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detected while the nonpermissible electronic equipment is being used, the equipment will be deenergized immediately and withdrawn to fresh air (intake air entry) more than 150 feet from pillar workings and longwall faces.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.

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

• *Docket Number:* M–2016–010–C.
FR Notice: 81 FR 24892 (4/27/2016).
Petitioner: Buckingham Coal Company, LLC, 14755 Township Rd, 295 S E, Glouster, Ohio 45732.
Mine: Buckingham Mine #6, MSHA I.D. No. 33–04526, located in Perry County, Ohio.
Regulation Affected: 30 CFR 75.1101–1(b) (Deluge-type water spray systems).

• *Docket Number:* M–2016–022–C.
FR Notice: 81 FR 47421 (7/21/2016).
Petitioner: ACI Tygart Valley, 1200 Tygart Drive, Grafton, West Virginia 26354.
Mine: Leer Mine, MSHA I.D. No. 46–09192, located in Taylor County, West Virginia.
Regulation Affected: 30 CFR 75.1904(b)(6) (Underground diesel fuel tanks and safety cans).

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2017–06339 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: 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. 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:

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–2016–037–C.
Petitioner: San Juan Coal Company, P.O. Box 561, Waterflow, New Mexico 87421.
Mine: San Juan Mine 1, MSHA I.D. No. 29–02170, located in San Juan County, New Mexico.
Regulation Affected: 30 CFR 75.1506(c)(1) (Refuge alternatives).
Modification Request: The petitioner requests a modification of the existing standard to provide a Built-In-Place Refuge Alternative (BIP–RA), equipped with a borehole to the surface to provide continuous ventilation flow into the BIP–RA, located at a distance not greater than 5,000 feet from the nearest working face in lieu of the existing standard that utilizes portable, self-contained systems. The petitioner states that:

(1) Each miner wears or carries a 1-hour self-contained, self-rescuer (SCSR) and is provided with a second 1-hour unit stored on the working section. That second device can be a self-contained breathing apparatus (SCBA) or additional SCSR devices.

(2) The petitioner proposes to provide SCBA escape equipment on each working section and locate a means of refilling that SCBA in between the nearest working face and the BIP–RA so that an evacuating miner can refill their device on the way to the BIP–RA if necessary. The BIP–RA would be located not more than 5,000 feet from the nearest working face.

(3) During performance testing it has been demonstrated that when walking in the San Juan Mine, a miner can travel over 7,500 feet in 30 minutes.

(4) The BIP–RA breathable air components, harmful gas removal components, and air monitoring components of these installations are MSHA Part 7 approved. This includes the surface and underground components involved and listed in the Part 7 approvals.

(5) The BIP–RA structure and door have been analyzed by a third-party engineering firm with experience in designing bulkheads for the nuclear industry. That firm completed a full analysis of the walls and doors. Their analysis certifies that the structure and doors meet or exceed the 15 psi requirement. The over structure and door design has been approved by the District Manager (DM) as required by 30 CFR 75.1506(a)(2).

(6) These BIP–RA structures have a dedicated borehole to the surface that provides continuous flow of fresh air to the structure at all times via the ventilation forces exerted by the mine's main ventilation fan. When in use, this airflow is supplemented by individual blower fans that are powered by generators. One set of the equipment is maintained for each BIP–RA in service and backup components are also maintained on-site.

(7) The petitioner states that the continuous airflow through the BIP–RA removes heat and humidity and prevents the interior of the structure from exceeding an apparent temperature of 95 degrees Fahrenheit.

(8) The petitioner states that National Institute for Occupational Safety and Health (NIOSH) studies has revealed that up to 60 percent of the contamination concentration outside the RA could enter the RA by miners entering the structure. A BIP–RA with a dedicated borehole providing continuous airflow addresses that contamination risk by continually