

through has been completed and the area has been examined and declared safe. The shearer must be idle when any miners are in by the tail drum.

(10) When mining advances within the minimum working barrier distance from the well or branch of the well, the operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine at least once daily. Daily methane monitor calibration must continue until the well or branch is intersected or until mining exits the minimum working barrier around the well or branch.

(11) When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor within 20 feet of the face when mining through the well or branch. On longwall sections, rock dust shall be applied on the roof, rib, and floor up to both the headgate and tailgate pillared area.

(12) Immediately after the well or branch is intersected, the operator shall deenergize all equipment, and the certified person shall thoroughly examine and determine the working place safe before mining is resumed.

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

(14) No open flame shall be permitted in the area until adequate ventilation has been established around the well bore or branch. Any casing, tubing or stuck tools shall be removed using the methods approved in the ventilation plan.

(15) No person shall be permitted in the area of the mine-through operation in by the last open crosscut during active mining except those engaged in the operation, including company personnel, personnel from MSHA, and personnel from the appropriate State agency.

(16) The operator shall warn all personnel in the mine of the planned intersection of the well or branch prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well or branch has been intersected.

(17) The mine-through operation shall be under the direct supervision of a certified person. Instructions concerning the mine-through operation shall be issued only by the certified person in charge.

(18) All miners shall be in known locations and in constant two-way communications with the responsible person when active mining occurs within the minimum working barrier of the well or branch.

(19) The responsible person is responsible for well intersection emergencies. The well intersection procedures must be reviewed by the responsible person prior to any planned intersection.

(20) A copy of the PDO granted by MSHA shall be maintained at the mine and be available to the miners.

(21) The provisions of the PDO granted by MSHA does not impair the authority of representatives of MSHA to interrupt or halt the mine-through operation and to issue a withdrawal order when they deem it necessary for the safety of miners. MSHA may order an interruption or cessation of the mine-through operation and/or a withdrawal of personnel by issuing either a verbal or a written order to that effect to a representative of the operator. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption of mine-through operations. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.

(22) For subsequent intersections of branches of a well, appropriate procedures to protect the miners shall be specified in the ventilation plan.

(d) Mandatory procedures that shall be followed after SDD intersections.

(1) All intersections with SDD wells and branches that are in intake air courses shall be examined as part of the pre-shift examinations.

(2) All other intersections with SDD wells and branches shall be examined as part of the weekly examinations.

(e) Other requirements.

(1) Within 30 days after the PDO is granted by MSHA, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These proposed revisions shall include initial and refresher training regarding compliance with the terms and conditions stated in the PDO granted by MSHA. The operator shall provide all miners involved in the mine-through of a well or branch with training prior to mining within the minimum working barrier of the next well or branch intended to be mined through.

(2) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved mine

emergency evacuation and firefighting program of instruction. The operator shall revise the program to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised program within 30 days of approval.

Tunnel Ridge Mine has no designated miner's representative.

In support of the proposed alternative method, the Petitioner submitted a certified overview map of Tunnel Ridge Mine with all known CBM wells with horizontal laterals, and the plugging affidavit for the NV99 CBM well.

The Petitioner asserts that the alternative method proposed in the Petition will at all times guarantee no less than the same measure of protection afforded by 30 CFR 75.350(a).

**Song-ae Aromie Noe,**

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

[FR Doc. 2024-16915 Filed 7-31-24; 8:45 am]

**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 the party listed below.

**DATES:** All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 3, 2024.

**ADDRESSES:** You may submit comments identified by Docket No. MSHA-2024-0017 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2024-0017.

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

3. *Email:* [petitioncomments@dol.gov](mailto: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 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, Director, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), [Petitionsformodification@dol.gov](mailto: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 (Mine Act) 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 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-2024-008-C.

*Petitioner:* Fossil Rock Resources, LLC, 5125 N Cottonwood Road, Orangeville, UT 84537.

*Mine:* Fossil Rock Mine, MSHA ID No. 42-01211, located in Emery County, Utah.

*Regulation Affected:* 30 CFR 75.1909(b)(6).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.1909(b)(6), to utilize alternative methods of compliance to permit the use of a road grader without front brakes.

The petitioner states that:

(a) Fossil Rock Mine may use the following model of grader or a similar model: Getman, Model 1504-C.

(b) The Getman graders were the subject of a previously granted petition for modification at the Skyline Mine No. 3 and Dugout Canyon Mine (M-1999-073-C).

(c) The Getman graders will be available for inspection at Skyline Mine No. 3.

(d) Service brakes on each wheel of the vehicle are designed such that failure of any single component, except the brake actuation pedal or other similar actuation device, must not result in a complete loss of service braking capability.

(e) The mine uses rubber-tired diesel equipment to transport personnel and supplies down the slope and into the mine. The Getman graders will be used to maintain the roadways traveled by the rubber-tired equipment. The coal seam is relatively flat in the areas that have been mined. At the time of the investigation by MSHA, Fossil Rock will provide a map which shows elevations to the extent possible.

(f) The Getman graders have a dual brake system on the four rear wheels and are designed to prevent loss of braking due to a single component failure. Each of the brake systems features an accumulator pressure gauge and a low-pressure warning light. The graders also have a spring applied, hydraulic release wet disc park and supplemental brake, transmission neutralizer, and test button for park brake testing. The independent braking systems are designed to operate even when oil, air, electrical or transmission pressure fails. These systems provide independent braking systems in lieu of brakes on the front wheels of the grader.

The petitioner proposes the following alternative method:

(a) Road grader operators shall limit the speed of the diesel graders to 10 miles per hour (mph) in either direction. This shall be accomplished by the following:

(1) Permanently blocking out the gear(s) or any gear ratio(s) that provide higher speeds. The device shall limit the vehicle speed in both forward and reverse; and

(2) Using transmission(s) and differential(s) geared in accordance with the equipment manufacturer which limits the maximum speed to 10 mph.

(b) Road grader operators will be trained on the provisions of this Petition for Modification and this training will be documented on a 5000-23 form. Training will include, but not be limited to the following:

(1) The braking limitations of the road grader.

(2) The speed of the road grader is limited to 10 mph or less.

(3) The fourth gear is not available.

(4) As the angle of a road or slope increases, speed should be reduced by operating at a lower gear.

(5) As an alternate means to control the speed of the road grader, the moldboard can be lowered to the mine floor.

(6) Within 60 days after the Proposed Decision and Order is granted by MSHA, the Petitioner shall submit proposed revisions for its approved 30 CFR part 48 training plan. These proposed revisions shall specify initial and refresher training regarding the conditions specified in the Petition.

Fossil Rock Mine has no designated miner's representative.

The Petitioner asserts that the alternative method proposed in the Petition will at all times guarantee no less than the same measure of protection afforded by 30 CFR 75.1909(b)(6).

**Signed:** Aromie Noe,

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

[FR Doc. 2024-16914 Filed 7-31-24; 8:45 am]

**BILLING CODE 4520-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2007-0043]

### TUV SUD America, Inc.: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on August 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1911; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov). OSHA's web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpc/nrtl/index.html>).