

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Submit comments on or before June 9, 1997.

**ADDRESSES:** Written comments shall be mailed to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to [psilvey@msha.gov](mailto:psilvey@msha.gov), along with an original printed copy. Ms. Silvey can be reached at (703) 235-1910 (voice) or (703) 235-5551 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Mr. Fesak can be reached at [gfesak@msha.gov](mailto:gfesak@msha.gov) (Internet E-mail), (703) 235-8378 (voice), or (703) 235-1563 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811(c), provides that a mine operator or a representative of miners may petition the Secretary to modify the application of a mandatory safety standard. A petition for modification may be granted if the Secretary of Labor (Secretary) determines (1) that an alternative method of achieving the results of the standard exists and that it will guarantee, at all times, no less than the same measure of protection for the miners affected as that afforded by the standard, or (2) that the application of the standard will result in a diminution of safety to the miners affected.

Petitions for Modification must be in writing and contain the petitioner's name and address, the mailing address and mine identification number of the mine or mines affected, the mandatory safety standard to which the petition is directed, a concise statement of the modification requested; a detailed statement of the facts that show the grounds upon which a modification is claimed or warranted; and, if the petitioner is a mine operator, the identity of any representative of miners at the affected mine.

##### II. Current Actions

Each petition for modification must be investigated by MSHA on a mine-by-mine basis and a decision reached on

the merits. A mine operator may only request modification of one mandatory safety standard per petition. However, a mine operator may file a petition for more than one mine by showing that identical issues of law and fact exist for each mine.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Petitions for Modification—Pertains to all mines.

*OMB Number:* 1219-0065.

*Affected Public:* Business or other for-profit institutions.

*Cite/Reference/Form/etc:* 30 CFR 44.9, 44.10, and 44.11.

*Total Respondents:* 217 mine operators.

*Frequency:* On occasion.

*Total Responses:* 217.

*Average Time per Response:* 29 hours.

*Estimated Total Burden Hours:* 6,400 hours.

*Estimated Total Burden Cost:* \$256,000.

Comments submitted in response to this notice will be summarized and/or included in the request for office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 3, 1997.

**George M. Fesak,**

*Director, Program Evaluation and Information Resources.*

[FR Doc. 97-9235 Filed 4-9-97; 8:45 am]

BILLING CODE 4510-43-M

#### DEPARTMENT OF LABOR

##### Mine Safety and Health Administration

##### Summary of Decisions Granting in Whole or in Part Petitions for Modification

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

**SUMMARY:** Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will

result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register**. Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision.

**FOR FURTHER INFORMATION:** Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Contact Barbara Barron at 703-235-1910.

Dated: March 24, 1997.

**Patricia W. Silvey,**

*Director, Standards, Regulations, and Variances.*

##### Affirmative Decisions on Petitions for Modification

*Docket No.:* M-92-096-C.

*FR Notice:* 57 FR 43476.

*Petitioner:* Zeigler Coal Company.

*Reg Affected:* 30 CFR 75.352.

*Summary of Findings:* Petitioner's proposal to ventilate the belt haulage slope with return air and monitor the belt slope with an automatic fire sensor and warning device system considered acceptable alternative method. Granted for the Spartan Mine with conditions for the use of the conveyor belt in the slope portion of the main return.

*Docket No.:* M-92-097-C.

*FR Notice:* 57 FR 43476.

*Petitioner:* Costain Coal, Inc.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to install a low-level carbon monoxide detection system in all belt entries where a sensor location is identified instead of a monitoring system which identifies each belt flight considered acceptable alternative method. Granted for the Baker Mine with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

*Docket No.:* M-93-080-C.

*FR Notice:* 58 FR 39235.

*Petitioner:* Synder Coal Company.

*Reg Affected:* 30 CFR 75.1405

*Summary of Findings:* Petitioner's proposal to use bar and pin or link and pin couplers on underground haulage equipment instead of automatic couplers considered acceptable

alternative method. Granted for the N and L Slope Mine with conditions.

*Docket No.:* M-93-154-C.

*FR Notice:* 58 FR 39570.

*Petitioner:* Little Rock Coal Company.

*Reg Affected:* 30 CFR 75.1100-2(a)(2).

*Summary of Findings:* Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for firefighting equipment in the working section.

*Docket No.:* M-93-158-C.

*FR Notice:* 58 FR 41294.

*Petitioner:* Mountain Coal Company.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal that condition number 16 requiring sections to be designed by entry location, by number of entries, or by pressure differential to enhance the protection of the intake escapeway from contamination by fires in adjacent entries of MSHA Proposed Decision and Order, docket number M-90-061-C be deleted considered acceptable alternative method. Granted for the West Elk Mine with conditions.

*Docket No.:* M-93-211-C.

*FR Notice:* 58 FR 44701.

*Petitioner:* Drummond Company, Inc.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to use all belt entries as intake air courses to eliminate any possible dead air areas and prevent air reversals due to changes in ventilation pressure; to continue separating the belt entries used as intake entries from other intake and return entries using a continuous permanent type stopping; and to install a carbon monoxide monitoring system in all belt entries used as intake air courses considered acceptable alternative method. Granted for the Shoal Creek Mine with conditions for the use of belt air to ventilate active working sections. Application for Relief to Give Effect to April 22, 1996 Granted.

*Docket No.:* M-93-280-C.

*FR Notice:* 58 FR 58566.

*Petitioner:* Andalex Resources, Inc.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to use a two-entry development system and use the belt entry as a return air course during longwall development and as an intake air course during longwall extraction to ensure adequate ventilation quantity to dilute and render harmless any methane or other noxious gases that otherwise may accumulate considered acceptable alternative method. Granted for the

Pinnacle Mine with conditions for the use of belt air in two-entry mining systems.

*Docket No.:* M-94-009-C.

*FR Notice:* 59 FR 6975.

*Petitioner:* SBM Coal Company.

*Reg Affected:* 30 CFR 75.1100-2(a)(2).

*Summary of Findings:* Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the M&R Slope Mine.

*Docket No.:* M-94-019-C.

*FR Notice:* 59 FR 10171.

*Petitioner:* Utah Fuel Company.

*Reg Affected:* 30 CFR 75.380(d)(4).

*Summary of Findings:* Petitioner's proposal to continue utilizing the five-foot wide stairways at overcasts in the secondary escapeway which was installed prior to November 16, 1992 considered acceptable alternative method. Granted for Skyline No. 1 Mine with conditions for the use of the existing steel stairways with 5-foot wide stairs providing access to cross overcasts which were constructed prior to November 15, 1992.

*Docket No.:* M-94-067-C.

*FR Notice:* 59 FR 32465.

*Petitioner:* Andalex Resources, Inc.

*Reg Affected:* 30 CFR 75.352.

*Summary of Findings:* Petitioner's proposal to install a beltline in the return air course during development of two-entry longwall gate entries considered acceptable alternative method. Granted for the Pinnacle Mine with conditions for the use of the conveyor belt in a return aircourse during development of a two-entry mining system.

*Docket No.:* M-94-080-C.

*FR Notice:* 59 FR 35148.

*Petitioner:* K & S Coal Company.

*Reg Affected:* 30 CFR 75.360.

*Summary of Findings:* Petitioner's proposal to 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 working section considered acceptable alternative method. Granted for the First Chance Slope with conditions for examinations of seals (conducted from the gunboat) in the intake air haulage slope of this mine.

*Docket No.:* M-94-101-C.

*FR Notice:* 59 FR 40924.

*Petitioner:* H. L. & W. Coal Company.

*Reg Affected:* 30 CFR 75.340.

*Summary of Findings:* Petitioner's proposal to charge batteries on the

mine's locomotive when all miners are out of the mine and to have the intake air which is used to ventilate the charging station continue through its normal route to the last open crosscut and into the monkey airway considered acceptable alternative method. Granted for the No. 2 Slope Mine with conditions for underground battery charging station in the intake (gangway) entry.

*Docket No.:* M-94-120-C.

*FR Notice:* 59 FR 43869.

*Petitioner:* Somerset Mining Company.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to use belt air to ventilate active working places in order to enhance the operator's ability to ventilate remote sections of the mine considered acceptable alternative method. Granted for the Sanborn Creek Mine with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

*Docket No.:* M-94-147-C.

*FR Notice:* 59 FR 52840.

*Petitioner:* Leeco, Inc.

*Reg Affected:* 30 CFR 75.1103-4(a)(1).

*Summary of Findings:* Petitioner's proposal 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 considered acceptable alternative method. Granted for Mine No. 68 with conditions for the use of a carbon monoxide monitoring system that identifies the location of sensors in lieu of identifying belt flights.

*Docket No.:* M-94-148-C.

*FR Notice:* 59 FR 52840.

*Petitioner:* Leeco, Inc.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to use belt air to ventilate active working places to aid in controlling respirable dust and dissipating methane considered acceptable alternative method. Granted for Mine No. 68 with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

*Docket No.:* M-94-157-C.

*FR Notice:* 59 FR 55298.

*Petitioner:* Arch of Illinois.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to use belt air to ventilate active working faces to maintain and to better control the air ventilating the belt entries and the mining faces considered acceptable alternative method. Granted for the Conant Mine with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

*Docket No.:* M-95-025-C.

*FR Notice:* 60 FR 16165.

*Petitioner:* Southern Utah Fuel Company.

*Reg Affected:* 30 CFR 75.380(d)(3), (4), and (5)

*Summary of Findings:* Petitioner's proposal to use the main return to #3 crosscut where the escapeway will then enter the #1 beltline entry considered acceptable alternative method. Granted for the SUFCo Mine with conditions for the use of 2 East alternate escapeway with reduced travelway height or width from the conveyor belt crossing, alongside the belt conveyor and to the surface.

*Docket No.:* M-95-040-C.

*FR Notice:* 60 FR 18147.

*Petitioner:* C&B Mining Company.

*Reg Affected:* 30 CFR 75.360.

*Summary of Findings:* Petitioner's proposal to 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 working section considered acceptable alternative method. The petitioner proposes also to physically examine the entire length of the slope once a month. Granted for the No. 2 Vein Slope Mine with conditions for examinations of seals (conducted from the gunboat) in the intake air haulage slope of this mine.

*Docket No.:* M-95-049-C.

*FR Notice:* 60 FR 18148.

*Petitioner:* Kerr-McGee Coal Corporation.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to use the air in the belt entry to ventilate active working places; to examine the belt conveyor entry at least once during each coal producing shift at intervals that would be most effective while miners are working; to follow all other MSHA fire protection requirements, especially those pertaining to water lines, fire hoses, fire suppression systems, warning devices, and flame-resistant belting; and to install a low-level carbon monoxide detection system in all belt entries used as intake air courses as an early warning fire detection system considered acceptable alternative method. Granted for Mine No. 10 with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

*Docket No.:* M-95-050-C.

*FR Notice:* 60 FR 18148.

*Petitioner:* Cross Mountain Coal, Inc.

*Reg Affected:* 30 CFR 75.1103-4.

*Summary of Findings:* Petitioner's proposal to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries where a monitoring system would identify a sensor location instead of each belt flight considered acceptable alternative method. Granted for Mine No. 10 with conditions for the use of a carbon monoxide system that identifies the location of sensors in lieu of identifying belt flights.

*Docket No.:* M-95-052-C.

*FR Notice:* 60 FR 18148.

*Petitioner:* Peabody Coal Company.

*Reg Affected:* 30 CFR 75.364(b).

*Summary of Findings:* Petitioner's proposal to eliminate coverage of the 1 South seals, 2 South seals, 3 South seals, 4 South seals, and 1 West seals off the 1 Submain North in the Decision because these areas have been sealed considered acceptable alternative method. Granted for Camp No. 1 Mine with conditions.

*Docket No.:* M-95-066-C.

*FR Notice:* 60 FR 26903.

*Petitioner:* Shell Energy Company, Inc.

*Reg Affected:* 30 CFR 75.364(b)(2)

*Summary of Findings:* Petitioner's proposal to establish monitor points "A" and "B" to test for methane and quantity of air in the affected area; to have a certified person examine each monitoring point on a weekly basis and record the results in a record book kept on the surface available for inspection by interested persons; to record daily examinations of the water gauge on the active section until corrective action has been made; to cease mining if a 10 percent decrease in the quantity of air is measured at either monitor point "A" or "B" in the active section until corrective action has been made; and to cease mining if an increase of .05 percent of methane is detected at either monitor point in the active section until corrective action has been made considered acceptable alternative method. Granted for the Stacy-Meranda Mine with conditions for approximately 675-feet of the mine's main return aircourse beginning 130-feet in by the mine's return air portal.

*Docket No.:* M-95-068-C.

*FR Notice:* 60 FR 29714.

*Petitioner:* C. H. & S. Coal Company.

*Reg Affected:* 30 CFR 75.1711-2.

*Summary of Findings:* Petitioner's proposal to install bat gates on openings at Mine No. 3 and Portals C in addition to the two bat gates already installed by the Virginia Department of Mines, Minerals and Energy at openings Portal A and Portal B in 1987 considered acceptable alternative method. Granted

for Mine No. 3 with conditions to allow bat gates to be installed in Portal of the No. 1 entry and Portal "C" in this mine.

*Docket No.:* M-95-070-C.

*FR Notice:* 60 CFR 29714.

*Petitioner:* Clinchfield Coal Company.

*Reg Affected:* 30 CFR 75.350.

*Summary of Findings:* Petitioner's proposal to install a low-level carbon monoxide monitoring system as an early warning fire detection system in all belt entries used as intake air courses to ventilate the active working faces and to dilute and render harmless respirable dust and harmful gases considered acceptable alternative method. Granted for the McClure No. 2 Mine with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

*Docket No.:* M-95-080-C.

*FR Notice:* 60 FR 31499.

*Petitioner:* Andalex Resources, Inc.

*Reg Affected:* 30 CFR 75.325(b).

*Summary of Findings:* Petitioner's proposal to mine panels by driving a set of entries a specified distance and then drive another set of entries parallel and adjoining the first set; and to measure the air volume in the panels at the location indicated on the diagram accompanying the petition considered acceptable alternative method. Granted for Island Mine No. 1 with conditions.

*Docket No.:* M-95-081-C.

*FR Notice:* 60 FR 31499.

*Petitioner:* Andalex Resources, Inc.

*Reg Affected:* 30 CFR 75.360(c)(1).

*Summary of Findings:* Petitioner's proposal to mine panels by driving a set of entries a specified distance and then drive another set of entries parallel and adjoining the first set; and to measure the air volume in the panels at the location indicated on the diagram accompanying the petition considered acceptable alternative method. Granted for Island Mine No. 1 with conditions.

*Docket No.:* M-95-082-C.

*FR Notice:* 60 FR 31499.

*Petitioner:* Andalex Resources, Inc.

*Reg Affected:* 30 CFR 75.362(c)(1).

*Summary of Findings:* Petitioner's proposal to mine panels by driving a set of entries a specified distance and then drive another set of entries parallel and adjoining the first set; and to measure the air volume in the panels at the location indicated on the diagram accompanying the petition considered acceptable alternative method. Granted for Island Mine No. 1 with conditions.

*Docket No.:* M-95-083-C.

*FR Notice:* 60 FR 33437.

*Petitioner:* Birdeye Coal Company, Inc.

*Reg Affected:* 30 CFR 75.342.

*Summary of Findings:* Petitioner's proposal to monitor continuously with

a hand-held methane and oxygen detector instead of using machine-mounted methane monitors on three-wheel tractors with drag bottom buckets considered acceptable alternative method. Granted for the No. 4 Mine with conditions for the Mescher permissible three-wheel battery-powered tractors used to load coal.

*Docket No.:* M-95-087-C.

*FR Notice:* 60 FR 35236.

*Petitioner:* Keystone Coal Mining Corporation.

*Reg Affected:* 30 CFR 75.380(d)(4).

*Summary of Findings:* Petitioner's proposal to continue utilizing its secondary/alternate escapeway for the Emilie No. 1 Mine through to the East Mains Section cut through to the Emilie No. 2 Mine's main line track entry, along the belt and track, and up the belt slope to the surface; to have two features in and about the slope area of the escapeway less than the requirements of the standard; and to have the distance from the sidewall of the slope to the edge of the belt 54 inches wide and the two airlock doors in the slope 46 inches wide considered acceptable alternative method. Granted for the Emilie No. 1 Mine with conditions for the continued use of the alternate escapeway at a travel width of 54 inches through the belt/track haulage slope.

*Docket No.:* M-95-089-C.

*FR Notice:* 60 FR 35236.

*Petitioner:* R. S. Coal Company.

*Reg Affected:* 30 CFR 75.1400.

*Summary of Findings:* Petitioner's proposal to use a slope conveyance (gunboat) in transporting persons without installing safety catches or other no less effective devices but instead use an increased rope strength/safety factor and secondary safety rope connection in place of such devices considered acceptable alternate method. Granted for the No. 1 Slope Mine with conditions for the use of the gunboat without safety catches.

*Docket No.:* M-95-092-C.

*FR Notice:* 60 FR 39429.

*Petitioner:* Consolidation Coal Company.

*Reg Affected:* 30 CFR 75.1002.

*Summary of Findings:* Petitioner's proposal to use high-voltage (4,160 volts) cables in by the last open crosscut to supply power to longwall mining equipment considered acceptable alternative method. Granted for the Loveridge No. 22 Mine with conditions for the 4,160-volt longwall equipment.

*Docket No.:* M-95-104-C.

*FR Notice:* 60 FR 42921.

*Petitioner:* Old Hickory Coal Company.

*Reg Affected:* 30 CFR 77.1304(a).

*Summary of Findings:* Petitioner's proposal to blend recycled oil, a petroleum-based lubrication oil recycled from equipment at the No. 7 Surface Mine blended with fuel oil to create ammonium nitrate/fuel oil (ANFO) for use as a blasting agent considered acceptable alternative method. Granted for the Peat's Branch No. 3 Mine with conditions.

*Docket No.:* M-95-105-C.

*FR Notice:* 60 FR 42921.

*Petitioner:* Hobet Mining, Inc.

*Reg Affected:* 30 CFR 77.1304(a).

*Summary of Findings:* Petitioner's proposal to blend recycled oil, a petroleum-based lubrication oil recycled from equipment at the No. 7 Surface Mine blended with fuel oil to create ammonium nitrate/fuel oil (ANFO) for use as a blasting agent considered acceptable alternative method. Granted for the No. 7 Surface Mine with conditions.

*Docket No.:* M-95-106-C.

*FR Notice:* 60 FR 42921.

*Petitioner:* Hobet Mining, Inc.

*Reg Affected:* 30 CFR 77.1304(a).

*Summary of Findings:* Petitioner's proposal to blend recycled oil, a petroleum-based lubrication oil recycled from equipment at the No. 21 Surface Mine blended with fuel oil to create ammonium nitrate/fuel oil (ANFO) for use as a blasting agent considered acceptable alternative method. Granted for the No. 21 Surface Mine with conditions.

*Docket No.:* M-95-111-C.

*FR Notice:* 60 FR 46871.

*Petitioner:* Solar Sources Underground, L.L.C.

*Reg Affected:* 30 CFR 75.1700.

*Summary of Findings:* Petitioner's proposal to plug and mine through oil and gas wells considered acceptable alternative method. Granted for the Monroe City Mine with conditions for mining through oil and gas wells.

*Docket No.:* M-95-117-C.

*FR Notice:* 60 FR 52217.

*Petitioner:* Snyder Coal Company.

*Reg Affected:* 30 CFR 75.1200(d) & (j).

*Summary of Findings:* Petitioner's proposal 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 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 considered acceptable alternative method. Granted for the N & L Slope Mine with conditions for the

use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

*Docket No.:* M-96-119-C.

*FR Notice:* 60 FR 52217.

*Petitioner:* Doverspike Bros. Coal Company, Inc.

*Reg Affected:* 30 CFR 75.380(d)(4).

*Summary of Findings:* Petitioner's proposal to maintain an alternate escapeway that would have a travelway with a minimum width of four feet and a total of 350 lineal feet instead of the required six-foot-wide escapeway considered acceptable alternate method. Granted for the Dora No. 6 Mine with conditions for top portion of the duel compartment conveyor-belt slope for a distance of 350 feet from the surface.

*Docket No.:* M-95-123-C.

*FR Notice:* 60 FR 52218.

*Petitioner:* H & S Coal Company.

*Reg Affected:* 30 CFR 75.335.

*Summary of Findings:* Petitioner's request for a modification of the standard to permit alternative methods of construction 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 considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for seals installed in this mine.

*Docket No.:* M-95-128-C.

*FR Notice:* 60 FR 52218.

*Petitioner:* H & S Coal Company.

*Reg Affected:* 30 CFR 75.1100-2.

*Summary of Findings:* Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for firefighting equipment in the working section.

*Docket No.:* M-95-129-C.

*FR Notice:* 60 FR 52218.

*Petitioner:* H & S Coal Company.

*Reg Affected:* 30 CFR 75.1200 (d) & (i).

*Summary of Findings:* Petitioner's proposal 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 considered acceptable alternate method. Granted for the No. 1 Slope Mine with conditions for the use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

*Docket No.:* M-95-130-C.

*FR Notice:* 60 FR 52218.

*Petitioner:* H & S Coal Company.

*Reg Affected:* 30 CFR 75.1202-1(a).

*Summary of Findings:* Petitioner's proposal to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for annual revisions and supplements of the mine map.

*Docket No.:* M-95-131-C.

*FR Notice:* 60 FR 52219.

*Petitioner:* Performance Coal Company.

*Reg Affected:* 30 CFR 75.1002.

*Summary of Findings:* Petitioner's proposal to use high-voltage (4,160 volts) cables to power longwall equipment considered acceptable alternate method. Granted for the Upper Big Branch South Mine with conditions for the 4,160-volt longwall equipment.

*Docket No.:* M-95-143-C.

*FR Notice:* 60 FR 54392.

*Petitioner:* Three Way Coal Company.

*Reg Affected:* 30 CFR 75.335.

*Summary of Findings:* Petitioner's request for a modification of the standard to permit alternative methods of construction 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 considered acceptable alternative method. Granted for the Little Vein Slope Mine with conditions for seals installed in this mine.

*Docket No.:* M-95-147-C.

*FR Notice:* 60 FR 54392.

*Petitioner:* Three Way Coal Company.

*Reg Affected:* 30 CFR 75.1102.

*Summary of Findings:* Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the

Little Vein Slope Mine with conditions for firefighting equipment in the working section.

*Docket No.:* M-95-148-C.

*FR Notice:* 60 FR 54392.

*Petitioner:* Three Way Coal Company.

*Reg Affected:* 30 CFR 75.1200 (d) & (i).

*Summary of Findings:* Petitioner's proposal 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 considered acceptable alternate method. Granted for the Little Vein Slope Mine with conditions for the use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

*Docket No.:* M-95-149-C.

*FR Notice:* 60 FR 54392.

*Petitioner:* Three Way Coal Company.

*Reg Affected:* 30 CFR 75.1202-1(a).

*Summary of Findings:* Petitioner's proposal to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations considered acceptable alternative method. Granted for the Little Vein Slope Mine with conditions for annual revisions and supplements of the mine map.

*Docket No.:* M-95-151-C.

*FR Notice:* 60 FR 54393.

*Petitioner:* Heatherly Mining, Inc.

*Reg Affected:* 30 CFR 75.1700.

*Summary of Findings:* Petitioner's proposal to plug and mine through certain abandoned wells which lie in the path of engineered mine workers considered acceptable alternative method. Granted for the Pollyanna No. 8 Mine with conditions for permanent plugging prior to the mining within 300 feet of or through oil or gas wells.

*Docket No.:* M-95-158-C.

*FR Notice:* 60 FR 64079.

*Petitioner:* R. S. Coal Company.

*Reg Affected:* 30 CFR 75.335.

*Summary of Findings:* Petitioner's request for a modification of the standard to permit alternative methods of construction 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 considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for seals installed in this mine.

*Docket No.:* M-95-160-C.

*FR Notice:* 60 FR 64080.

*Petitioner:* R. S. Coal Company.

*Reg Affected:* 30 CFR 75.1100-2(a)(2).

*Summary of Findings:* Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for firefighting equipment in the working section.

*Docket No.:* M-95-161-C.

*FR Notice:* 60 FR 64080.

*Petitioner:* R. S. Coal Company.

*Reg Affected:* 30 CFR 75.1200 (d) & (i).

*Summary of Findings:* Petitioner's proposal 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 considered acceptable alternate method. Granted for the No. 1 Slope Mine with conditions for the use of cross sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

*Docket No.:* M-95-162-C.

*FR Notice:* 60 FR 64080.

*Petitioner:* R. S. Coal Company.

*Reg Affected:* 30 CFR 75.1202-1(a).

*Summary of Findings:* Petitioner's proposal to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions for annual revisions and supplements of the mine map.

*Docket No.:* M-95-163-C.

*FR Notice:* 60 FR 64080.

*Petitioner:* R. S. Coal Company.

*Reg Affected:* 30 CFR 75.804(a).

*Summary of Findings:* Petitioner's proposal to use a high-voltage (4,160-volt) cable with an internal ground check conductor smaller than No. 10 (A.W.G.) as a part of its longwall mining system considered acceptable alternative method. Granted for the

Blacksville No. 2 Mine with conditions for Consolidation Coal Company's, Blacksville No. 2 Mine's longwall system.

*Docket No.:* M-95-164-C.

*FR Notice:* 60 FR 64080.

*Petitioner:* The Pittsburg & Midway Coal Mining Company.

*Reg Affected:* 30 CFR 75.1700.

*Summary of Findings:* Petitioner's proposal to plug and mine through oil and gas wells considered acceptable alternative method. Granted for the North River No. 1 Mine with conditions.

*Docket No.:* M-96-001-C.

*FR Notice:* 61 FR 13881.

*Petitioner:* Energy West Mining Company.

*Reg Affected:* 30 CFR 75.326 (now 75.350).

*Summary of Findings:* Petitioner's request to amend paragraph III(c)(4) and paragraph (o) of MSHA's Proposed Decision and Order (PDO) for its previously granted petition to permit the use of longwall mining with two entries in the longwall panels under deep cover at the Deer Creek Mine, Case No. 86-MSHA-3, Docket No. M-85-17-C considered acceptable. Granted with conditions. The PDO is modified to permit the use of non-Part 36 diesel-powered equipment in the two entry system, except in those areas where permissible electric face equipment is required and only Part 36 approved diesel equipment is allowed.

*Docket No.:* M-96-022-C.

*FR Notice:* 61 FR 17734.

*Petitioner:* KenAmerican Resources, Inc.

*Reg Affected:* 30 CFR 75.380(g).

*Summary of Findings:* Petitioner's request for a modification of the standard to allow the primary escapeway for the No. 9 Slope to be separated from the belt entries after completion of the two-phase Initial Development Stage (the normal course of mining in the No. 9 Seam, the time required from the commencement of mining until connection to the airshaft) considered acceptable alternative method. Granted for the No. 9 Slope Mine with conditions for the slope, during Phase 2 development, until development can progress to the airshaft and make the connections.

*Docket No.:* M-96-030-C.

*FR Notice:* 61 FR 20544.

*Petitioner:* Amax Coal Company.

*Reg Affected:* 30 CFR 75.503.

*Summary of Findings:* Petitioner's proposal to extend the length of portable trailing cables to 825 feet to carry electrical power from the working face transformer to the mobile roof supports considered acceptable alternative

method. Granted with conditions for the four(4) Voest-Alpine Mobile roof supports, Model No. ABL5130/275-540, Approved No. 2G-3736A.3, Serial Nos. 111, 112, 113 and 114 used in second mining at the Wabash mine.

*Docket No.:* M-96-032-C.

*FR Notice:* 61 FR 20544.

*Petitioner:* Pittsburg & Midway Coal Mining Company.

*Reg Affected:* 30 CFR 75.325(b).

*Summary of Findings:* Petitioner's proposal to provide positive ventilation by using the stopping line constructed to separate the intake and return air courses in the rooms previously developed on the same panel and maintained in accordance with the requirements in 30 CFR 75.333; to construct permanent stopping lines when rooms are driven more than 600 feet deep and to use temporary stopping lines when rooms are driven 600 feet deep or less, as measured from the centerline of the panel from which the rooms are driven; and to measure the air flow volumes in accordance with 30 CFR 75.360(c)(1) and 75.362(c)(1) considered acceptable alternative method. Granted for the Sebree No. 1 Mine with conditions for the relocation of the site at which air measurements shall be taken in the last open crosscut.

*Docket No.:* M-96-033-C.

*FR Notice:* 61 FR 20544.

*Petitioner:* Pittsburg & Midway Coal Mining Company.

*Reg Affected:* 30 CFR 75.360(c)(1).

*Summary of Findings:* Petitioner's proposal to provide positive ventilation by using the stopping line constructed to separate the intake and return air courses in the rooms previously developed on the same panel and maintained in accordance with the requirements in 30 CFR 75.333; to construct permanent stopping lines when rooms are driven more than 600 feet deep and to use temporary stopping lines when rooms are driven 600 feet deep or less, as measured from the centerline of the panel from which the rooms are driven; and to measure the air flow volumes in accordance with 30 CFR 75.360(c)(1) and 75.362(c)(1) considered acceptable alternative method. Granted for the Sebree No. 1 Mine with conditions for the relocation of the site at which air measurements shall be taken in the last open crosscut.

*Docket No.:* M-96-034-C.

*FR Notice:* 61 FR 20544.

*Petitioner:* Pittsburg & Midway Coal Mining Company.

*Reg Affected:* 30 CFR 75.362(c)(1).

*Summary of Findings:* Petitioner's proposal to provide positive ventilation by using the stopping line constructed

to separate the intake and return air courses in the rooms previously developed on the same panel and maintained in accordance with the requirements in 30 CFR 75.333; to construct permanent stopping lines when rooms are driven more than 600 feet deep and to use temporary stopping lines when rooms are driven 600 feet deep or less, as measured from the centerline of the panel from which the rooms are driven; and to measure the air flow volumes in accordance with 30 CFR 75.360(c)(1) and 75.362(c)(1) considered acceptable alternative method. Granted for the Sebree No. 1 Mine with conditions for the relocation of the site at which air measurements shall be taken in the last open crosscut.

*Docket No.:* M-96-035-C.

*FR Notice:* 61 FR 20544.

*Petitioner:* Pittsburg & Midway Coal Mining Company.

*Reg Affected:* 30 CFR 75.1700.

*Summary of Findings:* Petitioner's proposal to mine through oil and gas wells considered acceptable alternative method. Granted for the Sebree No. 1 Mine with conditions for mining-through oil and gas wells, in the Kentucky No. 9 coalbed.

*Docket No.:* M-95-004-M.

*FR Notice:* 60 FR 18148.

*Petitioner:* Holnam, Inc.

*Reg Affected:* 30 CFR 56.6901.

*Summary of Findings:* Petitioner's proposal to destroy substandard model rocket engines containing black powder and desensitized black powder sweepings in conjunction with high explosives routinely detonated in mining activities considered acceptable alternative method. Granted for the Portland Quarry with conditions.

*Docket No.:* M-95-008-M.

*FR Notice:* 60 FR 29715.

*Petitioner:* Cyprus Bagdad Copper Corporation.

*Reg Affected:* 30 CFR 56.6309.

*Summary of Findings:* Petitioner's proposal to blend recycled oil with fuel oil in preparing ammonium nitrate-fuel oil (ANFO) for use as a blasting agent considered acceptable alternative method. Granted for the Bagdad Mine with conditions.

*Docket No.:* M-94-047-M.

*FR Notice:* 60 FR 3437.

*Petitioner:* Pluess-Staufer (California), Inc.

*Reg Affected:* 30 CFR 56.13020.

*Summary of Findings:* Petitioner's proposal to establish blow-off stations with a low pressure (2-6 psi) compressed airflow at various areas in the plant for employees to blow dust off their clothing considered acceptable

alternative method. Granted for the Limestone Plant with conditions.

[FR Doc. 97-9241 Filed 4-9-97; 8:45 am]

BILLING CODE 4510-43-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Summary of Decision Granting a Petition for Modification

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of affirmative decision issued by the Administrator for Coal Mine Safety and Health on a petition for modification of the application of a mandatory safety standard.

**SUMMARY:** Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register**. Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA has granted the request for modification submitted by the petitioner listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision.

**FOR FURTHER INFORMATION CONTACT:** This petition and a copy of the final decision is available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Contact Barbara Barron at 703-235-1910.

Dated: April 2, 1997.

**Edward C. Hugler,**

*Deputy Assistant Secretary for Mine Safety and Health.*

#### Affirmative Decision on a Petition for Modification

*Docket No.:* M-96-037-C.

*FR Notice:* 61 FR 33140.

*Petitioner:* Monterey Coal Company.

*Reg Affected:* 30 CFR 75.380(d)(4).

*Summary of Findings:* Petitioner's request to allow the width of the escapeway to be 5 feet instead of 6 feet

when using the belt conveyor as an alternate escapeway during gateroad development and longwall operation considered acceptable alternative method. Granted for the No. 1 Mine with conditions for the conveyor belt entry during the development of longwall gate entries and subsequent retreat of the panels.

[FR Doc. 97-9242 Filed 4-9-97; 8:45 am]

BILLING CODE 4510-43-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Biomolecular Processes; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Advisory Panel for Biomolecular Processes—(5138) (Panel B).

*Date and Time:* Wednesday, Thursday, and Friday, April 30–May 1 & 2, 1997 8:30 a.m. to 5:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 310, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Charles Liarakos, Program Director for Biochemistry of Gene Expression, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. (703/306-1441).

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Biochemistry of Gene Expression Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 7, 1997.

**Linda Allen-Benton,**

*Deputy Director, Division of Human Resource Management, Acting Committee Management Officer.*

[FR Doc. 97-9253 Filed 4-9-97; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Biomolecular Structure and Function; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science

Foundation announces the following meeting.

*Name:* Advisory Panel for Biomolecular Structure and Function—(1134) (Panel A).

*Date and Time:* Wednesday, Thursday, and Friday, April 30–May 2, 1997, 8:30 a.m. to 6:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 340, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Persons:* Drs. Marcia Steinberg and P.C. Huang, Program Directors for Molecular Biochemistry, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. (703/306-1443).

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Molecular Biochemistry Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 7, 1997.

**Linda Allen-Benton,**

*Deputy Director, Division of Human Resource Management, Acting Committee Management Officer.*

[FR Doc. 97-9251 Filed 4-9-97; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Cell Biology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

*Name:* Advisory Panel for Cell Biology (1136)—(Panel A).

*Date and Time:* April 30th, May 1-2, 1997, 8:30 a.m. to 6:00 p.m.

*Place:* Room 390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Persons:* Dr. Barbara Zain and Dr. Eliot Herman, Program Directors for the Cell Biology Program, National Science Foundation, Room 655 South, Arlington, VA 22230. Telephone: 703/306-1442.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Signal Transduction & Regulation Program as part of the selection process for awards.

*Reason For Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including