

a sufficient amount of fire hose to reach the farthest point of penetration of the section.

(4) Keep available at the last open crosscut a sufficient supply of roof support and ventilation materials. In addition, emergency plugs and suitable sealing materials will be available in the immediate area of the well intersection.

(5) Service all equipment and check permissibility on the shift before mining through the well.

(6) Calibrate the methane monitors on the continuous mining machines on the shift before mining through the well.

(7) When mining is in progress, test methane levels with a hand-held methane detector at least every 10 minutes from the time the mining with that continuous mining machine is within 30 feet of the well until the well is intersected and immediately before mining through it. During the actual cutting process, no individual will be allowed on the return side until the mine-through has been completed and the area has been examined and declared safe.

(8) Keep the working place free from accumulations of coal dust and coal spillages, and place rock dust on the roof, rib, and floor to within 20 feet of the face when mining through the well when using continuous mining machines.

(9) Deenergize all equipment when the well is intersected and thoroughly examine and determine the area is safe before mining is resumed.

(10) After a well has been intersected and the working place determined safe, continue mining in by the well at a distance sufficient to permit adequate ventilation around the area of the well.

(11) If the casing is cut or milled at the coal seam level, the use of torches would not be necessary. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flames will be permitted in the area until adequate ventilation has been established around the wellbore and methane levels of less than 1.0 percent are present in all areas that will be exposed to flames and sparks from the torch. The operator will apply a thick layer of rock dust to the roof, face, floor ribs and any exposed coal within 20 feet of the casing before using any torches.

(12) Non-sparking (brass) tools will be located on the working section and will be used to expose and examine cased wells.

(13) No person will be permitted in the area of the mine-through operation except those actually engaged in the operation, including company personnel, miners' representatives,

MSHA personnel, and personnel from the appropriate State agency.

(14) Alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning will be repeated for all shifts until the well has been mined through.

(15) A certified individual will directly supervise the mine-through operation and only that certified individual in charge will issue instructions concerning the mine-through operation. MSHA personnel may interrupt or halt the mine-through operation when it is necessary for miners' safety.

A copy of the approved petition will be maintained at the mine and be available to the miners.

Within 30 days after this proposed decision and order (PDO) becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the DM. These revisions will include initial and refresher training regarding compliance with the terms and conditions stated in the PDO. The petitioner will provide training to all miners involved in the mine-through of a well regarding the requirements of the PDO before mining within 150 feet of the next well to be mined through.

Within 30 days after the PDO becomes final, the petitioner will submit proposed revisions for its approved mine emergency evacuation and firefighting plan required by 30 CFR 75.1501. The petitioner will revise the plans to include the hazards and evacuation procedures to be used for well intersections. All underground miners will be trained in this revised plan within 30 days of the DM's approval of the revised evacuation plan.

The petitioner asserts that the proposed alternative method will provide a measure of protection greater than the existing standard to all miners at the Riveredge Mine.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2017-06340 Filed 3-30-17; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions 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 petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 1, 2017.

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

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

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

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

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.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Facsimile). [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 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. 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–2017–001–C.

Petitioner: Mettiki Coal WV, LLC, 293 Table Rock Road, Oakland, Maryland 21550.

Mine: Mountain View Mine, MSHA I.D. No. 46–09028, located in Tucker County, West Virginia.

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 nonpermissible electronic testing or diagnostic equipment in by the last open crosscut. The petitioner states that:

(1) Nonpermissible electronic testing and diagnostic equipment to be used includes: Laptop computers; oscilloscopes; vibration analysis machines; cable fault detectors; point temperature and distance probes; infrared temperature devices; insulation testers (meggers); voltage, current, resistance meters and power testers; electronic tachometers; signal analyzer devices; and ultrasonic measuring devices. Other testing and diagnostic equipment may be used if approved in advance by the MSHA District Manager.

(2) All nonpermissible testing and diagnostic equipment used in or in by the last open crosscut will be examined by a qualified person, as defined in 30 CFR 75.153, before use to ensure the equipment is being maintained in a safe operating condition. The examinations results will be recorded weekly in the examination book and will be made available to MSHA and the miners at the mine.

(3) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic testing and diagnostic equipment in or in by the last open crosscut.

(4) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When a 1.0 percent or more methane concentration is detected while the nonpermissible electronic equipment is being used, the equipment will be deenergized immediately and the nonpermissible equipment withdrawn out by the last open crosscut.

(5) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(6) Except for time necessary to troubleshoot under actual mining conditions, coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under “load.”

(7) All electronic testing and diagnostic equipment will be used in accordance with the manufacturer’s recommendations.

(8) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2017–002–C.

Petitioner: Mettiki Coal WV, LLC, 293 Table Rock Road, Oakland, Maryland 21550.

Mine: Mountain View Mine, MSHA I.D. No. 46–09028, located in Tucker County, West Virginia.

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

Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible electronic testing or diagnostic equipment in return air out by the last open crosscut. The petitioner states that:

(1) Nonpermissible electronic testing and diagnostic equipment to be used includes: Laptop computers; oscilloscopes; vibration analysis machines; cable fault detectors; point temperature and distance probes; infrared temperature devices; insulation testers (meggers); voltage, current, resistance meters and power testers; electronic tachometers; signal analyzer devices; and ultrasonic measuring devices. Other testing and diagnostic equipment may be used if approved in advance by the MSHA District Manager.

(2) All nonpermissible testing and diagnostic equipment used in return air out by the last open crosscut will be examined by a qualified person, as defined in 30 CFR 75.153, before use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded weekly in the examination book and will be made available to MSHA and the miners at the mine.

(3) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before

and during the use of nonpermissible electronic testing and diagnostic equipment in return air out by the last open crosscut.

(4) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When a 1.0 percent or more methane concentration is detected while the nonpermissible electronic equipment is being used, the equipment will be deenergized immediately and withdrawn from the return air out by the last open crosscut.

(5) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(6) All electronic testing and diagnostic equipment will be used in accordance with the manufacturer’s recommendations.

(7) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2017–003–C.

Petitioner: Mettiki Coal WV, LLC, 293 Table Rock Road, Oakland, Maryland 21550.

Mine: Mountain View Mine, MSHA I.D. No. 46–09028, located in Tucker County, West Virginia.

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 the use of nonpermissible electronic testing or diagnostic equipment within 150 feet of pillar workings or longwall faces. The petitioner states that:

(1) Nonpermissible electronic testing and diagnostic equipment to be used includes: Laptop computers; oscilloscopes; vibration analysis machines; cable fault detectors; point temperature and distance probes; infrared temperature devices; insulation testers (meggers); voltage, current, resistance meters and power testers; electronic tachometers; signal analyzer devices; and ultrasonic measuring devices. Other testing and diagnostic equipment may be used if approved in advance by the MSHA District Manager.

(2) All nonpermissible testing and diagnostic equipment used within 150 feet of pillar workings or longwall faces

will be examined by a qualified person, as defined in 30 CFR 75.153, before use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(3) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible electronic testing and diagnostic equipment within 150 feet of pillar workings or longwall faces.

(4) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When a 1.0 percent or more methane concentration is detected while the nonpermissible electronic equipment is being used, the equipment will be deenergized immediately and withdrawn to fresh air (intake air entry) more than 150 feet from pillar workings and longwall faces.

(5) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(6) Except for time necessary to troubleshoot under actual mining conditions, coal production in the section will cease. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before testing begins to provide additional safety to miners.

(7) All electronic testing and diagnostic equipment will be used in accordance with the manufacturer's recommendations.

(8) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2017-06343 Filed 3-30-17; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

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

ACTION: Notice.

SUMMARY: 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 **Federal Register** Notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's Web site at <http://www.msha.gov/READROOM/PETITION.HTM>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist's desk in Suite 4E401.

FOR FURTHER INFORMATION CONTACT:

Barbara Barron at 202-693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Telefax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or

partially granted the following petitions for modification:

- *Docket Number:* M-2010-047-C.
FR Notice: 76 FR 2724 (1/14/2011).
Petitioner: Canyon Fuel Company, LLC, 597 South SR 24, Salina, Utah 84654.
Mine: Sufco Mine, MSHA I.D. No. 42-00089, located in Sevier County, Utah.
Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).
- *Docket Number:* M-2013-056-C.
FR Notice: 79 FR 11140 (2/27/2014).
Petitioner: Kimmel's Mining, Inc., P.O. Box 8, Williamstown, Pennsylvania 17098.
Mine: Williamstown Mine #1, MSHA I.D. No. 36-09435, located in Dauphin County, Pennsylvania.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).
- *Docket Number:* M-2014-024-C.
FR Notice: 79 FR 45466 (8/5/2014).
Petitioner: ACI Tygart Valley, 1200 Tygart Valley Drive, Grafton, West Virginia 26354.
Mine: Leer Mine, MSHA I.D. No. 46-09192, located in Taylor County, West Virginia.
Regulation Affected: 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).
- *Docket Number:* M-2015-017-C.
FR Notice: 80 FR 54595 (9/10/2015).
Petitioner: ICG Illinois, LLC, 5945 Lester Road, Williamsville, Illinois 62693.
Mine: Viper Mine, MSHA I.D. No. 11-02664, located in Sangamon County, Illinois.
Regulation Affected: 30 CFR 75.312(c) (Main mine fan examinations and records).
- *Docket Number:* M-2015-026-C.
FR Notice: 81 FR 3161 (1/20/2016).
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, Darby Fork No. 1 Mine, MSHA I.D. No. 15-02263-02664, located in Harlan County, Kentucky.
Regulation Affected: 30 CFR 75.310(a)(3) (Installation of main mine fans).
- *Docket Number:* M-2016-008-C.
FR Notice: 81 FR 21904 (4/13/2016).
Petitioner: Rosebud Mining Company, 301 Market Street, Kittanning, Pennsylvania 16201.
Mine: Barrett Mine, MSHA I.D. No. 36-09342, located in Indiana County, Pennsylvania.