

SECTION .0300 - PROCEDURES

13 NCAC 06 .0301 MODIFICATION OF STANDARDS

(a) A petition for modification of the application of a safety or health standard to a mine shall be in writing and shall be mailed to the commissioner. The petition shall include:

- (1) the name, address, title and affiliation of the petitioner;
- (2) identification of the mine at which the modification or variance is sought;
- (3) the specific standard or standards for which a modification or variance is sought;
- (4) specific reasons for seeking the variance or modification, giving reasons why the standard or standards cannot be strictly complied with;
- (5) the name and address of the representative of the miners, if any, and the names, addresses and occupations of all miners who may be affected by a modification or variance from the standard;
- (6) specify and fully describe the alternative method of protecting the miners which will guarantee the same measure of protection afforded the miners by the standard or standards or will enhance the level of safety and health provided by the standard or standards;
- (7) specify the effects of denial of the modification or variance by the commissioner.

(b) When a hearing is requested by the petitioner, or when the commissioner concludes that a hearing is warranted, the commissioner shall issue notice and hold a public hearing in accordance with the provisions of Article III of Chapter 150B of the North Carolina General Statutes and with the provisions of 13 NCAC 01B .0300.

History Note: Authority G.S. 74-24.5; 95-4(2);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.