

Mine Safety and Health Administration**Summary of Decisions Granting in Whole or in Part Petitions for Modification**

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

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register**. Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION: Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: June 13, 1995.

Richard V. Zeutenhorst,

Associate Director, Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-92-166-C

FR Notice: 57 FR 59361

Petitioner: Costain Coal, Inc.

Reg Affected: 30 CFR 75.360

Summary of Findings: Petitioner's proposal to establish a continuous monitoring station to monitor the air passing through the William Station intake air shaft, the 3rd East, the 8th Main North intake and the 9th Main North entries considered acceptable alternative method. Granted with

conditions for the 3rd East, 8th Main North, and 8th Main North Parallel intake aircourses.

Docket No.: M-93-108-C

FR Notice: 58 FR 39238

Petitioner: Wenrich Coal Company

Reg Affected: 30 CFR 75.335

Summary of Findings: Petitioner's proposal for construction of seals using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs considered acceptable alternative method. Granted with conditions.

Docket No.: M-93-146-C

FR Notice: 58 FR 39569

Petitioner: RoxCoal, Inc.

Reg Affected: 30 CFR 75.1719-1

Summary of Findings: Petitioner's proposal to ensure that no equipment or pedestrians will travel in front of mobile roof support (MRS) while its being set up; to provide the MRS with reflective tape; and to use continuous mining machines to illuminate the MRS area of travel on the pillar line instead of illuminating the work area considered acceptable alternative method. Granted with conditions for the J. H. Fletcher mobile roof support, Model No. MRS-13 (MRS), used as mobile roof support for second mining.

Docket No.: M-93-149-C

FR Notice: 58 FR 39569

Petitioner: Little Rock Coal Company

Reg Affected: 30 CFR 75.335

Summary of Findings: Petitioner's proposal for construction of seals using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs considered acceptable alternative method. Granted with conditions.

Docket No.: M-93-210-C

FR Notice: 58 FR 44701

Petitioner: Drummond Company, Inc.

Reg Affected: CFR 75.1103-4(a)

Summary of Findings: Petitioner's proposal to install low-level carbon monoxide sensors as an early warning fire detection system in all belt entries in lieu of point-type heat sensors considered acceptable alternate

method. Granted with conditions. Petitioner's request for relief to give effect to the modification granted.

Docket No.: M-93-211-C

FR Notice: 58 FR 44701

Petitioner: Drummond Company, Inc.

Reg Affected: 30 CFR 75.350

Summary of Findings: Petitioner's proposal to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries used as intake aircourses. Granted for the use of belt air to ventilate active working sections. Petitioner's application for relief to give effect to the March 2, 1995, Proposed Decision and Order GRANTED.

Docket No.: M-93-252-C

FR Notice: 58 FR 50055

Petitioner: The Harriman Coal Corporation

Reg Affected: 30 CFR 77.409(b)

Summary of Findings: Petitioner's proposal to operate its Caterpillar Excavators, Model 245 without handrails on the outside of walkways considered acceptable alternative method. Granted with conditions.

Docket No.: M-93-267-C

FR Notice: 58 FR 57627

Petitioner: AMAX Coal Company

Reg Affected: 30 CFR 77.900

Summary of Findings: Petitioner's proposal to use electronic pump controllers to sense the volume of water coming into the pit pumps and automatically turn the pump on and off electronically considered acceptable alternative method. Granted with conditions for pontoon-mounted de-watering pumps to be operated with undervoltage protection provided by the ground monitor circuit breaker.

Docket No.: M-93-271-C

FR Notice: 58 FR 57627

Petitioner: Peabody Coal Company

Reg Affected: 30 CFR 75.364(b)(1)

Summary of Findings: Petitioner's proposal to establish evaluation points in each of the aircourse entries #1, #2, and #3 at the outby end of the 1st Sub-Main North aircourse near coordinate 1+70 and at the inby end near coordinate 12+70; to test these evaluation points on a weekly basis and record the test results in a designated book; and to travel the "neutral entries" adjacent to the 1st Sub-Main North entries on a weekly basis when monitoring the atmosphere that ventilates the entries considered acceptable alternative method. Granted with conditions for the 1st Sub-main North intake aircourse entries from coordinate 1+70 to 12+70, located between crosscut No. 15 to crosscut No. 84.