

without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on September 6, 1996, the Missouri Dental Board issued a Disciplinary Order revoking Dr. Waller's license to practice dentistry. The Acting Deputy Administrator finds that in light of the fact that Dr. Waller is not currently licensed to practice dentistry in the State of Missouri, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51, 104(1993).

Here it is clear that Dr. Waller is not currently authorized to handle controlled substances in the State of Missouri, where he has applied for registration with DEA. Therefore, Dr. Waller is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100 (b) and 0.104, hereby orders that the application, submitted by Charles Milton Waller, D.D.S., on June 6, 1995, for a DEA Certificate of Registration, be, and it hereby is, denied. This order is effective July 25, 1997.

Dated: June 16, 1997.

**James S. Milford,**

*Acting Deputy Administrator.*

[FR Doc. 97-16558 Filed 6-24-97; 8:45 am]

BILLING CODE 4410-09-M

## 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. Clark Elkhorn Mining Company

[Docket No. M-97-58-C]

Clark Elkhorn Mining Company, P.O. Box 2805, Pikeville, Kentucky 41502

has filed a petition to modify the application of 30 CFR 75.900 (low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Sunset Mine No. 2 (I.D. No. 15-17849) located in Pike County, Kentucky. The petitioner proposes to use contactors to obtain undervoltage protection instead of using circuits breakers. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

##### 2. B & B Anthracite Coal

[Docket No. M-97-59-C]

B & B Anthracite Coal, 225 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.360 (preshift examination) to its Rock Ridge Slope (I.D. No. 36-07741) 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 working section. 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.

##### 3. B & B Anthracite Coal

[Docket No. M-97-60-C]

B & B Anthracite Coal, 225 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.364(b) (1), (4), and (5) (weekly examination) to its Rock Ridge Slope (I.D. No. 36-07741) 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 these areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to 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.

##### 4. B & B Anthracite Coal

[Docket No. M-97-61-C]

B & B Anthracite Coal, 225 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.1100 (quantity and location of firefighting equipment) to its Rock Ridge Slope (I.D. No. 36-07741) 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.

##### 5. B & B Anthracite Coal

[Docket No. M-97-62-C]

B & B Anthracite Coal, 225 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.1202-1(a) (temporary notations, revisions, and supplements) to its Rock Ridge Slope (I.D. No. 36-07741) 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.

##### 6. Ambrose Branch Coal Company, Inc.

[Docket No. M-97-63-C]

Ambrose Branch Coal Company, Inc., P.O. Box 806, Pound, Virginia 24279 has filed a petition to modify the application of 30 CFR 77.214 (refuse piles; general) to its Preparation Plant (I.D. No. 44-05265) located in Wise County, Virginia. The petitioner requests a modification of the standard to allow backfilling of the existing highwall with refuse in an area containing abandoned mine openings. The petitioner proposes to fill seven (7) drift openings with refuse material at the abandoned Fleetwood Energy, Inc., Mine No. 2 (I.D. No. 44-06470). The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

##### 7. Consolidation Coal Company

[Docket No. M-97-64-C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.364(b)(2)

(weekly examination) to its Shoemaker Mine (I.D. No. 46-01436) located in Marshall County, West Virginia. Due to deteriorating roof conditions, certain areas of the return air course cannot be traveled safely. The petitioner proposes to establish evaluation points P and Q that would be maintained in safe condition; and to have a certified person test for methane and the quantity of air at both check points on a weekly basis and place their initials, date, and time in a record book kept on the surface and made available for inspection by interested persons. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **8. Turriss Coal Company**

[Docket No. M-97-66-C]

Turriss Coal Company, P.O. Box 21, Elkhart, Illinois 62634 has filed a petition to modify the application of 30 CFR 75.1100-2(i)(1) (quantity and location of firefighting equipment) to its Elkhart Mine (I.D. No. 11-02664) located in Logan County, Illinois. The petitioner proposes to use the following materials at its Elkhart Mine: 160 Kennedy Metal Stopping Panels with associated head sills and twist clamps; 32 Kennedy Stopping Rib Angles; 3 rolls of tape; 3 twist tools; 2 rolls of brattice cloth; 3 stopping jacks; 3 dutch heads; 3 shovels; 12 buckets of Celtite 10-12 Airtite (or equivalent material for stopping); and 5 tons of rock dust. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **9. Old Ben Coal Company**

[Docket No. M-97-67-C]

Old Ben Coal Company, P.O. Box 397, 13101 Ziegler Road, Coulterville, Illinois 62237 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Ziegler No. 11 Mine (I.D. No. 11-02408) located in Randolph County, Illinois. The petitioner proposes, instead of using a padlock, to use a Spring-Loaded Plug Interlock attached to the plug receptacle and permanently attached to the battery case designed so that when the battery-plugs are secured and the spring loaded interlock is released, the threaded ring securing the battery plugs cannot become loose. The petitioner asserts the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **10. Drummond Company, Inc.**

[Docket No. M-97-68-C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35202-0246 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Shoal Creek Mine (I.D. No. 01-02901) located in Jefferson County, Alabama. The petitioner requests that the final Decision and Order dated April 1, 1995, be amended. The petitioner asserts that the amended alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **11. Kerr-McGee Coal Corporation**

[Docket No. M-97-69-C]

Kerr-McGee Coal Corporation, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 has filed a petition to modify the application of 30 CFR 75.352 (return air courses) to its Galatia Mine (I.D. No. 11-02752) located in Saline County, Illinois. The petitioner requests a modification of the standard to permit two-entry development of the headgate entries for the 5th East Longwall panel. 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **12. Kerr-McGee Coal Corporation**

[Docket No. M-97-70-C]

Kerr-McGee Coal Corporation, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Galatia Mine (I.D. No. 11-02752) located in Saline County, Illinois. The petitioner requests a modification of the standards to permit two-entry development and retreat mining in the 5th East Longwall panel. 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **13. Tri-State Terminals, Inc.**

[Docket No. M-97-71-C]

Tri-State Terminals, Inc., P.O. Box 6100, Huntington, West Virginia 25770 has filed a petition to modify the application of 30 CFR 77.503-1 (electric conductors) to its Lockwood Dock (I.D.

No.15-10358) located in Boyd County, Kentucky. The petitioner proposes to install current limiting devices on the electrical conductors provided for the crusher motors listed as C2A-300HP, C2B-300HP, CIA-200HP, and CIB-200HP, and the BC-3 conveyor belt drive electrical installations to ensure deenergization of the circuit before a rise in temperature from normal operation damages the insulating materials of electrical conductors. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **14. Island Creek Coal Company**

[Docket No. M-97-72-C]

Island Creek Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.364 (weekly examination) to its Ohio No. 11 Mine (I.D. No. 15-03173) located in Union County, Kentucky. Due to an accumulation of water in the 3rd North Old No. 1 Unit and cut through sealed area of the intake air course, persons traveling the affected area to make weekly examinations would be exposed to hazardous conditions. The petitioner proposes to amend its ventilation plan to remove evaluation points EP-1, EP-2, and EP-3 and establish evaluation points C, D, and E maintained in safe condition at all times; to have a certified person conduct tests for methane and the quantity of air at all check points on a weekly basis and place their initials, date, and time in a record book kept on the surface and made available for inspection by interested parties. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **15. Homestake Mining Company**

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

Homestake Mining Company, 630 E. Summit, Lead, South Dakota 57754 has filed a petition to modify the application of 30 CFR 56.6202(a)(5) (vehicles) to its Lead, S.D. Mine (I.D. No. 39-00055) located in Lawrence County, South Dakota. The petitioner proposes to substitute a flashing amber light in place of signs on rubber-tired mobile equipment used in the ramp systems and to have the light readily visible from all directions. The petitioner states that the flashing amber light would be a natural extension of the amber light currently used at the Homestake Mine to delineate explosive storage facilities. The petitioner asserts

that application of the standard would diminish the safety of the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same 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 July 25, 1997. Copies of these petitions are available for inspection at that address.

Dated: June 17, 1997.

**Patricia W. Silvey,**

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

[FR Doc. 97-16665 Filed 6-24-97; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### **Petition for Modification**

The following party has filed a petition to modify the application of a mandatory safety standard under section 101(c) of the Federal Mine Safety and Health Act of 1977.

#### **Monterey Coal Company**

[Docket No. M-97-65-C]

Monterey Coal Company, Rural Route 4, Box 235, Carlinville, Illinois 62626 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its No. 1 Mine (I.D. No. 11-00726) located in Macoupin County, Illinois. The petitioner proposes to mine through oil and gas wells with the longwall system after they have been properly plugged. In addition, the petitioner proposes to mine through plugged oil and gas wells with continuous miners when no barrier can be left during development mining at its No. 1 Mine. The petitioner states that using the proposed alternative method would guarantee equal or better protection to the miners.

#### **Request for Comments**

Persons interested in this petition 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 July 25, 1997. A copy of this petition is available for inspection at that address.

Dated: June 16, 1997.

**Edward C. Hugler,**

*Deputy Assistant Secretary for Mine Safety and Health.*

[FR Doc. 97-16666 Filed 6-24-97; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### **Advisory Committee on Construction Safety and Health: Request for Nomination of Members**

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Advisory Committee on Construction Safety and Health (ACCSH): Request for Nomination of Members.

The Acting Assistant Secretary of Labor for Occupational Safety and Health invites and requests the public to nominate individuals by July 31, 1997, for appointment to the Advisory Committee on Construction Safety and Health. ACCSH is authorized under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656). The function of ACCSH is to advise the Assistant Secretary on occupational safety and health standards in the construction industry and policy affecting federally-financed or federally-assisted construction.

ACCSH meets two to four times per year for one or two days per meeting. Some terms will expire on August 15, 1998, and others on August 15, 1999. Any member absent from two consecutive meetings will be replaced for the duration of his or her term.

The five categories of membership and the number of representatives to be appointed in each category are listed below:

- Representatives of employee interests (five).
- Representatives of employer interests (five).
- Representatives of State safety and health agencies (two).
- Representatives qualified by knowledge and experience related to construction safety and health (two). This includes representatives of

professional safety and health groups or standards-producing groups.

- Representatives from, and appointed by, the National Institute for Occupational Safety and Health (not appointed by OSHA).

Nominees must have specific experience and be actively engaged in work related to occupational safety and health in the construction industry. Members (other than representatives of employers and employees) must not have an economic interest in any proposed standard. Nominations for a particular category of membership should come from groups or people within that category.

OSHA requires the particular information listed below. Nominations must include (1) nominee's resume or curriculum vitae, (2) all categories of membership for which the nominee can serve, (3) nominee's involvement in federally-funded or federally-assisted construction, (4) a summary of background, experience and qualifications that makes the nominee well-suited for each of those particular categories of membership, (5) the nominee's date of birth, (6) the nominee's Social Security number, (7) the nominee's current address, (8) the nominee's telephone number, (9) the nominee's fax number (if available), and (10) the nominee's e-mail address (if available). In addition, each nomination must state that the nominee is (11) aware of the nomination, (12) willing to serve, (13) able to attend meetings, and (14) free of apparent conflicts of interest that would preclude unbiased service on ACCSH. Nominations of past or existing members must also include (15) the period of previous appointment(s), (16) a list of all ACCSH and workgroup meetings attended and missed, and (17) a summary of significant contributions made in producing written recommendations to OSHA. The nomination should also include a writing sample authored solely by the nominee and a description of the nominee's oral communications skills.

The Department of Labor is committed to equal opportunity in the workplace and seeks a broad-based and diverse ACCSH membership. Send nominations no later than July 31, 1997, to Ms. Teresa M.B. Martinez, Department of Labor, OSHA, 200 Constitution Avenue, N.W., Room S-2315, Washington, D.C. 20210. For further information, contact Ms. Martinez at 202-219-6091.