrapped in an emergency with heavy equipment in their path of travel preventing safe evacuation. All chambers are equipped with gas monitoring equipment, packaged drinking water, oxygen bottles, backup compressed air, toilet, radio, phone, air conditioning, back up battery power, fire blankets, fire extinguishers, and food rations.

(j) The MineARC refuge chambers are equipped with and pre-packaged MARCISORB chemical absorber cartridges to remove the buildup of harmful carbon dioxide (CO₂) and

carbon monoxide (CO) from the air inside the refuge chamber. The DEA refuge chambers have been retrofitted with a MineARC electrical scrubbing system and pre-packaged MARCISORB chemical absorber cartridges as well. Bost refuge chambers have an electrical scrubbing system utilizing soda lime (Drägersorb) to remove the buildup of CO₂ and gold-based oxidation catalyst (Premiox™) to remove CO from the air inside the refuge chamber.

(k) Northern Star (Pogo), LLC, has reviewed this petition with the miner's representatives on June 15, 2024, who concur with and support all statements made with this petition. Miners at Pogo Mine are not represented by any labor organization.

The petitioner asserts that the alternative method in the petition will at all times guarantee no less than the

same measure of protection afforded to the miners by the standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

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