

Docket No.: M-1999-068-C.

FR Notice: 64 FR 49247.

Petitioner: Peabody Coal Company.

Regulation Affected: 30 CFR

75.1909(b)(6).

Summary of Findings: Petitioner's proposal is to use its diesel grader underground with only rear wheel brakes instead of brake on each wheel, limit the grader speed to 10 miles per hour maximum and train grader operators to drop the grader blade if the brakes fail. This is considered an acceptable alternative method for the Camp No. 11 Mine. MSHA grants the petition for modification for the Camp No. 11 Mine with conditions.

Docket No.: M-1999-069-C.

FR Notice: 64 FR 49247.

Petitioner: The American Coal Company.

Regulation Affected: 30 CFR

75.1909(b)(6).

Summary of Findings: Petitioner's proposal is to operate its Getman Roadbuilders diesel graders, serial number 6187 and 6547, without front brakes but instead use the factory installed brake system on only the rear wheels because using front wheel brakes will result in a diminution of safety. This is considered an acceptable alternative method for the Galatia Mine. MSHA grants the petition for modification for the Galatia Mine with conditions.

Docket No.: M-1999-071-C.

FR Notice: 64 FR 49247.

Petitioner: Turris Coal Company.

Regulation Affected: 30 CFR

75.1909(b)(6).

Summary of Findings: Petitioner's proposal is to use an alternative method of installing front brakes on its six wheeled grader, limit the maximum speed of the grader to less than 10 miles per hour, provide training for grader operator on lowering the moldboard for additional stopping capability in emergencies, train grader operators on the appropriate speeds to use on different roadway conditions and slopes. This is considered an acceptable alternative method for the Elkhart Mine. MSHA grants the petition for modification for the Elkhart Mine with conditions.

Docket No.: M-98-103-C.

FR Notice: 64 FR 2520.

Petitioner: Consol of Kentucky, Incorporated.

Regulation Affected: 30 CFR 75.701.

Summary of Findings: Petitioner's proposal is to use a low- and medium voltage, three-phase, alternating current from a portable, 188KW diesel-driven generator and to connect the neutral of the generator's transformer secondary

through a suitable resistor to the frame of the diesel generator. This is considered an acceptable alternative method for the Mill Creek E-3 Mine, Loves Branch-h4 Mine, E3RF Mine, Big Springs #17 Mine, Motts Branch Mine, and Big Springs E-1 Mine. MSHA grants the petition for modification with conditions.

Docket No.: M-98-084-C.

FR Notice: 63 FR 58430.

Petitioner: Consol of Kentucky, Incorporated.

Regulation Affected: 30 CFR

75.901(a).

Summary of Findings: Petitioner's proposal is to derive a low- and medium voltage three-phase, alternating current for use underground from a portable, diesel-driven generator and to connect the neutral of the generator's transformer secondary through a suitable resistor to the frame of the diesel generator and the frame of the generator solidly connected to a borehole casing, metal waterline, or a grounding conductor with a low resistance to earth. This is considered an acceptable alternative method for the Mill Creek E-3 Mine, Loves Branch-h4 Mine, E3RF Mine, Big Springs #17 Mine, Motts Branch Mine, and Big Springs E-1 Mine. MSHA grants the petition for modification with conditions.

Docket No.: M-98-078-C.

FR Notice: 63 FR 48766.

Petitioner: Webster County Coal Corporation.

Regulation Affected: 30 CFR

75.901(a).

Summary of Findings: Petitioner's proposal is to use an alternative method for its 480 volt, three-phase, 200KW diesel powered generator that will provide low- and medium voltage three-phase circuits and grounding protection. This is considered an acceptable alternative method for the Dotiki Mine. MSHA grants the petition for modification for the Dotiki Mine with conditions.

Docket No.: M-1999-002-M.

FR Notice: 64 FR 23874.

Petitioner: ASARCO, Inc.

Regulation Affected: 30 CFR

57.14100(a).

Summary of Findings: Petitioner's request is to modify the standard to permit continued use of its preshift procedures already in place. The petitioner's proposal is to have a qualified and competent driver preshift inspect its buses for the oncoming shift and have the operator drive the bus to the fuel island after the bus is thoroughly inspected, fuel the bus, drive it back to the pit office, and report any

defects to the maintenance department for repair before the bus is placed into service instead of having individual drivers conduct inspections for their prospective bus. This is considered an acceptable alternative method for the Ray Complex Mine. MSHA grants the petition for modification for the Ray Complex Mine with conditions.

Docket No.: M-91-05-M.

FR Notice: 56 FR.

Petitioner: Solvey Minerals, Inc.

Regulation Affected: 30 CFR

57.22305.

Summary of Findings: Petitioner's proposal is to amend its previously granted petition for modification, docket number M-91-05-M to use specific non-permissible tools or their equivalent in or beyond the last open crosscut. The petitioner proposes to add another non-permissible tool to condition No. 1 of the granted petition for modification and update the list of approved methane monitors that can be used at the mine. This amendment to the petition will allow flexibility as to which approved methane monitors can be used. This is considered an acceptable alternative method for the Solvay Minerals, Inc. Mine. MSHA grants amendment to the previously granted petition for the Solvay Minerals, Inc. Mine with conditions.

[FR Doc. 99-32748 Filed 12-16-99; 8:45 am].

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DEPARTMENT OF LABOR

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. Long Branch Energy

[Docket No. M-1999-121-C]

Long Branch Energy, P.O. Box 776, Danville, West Virginia 25033 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its #18 Mine (I.D. No. 46-08305) located in Boone 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 application of the standard will result in a diminution of safety to the miners. In addition, the petitioner asserts that the

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

2. McElroy Coal Company

[Docket No. M-1999-122-C]

McElroy Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.364(b)(1) and (2) (weekly examination) to its McElroy Mine (I.D. No. 46-01437) located in Marshall County, West Virginia. The petitioner requests a modification of the standard to permit weekly examinations of designated monitoring stations instead of traveling and conducting weekly examinations in certain intake and return entries of the mine. The petitioner states that the area of the mine affected by this petition is subject to previously granted petitions, docket numbers M-91-78-C, M-92-142-C, and M-93-007-C, which established the monitoring stations ("PCS") to be used instead of traveling the affected return air courses and granted the district manager discretion to relocate the PCS. The petitioner requests that the three existing petitions be withdrawn and consolidated into one petition. The petitioner proposes to: (i) conduct a weekly examination at each monitoring station for methane and to verify direction of air flow; (ii) instruct the person making the examinations and tests to place his/her initials, the date, and time the monitoring station and record the results in a book on the surface and made available for inspection by interested parties; (iii) maintain each monitoring station in a safe condition at all times; and (iv) have the monitoring stations shown on the ventilation and part of the approved ventilation plan. The petitioner asserts that the proposed alternative method will provide at least the same measure of protection as the mandatory standard.

3. Blue Mountain Energy, Inc.

[Docket No. M-1999-123-C]

Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648 has filed a petition to modify the application of 30 CFR 75.500(d) (permissible electric equipment) to its Deserado Mine (I.D. No. 05-03505) located in Rio Blanco County, Colorado. The petitioner requests a modification of the standard to permit the use of low-voltage and nonpermissible diagnostic equipment within 150 feet of pillar workings in its continuous miners development sections. The petitioner proposes to use the nonpermissible electronic testing or diagnostic

equipment in or by the last open crosscut. The petitioner asserts that the proposed alternative method will provide at least the same measure of protection as the mandatory standard.

4. Independence Coal Company, Inc.

[Docket No. M-1999-124-C]

Independence Coal Company, Inc., HC 78 Box 1800, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Justice No. 1 Mine (I.D. No. 46-07273) located in Boone County, West Virginia. The petitioner proposes to use 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 will provide at least the same measure of protection as the mandatory standard.

5. Genwal Resources, Inc.

[Docket No. M-1999-125-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 75.350 (air courses and belt haulage entries) to its Crandall Canyon Mine (I.D. No. 42-01715) located in Emery County, Utah. The petitioner requests that some of the language in the Decision and Order (D&O) for its previously granted petition, docket number M-96-71-C, be amended because the petitioner states that certain product availability for the exhaust systems have become limited and require an extensive lead time and to replace these products at frequent intervals would be substantially costly since durability is limited in the mining atmosphere. The petitioner proposes that diesel equipment include a means to prevent spray from ruptured fuel and oil lines from being ignited by contact with engine exhaust systems. The petitioner asserts that the proposed alternative method will provide at least the same measure of protection as the granted D&O and will not result in a diminution of safety provided by the existing standard.

6. Mingo Logan Coal Company

[Docket No. M-1999-126-C]

Mingo Logan Coal Company, 1000 Mingo Logan Avenue, Wharnccliffe, West Virginia 25651 has filed a petition to modify the application of 30 CFR 75.1002 (location of feeder wires, trolley feeder wires, high-voltage cables and transformers) to its Mountaineer Alma-

A Mine (I.D. No. 46-08730) located in Mingo County, West Virginia. The petitioner proposes to use a high-voltage cable within 150 feet of pillar workings to power a 2400 VAC longwall mining machine. The petitioner asserts that the proposed alternative method will provide at least the same measure of protection as the mandatory standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 18, 2000. Copies of these petitions are available for inspection at that address.

Dated: December 9, 1999

Carol J. Jones

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

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-10542, et al.]

Proposed Exemptions; Business Men's Assurance Company of America (BMA)

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

Unless otherwise stated in the Notice of Proposed Exemption, all interested persons are invited to submit written comments, and with respect to exemptions involving the fiduciary prohibitions of section 406(b) of the Act, requests for hearing within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the