

present oral testimony shall be submitted to the NAO at the time of filing.

No request to present oral testimony will be considered unless accompanied by a written statement or brief. A request to present oral testimony may be denied if the written statement or brief suggests that the information sought to be provided is unrelated to the review of the submission or for other appropriate reasons. The NAO will notify each requester of the disposition of the request to present oral testimony.

In presenting testimony, the witness should summarize the written statement or brief, may supplement the written statement or brief with relevant information, and should be prepared to answer questions from the Secretary of the NAO or the Secretary's designee. Oral testimony will ordinarily be limited to a ten minute presentation, not including the time for questions. Persons desiring more than ten minutes for their presentation should so state in the request, setting out reasons why additional time is necessary.

The requirements relating to the submission of written statements on briefs and requests to present oral testimony may be waived by the Secretary of the NAO for reasons of equity and public interest.

Signed At Washington, D.C. on March 13, 1997.

Irasema T. Garza,

Secretary, U.S. National Administrative Office.

[FR Doc. 97-6224 Filed 3-12-97; 8:45 am]

BILLING CODE 4510-28-M

## Mine Safety and Health Administration

### Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

#### 1. Clark Elkhorn Mining Company

[Docket No. M-96-204-C]

Clark Elkhorn Mining Company, P.O. Box 2805, Pikeville, Kentucky 41502 has filed a petition to modify the application of 30 CFR 75.308 (boreholes in advance of mining) to its Ratliff Mine No. 111 (I.D. No. 15-17776) located in Pike County, Kentucky. The petitioner requests a waiver of the mandatory standard to allow borehole drilling at distances greater than 50 feet from the Hopkins Creek Coal Company's Mine No. 1 (I.D. No. 15-11602). The petitioner states that application of the standard would result in a diminution

of safety to the miners. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 2. Brookside Coal Company

[Docket No. M-96-205-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.1200 (d) & (i) (mine maps) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. The petitioner proposes to use cross-sections instead of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000-foot intervals of advance from the intake slope and to limit the required mapping of the mine workings above and below to those present within 100 feet of the veins being mined except when veins are interconnected to other veins beyond the 100-foot limit through rock tunnels. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 3. Brookside Coal Company

[Docket No. M-96-206-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.360 (preshift examination) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. The petitioner proposes to visually examine each seal for physical damage from the slope gunboat during the preshift examination after an air quantity reading is taken in by the intake portal and to test for the quantity and quality of air at the intake air split locations off the slope in the gangway portion of the workings. The petitioner proposes to physically examine the entire length of the slope once a month. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 4. Brookside Coal Company

[Docket No. M-96-207-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.364(b)(1), (4) and (5) (weekly examination) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. Due to hazardous conditions and roof falls, certain areas

of the intake haulage slope and primary escapeway cannot be traveled safely. The petitioner proposes to examine the areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and travel and thoroughly examine these areas for hazardous conditions once a month. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 5. Brookside Coal Company

[Docket No. M-96-208-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.1002-1 (location of other electrical equipment; requirements for permissibility) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit use of non-permissible electric equipment within 150 feet of the pillar line due in part to the method of mining used in pitching anthracite mines. As an alternative, the petitioner proposes to evaluate the mine air quality for methane on an hourly basis during operation and record one of the gas test results in the on-shift examination record. The petitioner also proposes to suspend equipment operation anytime the methane concentration at the equipment reaches 0.5 percent or when found during a preshift examination. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 6. Brookside Coal Company

[Docket No. M-96-209-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.1100 (quantity and location of firefighting equipment) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 7. Brookside Coal Company

[Docket No. M-96-210-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the

application of 30 CFR 75.1201-1(a) (temporary notations, revisions, and supplements) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. The petitioner proposes to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 8. Brookside Coal Company

[Docket No. M-96-211-C]

Brookside Coal Company, Box 64, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its Diamond Slope (I.D. No. 36-08456) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit alternative methods of construction of seals using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 9. Consolidation Coal Company

[Docket No. M-97-01-C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Shoemaker Mine (I.D. No. 46-01436) located in Marshall County, West Virginia. The petitioner proposes to use high-voltage (4,160 volt) cables in the last open crosscut. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 10. Eastern Associated Coal Corporation

[Docket No. M-97-02-C]

Eastern Associated Coal Corporation, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.364 (weekly examination) to its Federal No. 2 Mine

(I.D. No. 46-01456) located in Monongalia County, West Virginia. The petitioner requests amendments to its previously granted petition for modification (Docket No. M-92-120-C) which was filed to allow checkpoints instead of examining portions of the mine that were inaccessible due to adverse roof conditions. The petitioner states that a portion of the mine has been sealed thus eliminating the need for certain checkpoints; that checkpoints 3, 4, 7, and 8 are now behind seals and therefore are no longer necessary; and that checkpoints 5 and 6 that were used to evaluate a return air course from 2 West Mains will be eliminated due to rehabilitation and ventilation changes in the seal project which is now being examined as required. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 11. CONSOL of Kentucky, Inc.

[Docket No. M-97-03-C]

CONSOL of Kentucky, Inc., Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.1101 (water sprinkler systems; arrangement of sprinklers) to its Jones Fork 13A-H4 Mine (I.D. No. 15-17885) located in Knott County, Kentucky. The petitioner proposes to use a single overhead pipe system with 1/2-inch orifice automatic sprinklers located on 10-foot centers, to cover 50 feet of fire-resistant belt or 150 feet of non-fire resistant belt, with actuation temperatures between 200 and 230 degrees Fahrenheit and with water pressure equal to or greater than 10 psi; and to have the sprinklers located not more than 10 feet apart so that the discharge of water will extend over the belt drive, belt take-up, electrical control, and gear reducing unit. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 12. Marrowbone Development Company

[Docket No. M-97-04-C]

Marrowbone Development Company, P.O. Box 119, Naugatuck, West Virginia 25685 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Big Branch Mine (I.D. No. 46-05978) located in Mingo County, West Virginia. The petitioner proposes to use (2,300 volt) a.c. electricity to power continuous

mining equipment. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 13. Powderhorn Coal Company

[Docket No. M-97-05-C]

Powderhorn Coal Company, 701 Market Street, Suite 700, St. Louis, Missouri 63101-1826 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Roadside Mine (I.D. No. 05-03012) located in Mesa County, Colorado. The petitioner requests a modification of the standard to permit the use of belt air to ventilate active working places. The petitioner proposes to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries used as intake air courses. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 14. Philippi Development, Inc.

[Docket No. M-97-06-C]

Philippi Development, Inc., Route 3 Box 146, Philippi, West Virginia 26416 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Sentinel Mine (I.D. No. 46-04168) located in Barbour County, West Virginia. The petitioner proposes to establish an inlet evaluation point along with an outlet evaluation point at which every seven days a certified person would measure methane and oxygen concentrations, air quantity, make tests to determine if the air is moving in its proper direction and record the results in a book provided on the surface. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 15. Laurel Coal Company

[Docket No. M-97-07-C and M-97-08-C]

Laurel Coal Company, P.O. Box 780, Danville, West Virginia 25053 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its 7A Mine (I.D. No. 46-08566), and its Coalburg 9A Mine (I.D. No. 46-08002) both located in Logan County, West Virginia. The petitioner proposes to replace a padlock on battery plug connectors on mobile battery-powered machines with a threaded ring and a spring loaded device to prevent the plug connector from accidentally disengaging while under load. The petitioner asserts that

the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

16. K & L Coal Company

[Docket No. M-97-09-C]

K & L Coal Company, Box 266, R.D. #1, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1100-2 (quantity and location of firefighting equipment) to its No. 10 Slope (I.D. No. 36-06649) located in Northumberland County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

17. White Oak Mining & Construction Company, Inc.

[Docket No. M-97-10-C]

White Oak Mining & Construction Company, Inc., Scofield P.O. Box 60, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its White Oak No. 2 Mine (I.D. No. 42-01280) located in Carbon County, Utah. The petitioner proposes to make tests for methane at least two rows of roof bolts outby the last complete row of permanent supports. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

18. Consol Pennsylvania Coal Company

[Docket No. M-97-11-C]

Consol Pennsylvania Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Bailey Mine (I.D. No. 36-07230) located in Greene County, Pennsylvania. The petitioner requests a modification of the standard to permit the maximum lengths of the loading machine, roof bolter, and section ventilation fan trailing cables supplying equipment from 480-volt alternating current systems to be increased to 800 feet. The petitioner asserts that the proposed alternative method would provide at least the same

measure of protection as would the mandatory standard.

19. Paramount Coal Corporation

[Docket No. M-97-12-C]

Paramount Coal Corporation, P.O. Box 7, Dante, Virginia 24237 has filed a petition to modify the application of 30 CFR 77.214(a) (refuse piles; general) to its Deep Mine 24 (I.D. No. 44-06802) located in Wise County, Virginia. The petitioner proposes to backfill the existing highwall with scalp rock in an area containing abandoned mine openings. The petitioner has outlined in this petition specific methods to be used for sealing the mine openings. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

20. Cannelton Industries, Inc.

[Docket No. M-97-13-C]

Cannelton Industries, Inc., One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examinations) to its Mine No. 145 (I.D. No. 46-08592) located in Kanawha County, West Virginia. The petitioner proposes to take methane tests at the face from under permanent roof support, or when such test is not appropriate because the last row of permanent support is sufficiently back from the face, using a probe with a maximum extension of 20 feet in working places before a continuous miner is taken in the place or energized; to take methane tests at the next to last row of permanent roof supports every two minutes and use a 20 foot probe to check for methane and if the methane is less than 1.0 percent mining will begin again, and if the methane is not less than 1.0 percent, adjustments in ventilation would be made until it is reduced below 1.0 percent in working places where continuous miners are operating. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

21. Genwal Resources, Inc.

[Docket No. M-97-14-C]

Genwal Resources, Inc., P.O. Box 1420, 195 North 100 West, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables

and transformers) to its Crandall Canyon Mine (I.D. No. 42-01715) located in Emery County, Utah. The petitioner proposes to use high-voltage (2400 volts) operated equipment inby the last open crosscut at the working longwall sections. The petitioner states that application of the standard would result in diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

22. Mettiki Coal Corporation

[Docket No. M-97-15-C]

Mettiki Coal Corporation, 293 Table Rock Road, Oakland, Maryland 21550 has filed a petition to modify the application of 30 CFR 75.352 (return air courses) to its Mettiki Mine (I.D. No. 18-00621) located in Garrett County, Maryland. The petitioner requests a modification of the standard to permit two-entry development of the headgate for the No. 25 Longwall panel; and to permit belt entries to be used for ventilation purposes, using specific requirements outlined in granted petition 30 CFR 75.326 (now 30 CFR 75.350) Docket No. M-90-41-C, while developing the two-entry system. The petitioner proposes to install low-level carbon monoxide sensors as an early warning fire-detection system in the intake escapeway entry and in the belt entry at specific locations outlined in this petition. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

23. Cyprus Cumberland Resources Corporation

[Docket No. M-97-16-C]

Cyprus Cumberland Resources Corporation, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410 has filed a petition to modify the application of 30 CFR 75.312 (c) & (d) (main mine fans examinations and records) to its Cumberland Mine (I.D. No. 36-05018) located in Greene County, Pennsylvania. The petitioner requests a modification to permit persons other than those specified in the mandatory standard to enter and work underground on the shift that monthly fan examinations are being conducted and notify all persons prior to the start of the shift that fan examinations are going to be made and give them access to the mine communications system; and to have the person conducting the inspection contact the anchorman on the surface

and inform him that fan tests are about to begin at each fan location. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**24. The Rosebud Mining Company LLC**  
[Docket No. M-97-01-M]

The Rosebud Mining Company LLC, P.O. Box, Winnemucca, Nevada 89446 has filed a petition to modify the application of 30 CFR 57.9300(a) (berms or guardrails) to its Rosebud Unit Mine (I.D. No. 26-02241) located in Humboldt County, Nevada. The petitioner proposes to place posts along the edges of the roadway in order to better delineate the edge of the road. The petitioner states that installation of berms would reduce the amount of roadway and diminish safety by increasing the possibility of accidental collisions. The petitioner states that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**Request for Comments**

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 14, 1997. Copies of these petitions are available for inspection at that address.

Dated: March 6, 1997.

Patricia W. Silvey,

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

[FR Doc. 97-6372 Filed 3-12-97; 8:45 am]

BILLING CODE 4510-43-P

**Occupational Safety and Health Administration**

**Proposed Information Collection Request Submitted for Public Comment and Recommendations; Reporting of Fatality or Multiple Hospitalization Incidents (1218-0007)**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the

Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of approval for the paperwork requirements of 29 CFR 1904.8, Reporting of Fatality or Multiple Hospitalization Incidents.

**DATES:** Written comments must be submitted on or before May 12, 1997.

Written comments should:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**ADDRESSES:** Comments are to be submitted to the Docket Office, Docket No. ICR-97-6, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 219-7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219-5046.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 219-8148. Copies of the reference information collection request are available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Vivian Allen at (202) 219-8076. For electronic copies, contact OSHA's WebPage on Internet at <http://www.osha.gov/>.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

OSHA promulgated regulation 29 CFR 1904.8 which currently requires employers to report work related fatalities and/or incidents involving the in-patient hospitalization of three or more employees to OSHA within 8 hours of learning of the incident. OSHA investigates such incidents in order to provide the Agency with information on the causes of employment fatalities, injuries and illnesses to identify and require correction of serious hazards and to prevent the occurrence of such incidents in the future. Such information can also be a source of support for new and revised safety and health standards. Investigators will determine whether there was a violation of OSHA standards, and, if so, whether the violation may have contributed to the incident. In addition, the Agency determines whether OSHA standards adequately cover the hazards which led to the incident. Therefore, such investigations must be prompt and thorough if they are to provide valid, useful information and achieve their intended purposes.

OSHA currently has approval from The Office of Management and Budget (OMB) for information collection requirements contained in 29 CFR 1904.8. That approval will expire on May 31, 1997, unless OSHA applies for an extension of the OMB approval. This notice initiates the process for OSHA to request an extension of the current OMB approval. This notice also solicits public comment on OSHA's existing paperwork burden estimates from those interested parties and to seek public response to several questions related to the development of OSHA's estimation. Interested parties are requested to review OSHA's estimates, which are based upon the most current data available, and to comment on their accuracy or appropriateness in today's workplace situation.

**II. Current Actions**

This notice requests an extension of the current OMB approval of the paperwork requirements in 29 CFR 1904.8, Reporting of Fatality or Multiple Hospitalization Incidents.

**Type of Review:** Extension of currently approved collection.

**Agency:** U.S. Department of Labor, Occupational Safety and Health Administration.

**Title:** Reporting of Fatality or Multiple Hospitalization Incidents.

**OMB Number:** 1218-0007.

**Agency Number:** Docket No. ICR-97-6.