

spare battery in the nonpermissible electronic surveying equipment carrying case. Before each shift of surveying, all batteries for the nonpermissible electronic surveying equipment will be charged sufficiently so that they are not expected to be replaced on that shift.

(o) When using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces, the surveyor will confirm by measurement or by inquiry of the person in charge of the section, that the air quantity on the section, on that shift, within 150 feet of pillar workings or longwall faces is at least the minimum quantity that is required by the mine's ventilation plan.

(p) Personnel engaged in the use of nonpermissible electronic surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of such equipment in areas where methane could be present.

(q) All members of the surveying crew will receive specific training on the terms and conditions of the petition before using nonpermissible electronic surveying equipment within 150 feet of pillar workings or longwall faces. A record of the training will be kept with the other training records.

(r) If the petition is granted, the operator will submit within 60 days after the petition is final, proposed revisions for its approved 30 CFR part 48 training plans to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions of the petition. When training is conducted on the terms and conditions in the petition, an MSHA Certificate of Training (Form 5000-23) will be completed and will indicate that it was surveyor training.

(s) The operator will replace or retire from service any electronic surveying instrument that was acquired prior to December 31, 2004 within 1 year of the petition becoming final. Within 3 years of the date that the petition becomes final, the operator will replace or retire from service any theodolite that was acquired more than 5 years prior to the date that the petition becomes final or any total station or other electronic surveying equipment identified in this petition and acquired more than 10 years prior to the date that the petition becomes final. After 5 years, the operator will maintain a cycle of purchasing new electronic surveying equipment whereby theodolites will be no older than 5 years from the date of manufacture and total stations and other electronic surveying equipment will be no older than 10 years from the date of manufacture.

(t) The operator will ensure that all surveying contractors hired by the operator are using nonpermissible electronic surveying equipment in accordance with the terms and conditions of this petition. The conditions of use in the petition will apply to all nonpermissible electronic surveying equipment used within 150 feet of pillar workings or longwall faces, regardless of whether the equipment is used by the operator or by an independent contractor.

(u) The petitioner states that it may use nonpermissible electronic surveying equipment when production is occurring, subject to the following conditions:

- On a mechanized mining unit (MMU) where production is occurring, nonpermissible electronic surveying equipment will not be used downwind of the discharge point of any face ventilation controls, such as tubing (including controls such as “baloney skins”) or curtains.
- Production may continue while nonpermissible electronic surveying equipment is used, if such equipment is used in a separate split of air from where production is occurring.
- Nonpermissible electronic surveying equipment will not be used in a split of air ventilating an MMU if any ventilation controls will be disrupted during such surveying. Disruption of ventilation controls means any change to the mine's ventilation system that causes the ventilation system not to function in accordance with the mine's approved ventilation plan.
- If, while surveying, a surveyor must disrupt ventilation, the surveyor will cease surveying and communicate to the section foreman that ventilation must be disrupted. Production will stop while ventilation is disrupted. Ventilation controls will be reestablished immediately after the disruption is no longer necessary. Production will only resume after all ventilation controls are reestablished and are in compliance with approved ventilation or other plans, and other applicable laws, standards, or regulations.
- Any disruption in ventilation will be recorded in the logbook required by the petition. The logbook will include a description of the nature of the disruption, the location of the disruption, the date and time of the disruption and the date and time the surveyor communicated the disruption to the section foreman, the date and time production ceased, the date and time ventilation was reestablished, and the date and time production resumed.

—All surveyors, section foremen, section crew members, and other personnel who will be involved with or affected by surveying operations will receive training in accordance with 30 CFR 48.7 on the requirements of the petition within 60 days of the date the petition becomes final. The training will be completed before any nonpermissible electronic surveying equipment can be used while production is occurring. The operator will keep a record of the training and provide the record to MSHA on request.

—The operator will provide annual retraining to all personnel who will be involved with or affected by surveying operations in accordance with 30 CFR 48.8. The operator will train new miners on the requirements of the petition in accordance with 30 CFR 48.5, and will train experienced miners, as defined in 30 CFR 48.6, on the requirements of the petition in accordance with 30 CFR 48.6. The operator will keep a record of the training and provide the record to MSHA on request.

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.*

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**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 November 14, 2019.

**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](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 copies 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:**

Sheila McConnell, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *McConnell.Sheila.A@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–2019–053–C.

*Petitioner*: Wolf Run Mining LLC, Sentinel Complex, 21550 Barbour County Hwy., Philippi, WV 26416.

*Mines*: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, WV.

*Regulation Affected*: 30 CFR 75.336(a)(1)(i) (Sampling and monitoring requirements).

*Modification Request*: The petitioner requests a modification of the existing standard that requires sealed areas with less than 120-psi seal strength constructed before October 20, 2008, must be monitored, whether ingassing or outgassing, for methane and oxygen concentrations and the direction of leakage at least every 24 hours.

The petitioner states that:

(1) The ventilation seals in place at the mine that are the subject of this petition meet or exceed the strength requirements of 30 CFR 75.335(a)(2)(i) for 120-psi rated seals and that all evaluations have been made to conclude that this seal type, rating, and construction are suitable for the mine conditions where the ventilation seals are installed.

(2) The existing seals in the mine between the Lower Kittanning and Clarion workings were constructed during a moratorium on seal construction between 2006 and 2008. To comply with MSHA standards and anticipating future standards requiring stronger seals, seals were proposed and designed by the operator and approved by MSHA in the operator's ventilation plan. The installed seals were Mitchell-Barrett seals that were enhanced to increase the strength of the structures. These are referred to as Super-Mitchell seals. At least one of the forms for the concrete plug seal was a Super-Mitchell seal where these seals were installed.

(3) The Super-Mitchell seals were installed in the approach to the return and intake shafts between the Lower Kittanning and Clarion workings. After the seals were finished and the shafts had been excavated, the space between the Super-Mitchell seals and the shaft wall inside diameter was filled with a reinforced concrete structure, a concrete plug seal, as part of the shaft concrete lining process. This concrete plug seal provided a second continuous seal structure which is nearly identical to the MSHA-approved seal design, Approval Number 120M–03.0 and the plug seal formula from the NIOSH IC 9500, "Explosion Pressure Design Criteria for New Seals in U.S. Coal Mines."

(4) The openings in the Lower Kittanning seam were sealed with Super-Mitchell seals and the concrete plug seal. In consultation with MSHA, the operator designated one seal at the turnout as the lowest seal in the set and that seal was outfitted with a water trap and sample pipe. The mine has an approved UIC permit which requires

monitoring and control of the water levels in the sealed workings.

(5) Under the current standards, these seals are treated as 50-psi seals.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The eleven seals separating the Lower Kittanning and Clarion workings have a strength of at least the 120-psi seal required by the standard and should be treated as 120-psi seals under the current standards.

(b) Documentation of the seals' design and construction are available at the mine.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection for all miners than that of the existing standard.

**Sheila McConnell,**

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

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**BILLING CODE 4520–43–P**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**[Notice: (19–065)]**

**NASA Advisory Council; Human Exploration and Operations Committee; Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

**DATES:** Tuesday, October 29, 2019, 12:30 p.m. to 5:30 p.m.; Wednesday, October 30, 2019, 9:30 a.m. to 4:30 p.m. Eastern Time.

**ADDRESSES:** NASA Kennedy Space Center, Operations and Checkout (O&C) Conference Room 2769, Kennedy Space Center, Florida 32899.

**FOR FURTHER INFORMATION CONTACT:** Dr. Bette Siegel, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or *bette.siegel@nasa.gov*.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch