

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,000 hours, which is equal to 500 (# of respondents) \* 1 (# of responses per respondents) \* 2 (# of hours to complete each response).

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 7, 2019.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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**BILLING CODE 4410-FY-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:** The Federal Mine Safety and Health Act of 1977 and the Code of Federal Regulations 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 website at <https://www.msha.gov/regulations/rulemaking/petitions-modification>. 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](mailto:barron.barbara@dol.gov) (email), or 202-693-9441 (fax). [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-2012-131-C.  
**FR Notice:** 77 FR 42005 (7/17/2012).

**Petitioner:** Buchanan Minerals, LLC (formerly Blue Diamond Coal Company of Virginia), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Laurel Fork Mine (formerly Mine No. 1), MSHA I.D. No. 46-09084, located in McDowell County, West Virginia.

**Regulation Affected:** 30 CFR 75.500(d) (Permissible electric equipment).

- **Docket Number:** M-2012-132-C.  
**FR Notice:** 77 FR 42006 (7/17/2012).

**Petitioner:** Buchanan Minerals, LLC (formerly Blue Diamond Coal Company of Virginia), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Laurel Fork Mine (formerly Mine No. 1), MSHA I.D. No. 46-09084, located in McDowell 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-2012-133-C.  
**FR Notice:** 77 FR 42006 (7/17/2012).

**Petitioner:** Buchanan Minerals, LLC (formerly Blue Diamond Coal Company of Virginia), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Laurel Fork Mine (formerly Mine No. 1), MSHA I.D. No. 46-09084, located in McDowell County, West Virginia.

**Regulation Affected:** 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- **Docket Number:** M-2012-139-C.  
**FR Notice:** 77 FR 42010 (7/17/2012).

**Petitioner:** The Monongalia County Coal Company (formerly Consolidation Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Monongalia County Mine (formerly Blacksville No. 2 Mine), MSHA I.D. No. 46-01968, located in Monongalia County, West Virginia.

**Regulation Affected:** 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- **Docket Number:** M-2012-144-C.  
**FR Notice:** 77 FR 42013 (7/17/2012).

**Petitioner:** Marion County Coal Company (formerly Consolidation Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Marion County Mine (formerly Loveridge No. 22 Mine), MSHA I.D. 46-01433, located in Marion 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-2012-146-C.  
**FR Notice:** 77 FR 42014 (7/17/2012).

**Petitioner:** The Marshall County Coal Company (formerly McElroy Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Marshall County Mine (formerly McElroy Mine), MSHA I.D. No. 46-01437, located in Marshall County, West Virginia.

**Regulation Affected:** 30 CFR 75.500(d) (Permissible electric equipment).

- **Docket Number:** M-2012-148-C.  
**FR Notice:** 77 FR 42016 (7/17/2012).

**Petitioner:** The Marshall County Coal Company (formerly McElroy Coal Company), Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

**Mine:** Marshall County Mine (formerly McElroy Mine), MSHA I.D. No. 46-01437, located in Marshall County, West Virginia.

**Regulation Affected:** 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- **Docket Number:** M-2013-011-C.  
**FR Notice:** 78 FR 13092 (2/26/2013).

**Petitioner:** Peabody Midwest Mining, LLC, Three Gateway Center, Suite 1500,

401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

*Mine:* Wildcat Hills Underground Mine, MSHA I.D. No. 11-03156, located in Saline County, Illinois.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2014-002-C.  
*FR Notice:* 79 FR 11137 (2/27/2014).

*Petitioner:* Consol Pennsylvania Coal Company, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

*Mine:* Harvey Mine (formerly BMX Mine, MSHA I.D. No. 36-10045, located in Greene County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2014-003-C.  
*FR Notice:* 79 FR 11138 (2/27/2014).

*Petitioner:* Consol Pennsylvania Coal Company, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

*Mine:* Harvey Mine (formerly BMX Mine), MSHA I.D. No. 36-10045, located in Greene County, Pennsylvania.

*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-2014-004-C.  
*FR Notice:* 79 FR 11138 (2/27/2014).

*Petitioner:* Consol Pennsylvania Coal Company, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

*Mine:* Harvey Mine (formerly BMX Mine), MSHA I.D. No. 36-10045, located in Greene County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M-2017-040-C.  
*FR Notice:* 83 FR 3030 (1/22/2018).

*Petitioner:* Mountain Coal Company, LLC, 5174 Hwy. 133 Somerset, Colorado 81434.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

*Regulation Affected:* 30 CFR 75.364(b)(2) (Weekly examination).

- *Docket Number:* M-2018-017-C.  
*FR Notice:* 83 FR 48457 (9/25/2018).

*Petitioner:* Raw Coal Mining Company, Inc., 356 South College Avenue, Bluefield, Virginia 24605.

*Mine:* EDM No. 1 Mine, MSHA I.D. No. 46-09507, located in McDowell County, West Virginia.

*Regulation Affected:* 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

- *Docket Number:* M-2016-002-M.  
*FR Notice:* 81 FR 55487 (8/19/2016).

*Petitioner:* United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.

*Mine:* Hockley Mine, MSHA I.D. No. 41-02478, located in Harris County, Texas.

*Regulation Affected:* 30 CFR 57.4131 (Surface fan installations and mine openings).

- *Docket Number:* M-2016-003-M.  
*FR Notice:* 81 FR 55488 (8/19/2016).

*Petitioner:* United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.

*Mine:* Hockley Mine, MSHA I.D. No. 41-02478, located in Harris County, Texas.

*Regulation Affected:* 30 CFR 57.4560 (Mine entrances).

- *Docket Number:* M-2016-004-M.  
*FR Notice:* 81 FR 55488 (8/19/2016).

*Petitioner:* United Salt Hockley, LLC, 14002 Warren Ranch Road, Hockley, Texas 77447.

*Mine:* Hockley Mine, MSHA I.D. No. 41-02478, located in Harris County, Texas.

*Regulation Affected:* 30 CFR 57.4533 (Mine opening vicinity).

**Sheila McConnell,**

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

[FR Doc. 2019-04436 Filed 3-11-19; 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 Standard

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice is a summary of petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

**DATES:** All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before April 11, 2019.

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

1. *Email:* [zzMSHA-comments@dol.gov](mailto: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 a copy of the petition 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](mailto:barron.barbara@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 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 (Secretary) 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-2019-001-C.

*Petitioner:* Rockwell Mining, LLC, 300 Kanawha Boulevard, East (ZIP 25301), Post Office Box 273, Charleston, West Virginia 25321-0273.

*Mine:* Matewan Tunnel Mine, MSHA I.D. No. 46-08610, located in Boone County, West Virginia.

*Regulation Affected:* 30 CFR

75.1108(c) (Approved conveyor belts).

*Modification Request:* The petitioner requests a modification of the existing standard to its overland coal belt that travels, in part, through the Matewan