

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 of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor (Secretary) may allow the modification of 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.

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, as designee of the Secretary, has granted or partially granted the requests for modification listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision. The term "FR Notice" appears in the list of affirmative decisions below. The term refers to the **Federal Register** volume and page where MSHA published a notice of the filing of the petition for modification.

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: August 27, 1999.

Carol J. Jones,

Acting Director, Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-99-014-C.

FR Notice: 64 FR 16761.

Petitioner: The Ohio Valley Coal Company.

Regulation Affected: 30 CFR 75.804(a).

Summary of Findings: Petitioner's proposal is to use a high-voltage cable with an internal ground check conductor smaller than No. 10 (A.W.G.) as part of its longwall mining system. This is considered an acceptable alternative method for the Powhatan No. 6 Mine. MSHA grants the petition for modification for the Powhatan No. 6 Mine with conditions.

Docket No.: M-98-021-C.

FR Notice: 63 FR 18232.

Petitioner: Peabody Coal Company.

Regulation Affected: 30 CFR 75.364(a)(1).

Summary of Findings: Petitioner's proposal is to have a certified person conduct weekly examinations at established evaluation points immediately inby and outby the affected area to determine methane and oxygen concentrations and the volume of air, and record the results in a book maintained on the surface of the mine. This is considered an acceptable alternative method for the Camp No. 1 Mine. MSHA grants the petition for modification for the Camp No. 1 Mine with conditions.

Docket No.: M-98-032-C.

FR Notice: 63 FR 29034.

Petitioner: Mettiki Coal Corporation.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal is to use 4,300 volt cables on high-voltage longwall electric equipment used within 150 feet from pillar workings (longwall gob). This is considered an acceptable alternative method for the Mettiki Mine. MSHA grants the petition for modification for the Mettiki Mine with conditions.

Docket No.: M-98-055-C.

FR Notice: 63 FR 44291.

Petitioner: Twentymile Coal Company.

Regulation Affected: 30 CFR 75.1002-1(a).

Summary of Findings: Petitioner's proposal is to measure the thickness of the deck plate and related components on its longwall face conveyor using a hand-held, double insulated 7.5 volt non-permissible ultrasonic thickness gauge during idle shifts when mining is not occurring; to deenergize all electrical equipment, except lighting, on the longwall face and follow all appropriate lockout and tagout procedures prior to using the gauge; and to have a certified person examine for methane in the immediate area of the longwall face conveyor and record the results, as a special examination, in the onshift examination books after the shift on which the examination is performed.

This is considered an acceptable alternative method for the Foidel Creek Mine. MSHA grants the petition for modification for the Foidel Creek Mine with conditions.

Docket No.: M-98-057-C.

FR Notice: 63 FR 44291.

Petitioner: Blue Mountain Energy, Inc.

Regulation Affected: 30 CFR 75.1002-1(a).

Summary of Findings: Petitioner's proposal is to allow the use of non-permissible electronic testing or diagnostic equipment within 150 feet of pillar workings. This is considered an acceptable alternative method for the Deserado Mine. MSHA grants the petition for modification for the Deserado Mine with conditions.

Docket No.: M-98-066-C.

FR Notice: 63 FR 44292.

Petitioner: G and A Coal Company, Inc.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal is to use belt air to ventilate the working faces; to install carbon monoxide monitoring devices to monitor the air at each belt drive and tailpiece and at intervals not to exceed 2,000 feet along each conveyor belt entry; to have an audible alarm that would sound at the surface master station and that would give the location and type of alarm on a computer screen located at the surface master station, and the alarm system would be capable of giving a warning of a fire for a minimum of four (4) hours after the power to the belt is removed, except when the power is removed during a fan stoppage or the belt haulageway is examined. This is considered an acceptable alternative method for the No. 1 Mine. MSHA grants the petition for modification for the No. 1 Mine with conditions.

Docket No.: M-98-067-C.

FR Notice: 63 FR 45865.

Petitioner: Mettiki Coal Corporation.

Regulation Affected: 30 CFR 75.500(b)

Summary of Findings: Petitioner's proposal is to allow non-permissible hand-held, battery-powered drills and non-permissible electronic testing and diagnostic equipment to be taken into or used inby the last open crosscut. This is considered an acceptable alternative method for the Mettiki Mine. MSHA grants the petition for modification for the Mettiki Mine with conditions.

Docket No.: M-98-080-C.

FR Notice: 63 FR 50603.

Petitioner: Mettiki Coal Corporation.

Regulation Affected: 30 CFR 75.1002-1(a).

Summary of Findings: Petitioner's proposal is to use non-permissible low

horsepower testing and diagnostic equipment within 150 feet from pillar workings. This is considered an acceptable alternative method for the Mettiki Mine. MSHA grants the petition for modification for the Mettiki Mine with conditions.

Docket No.: M-98-081-C.

FR Notice: 63 FR 58430.

Petitioner: U.S. Steel Mining Company, LLC.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal is to use permanently installed spring-loaded locking devices on battery plugs on battery-powered equipment instead of using padlocks. This is considered an acceptable alternative method for the Gary No. 50 Mine. MSHA grants the petition for modification for the Gary No. 50 Mine with conditions.

Docket No.: M-98-085-C.

FR Notice: 63 FR 58431.

Petitioner: Rustler Coal Company.

Regulation Affected: 30 CFR 75.340.

Summary of Findings: Petitioner's proposal is for an underground battery charging station in the intake (gangway) entry. This is considered an acceptable alternative method for the Orchard Slope Mine. MSHA grants the petition for modification for the Orchard Slope Mine with conditions.

Docket No.: M-98-087-C.

FR Notice: 63 FR 58070.

Petitioner: Headache Coal Company, Inc.

Regulation Affected: 30 CFR 75.380(f)(4).

Summary of Findings: Petitioner's proposal is to install two 10 pound portable chemical fire extinguishers in the operators deck or in the scoop of each Mescher Tractor at the mine instead of a fire suppression system. This is considered an acceptable alternative method for the Roses Creek Mine. MSHA grants the petition for modification for the Roses Creek Mine with conditions.

Docket No.: M-98-089-C.

FR Notice: 63 FR 64103.

Petitioner: Consolidation Coal Company.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal is to increase the maximum length of their trailing cables to 1,000 feet for the mining machine, loading machine, shuttle car, roof bolter, and the section ventilation fan while developing longwall panels. This is considered an acceptable alternative method for the Loveridge No. 22 Mine. MSHA grants the petition for modification for the Loveridge No. 22 Mine with conditions.

Docket No.: M-98-099-C.

FR Notice: 64 FR 2520.

Petitioner: M & M Anthracite Coal Company.

Regulation Affected: 30 CFR 75.1400.

Summary of Findings: Petitioner's proposal is to use a slope conveyance (gunboat) in transporting persons using increased rope strength/safety factor and secondary safety rope connection in place of safety catches or other devices. This is considered an acceptable alternative method for the L.V. No. 3 Vein Slope Mine. MSHA grants the petition for modification for the L.V. No. 3 Vein Slope Mine with conditions.

Docket No.: M-98-110-C.

FR Notice: 64 FR 2519.

Petitioner: Eastern Association Coal Corp.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal is to use a threaded ring and spring-loaded device instead of a padlock on the battery plug connectors for mobile battery-powered machines to prevent the plug connector from accidentally disengaging while under load. This is considered an acceptable alternative method for the Harris No. 1 Mine. MSHA grants the petition for modification for the Harris No. 1 Mine with conditions.

Docket No.: M-98-111-C.

FR Notice: 64 FR 2519.

Petitioner: The Ohio Valley Coal Company.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal is to amend the Decision and Order Granting Petition for Modification No. M-87-169-C to provide for the use of a high voltage shearer in the Powhatan No. 6 Mine. Petition No. M-87-169-C only addressed the use of a high voltage face conveyor. MSHA has determined that this is an acceptable alternative method for the Powhatan No. 6 Mine and grants the petition for modification with conditions. In granting this petition for modification with conditions, MSHA has modified the terms of the previously granted petition to include the same protection to miners as is provided in other recent modifications.

The petitioner represents that exceptional circumstances exist that would result in significant economic loss if the petition were not granted. MSHA has also determined that delaying the effective date would unnecessarily disrupt mining and cause dislocation of the work force. MSHA grants Petitioner's application for relief to give effect.

Docket No.: M-98-112-C.

FR Notice: 64 FR 2519.

Petitioner: G & S Coal Company.

Regulation Affected: 30 CFR 75.1100-2.

Summary of Findings: Petitioner's proposal is to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. This is considered an acceptable alternative method. MSHA grants the petition for modification for the G & S Mine with conditions.

Docket No.: M-98-114-C.

FR Notice: 64 FR 2519.

Petitioner: Snyder Coal Company.

Regulation Affected: 30 CFR 75.1202-1(a).

Summary of Findings: Petitioner's proposal is to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. This is considered an acceptable alternative method for the N and L Slope Mine. MSHA grants the petition for modification for the N and L Slope Mine with conditions.

Docket No.: M-97-096-C.

FR Notice: 62 FR 51910.

Petitioner: Peabody Coal Company.

Regulation Affected: 30 CFR 75.364(b)(4).

Summary of Findings: Petitioner's proposal is to establish fixed evaluation points in lieu of traveling certain portions of the air course during weekly examination; and to have a certified person examine these evaluation points for methane and oxygen concentrations and the volume of air and record the results in a book maintained on the surface of the mine. This is considered an acceptable alternative method for the Camp No. 1 Mine. MSHA grants the petition for modification for the Camp No. 1 Mine with conditions.

Docket No.: M-97-101-C.

FR Notice: 62 FR 51908.

Petitioner: McElroy Coal Company.

Regulation Affected: 30 CFR 75.312(c) and (d).

Summary of Findings: The Petitioner has filed two petitions: Petition Docket No. M-97-101-C, seeking to modify § 75.312(c); and M-97-112-C, seeking to modify § 75.312(d). Sections 75.312(c) and 75.312(d) require a fan shutdown to test the fan stoppage signal and the air-reversal-prevention doors. MSHA has elected to dismiss Docket No. M-97-112-C and combine petitioner's request in Docket No. M-97-101-C. The Petitioner's proposes an alternate method of performing the tests without shutting down the fan(s) and without removing the miners from the mine. The alternative method proposes is considered acceptable for the McElroy Mine. MSHA grants the petition for modification with conditions.

Docket No.: M-97-106-C.

FR Notice: 62 FR 51909.

Petitioner: Mark P. Shingara Coal Company.

Regulation Affected: 30 CFR 75.1200(d) and (i).

Summary of Findings: Petitioner's proposal is 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 tunnel. This is considered an acceptable alternative method for the No. 4 Vein Slope Mine. MSHA grants the petition for modification for the No. 4 Vein Slope Mine with conditions.

Docket No.: M-97-107-C.

FR Notice: 62 FR 51909.

Petitioner: Mark P. Shingara Coal Company.

Regulation Affected: 30 CFR 75.1202-1(a).

Summary of Findings: Petitioner's proposal is to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. This is considered an acceptable alternative method for the No. 4 Vein Slope Mine. MSHA grants the petition for modification for the No. 4 Vein Slope Mine with conditions.

Docket No.: M-97-136-C.

FR Notice: 63 FR 2699.

Petitioner: Jim Walter Resources, Inc.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: The Petitioner is operating under a previously granted modification, Docket No. M-93-209-C. Petitioner requests that paragraph 13 of the previous petition be amended to allow damaged high voltage cable to be repaired in the mine. MSHA considers this an acceptable alternative method at the No. 3 Mine. MSHA grants the petition with conditions, including the amendment of other provisions of high voltage longwall petition Docket No. M-93-209-C.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR-99-14]

Servicing Multi-Piece and Single Piece Rim Wheels (Manufacturer's Certification Record); Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirement

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the proposed extension of the information collection requirements contained in the standard on Servicing Multi-Piece and Single Piece Rim Wheels (29 CFR 1910.177(d)(3)(iv)).

Request for Comment

The Agency seeks comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

DATES: Submit written comments on or before November 1, 1999.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR-99-14, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2222. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information

collection requirement (manufacturer's certification record) contained in the standard on Servicing Multi-Piece and Single Piece Rim Wheels (29 CFR 1910.177(d)(3)(iv)) is available for inspection and copying in the Docket Office, or mailed on request by telephoning Theda Kenney at (202) 693-2222 or Barbara Bielaski at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/comp-links.html>, and click on "Information Collection Requests."

SUPPLEMENTARY INFORMATION:

I. Background

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 continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. (29 U.S.C. 657.) In this regard, the information collection requirement (the manufacturer's certification record) in the standard on Servicing Multi-Piece and Single Piece Rim Wheels (29 CFR 1910.177(d)(3)(iv)) ensures that employers protect employees from the hazards of a damaged restraining device in the event of a rim wheel separation or the sudden release of pressurized air.

II. Proposed Actions

OSHA proposes to retain its earlier estimate of six burden hours for the provision pertaining to the manufacturer's certification record in the standard on Servicing Multi-Piece and Single Piece Rim Wheels (29 CFR 1910.177(d)(3)(iv)).

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirement contained in the above standard.