

**PART 44—RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS**

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**Subpart A—General**

**§ 44.1 Scope and construction.**

(a) The procedures and rules of practice set forth in this part shall govern petitions for modification of mandatory safety standards filed under section 101(c) of the Act.

(b) These rules shall be liberally construed to carry out the purpose of the Act by assuring adequate protection of miners and to secure just and prompt determination of all proceedings consistent with adequate consideration of the issues involved.

[43 FR 29518, July 7, 1978, as amended at 55 FR 53440, Dec. 28, 1990]

**§ 44.2 Definitions.**

As used in this part, unless the context clearly requires otherwise, the term—

(a) *Act* means the Federal Mine Safety and Health Act of 1977, Pub. L. 95-173, as amended by Pub. L. 95-164.

(b) *Secretary, operator, agent, person, miner, and coal or other mine*, have the meanings set forth in section 3 of the act.

(c) *Assistant Secretary* means the Assistant Secretary of Labor for Mine Safety and Health.

(d) *Administrative law judge* means an administrative law judge of the Department of Labor appointed under section 3105 of title 5 of the United States Code.

(e) *Representative of miners* means a person or organization designated by two or more miners to act as their representative for purposes of the act and who is in compliance with 30 CFR part 40.

[43 FR 29518, July 7, 1978, as amended at 55 FR 53440, Dec. 28, 1990]

**§ 44.3 Parties.**

Parties to proceedings under this part shall include the Mine Safety and Health Administration, the operator of the mine, and any representative of the miners in the affected mine. Any other