

Signed at Washington, DC this 7th day of May, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

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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 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 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. The cite following "FR Notice:" refers to the issue of the **Federal Register** where MSHA published the notice that the petitioner was seeking a 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: May 13, 1999.

Carol J. Jones,

Acting Director, Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-98-001-C.

FR Notice: 63 FR 11696.

Petitioner: Remington Coal Company, Inc. (formerly Day Mining, Inc.).

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use 2,400 volt cables to power high-voltage longwall equipment considered acceptable alternative method. Granted with conditions for the Stockburg No. 1 Mine.

Docket No.: M-98-003-C.

FR Notice: 63 FR 11696.

Petitioner: Pine Ridge Coal Company.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use 2,400 volt cables to power high-voltage equipment in the last open crosscut at continuous miner sections considered acceptable alternative method. Granted with conditions for the Big Mountain No. 16 Mine.

Docket No.: M-98-004-C.

FR Notice: 63 FR 11696.

Petitioner: Pine Ridge Coal Company.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use 2,400 volt cables to power high-voltage equipment in the last open crosscut at continuous miner sections considered acceptable alternative method. Granted with conditions for the Robin Hood No. 9 Mine.

Docket No.: M-98-009-C.

FR Notice: 63 FR 11696.

Petitioner: FKZ Coal, Inc.

Regulation Affected: 30 CFR 75.335.

Summary of Findings: Petitioner's proposal to permit alternative methods of construction of seals using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs considered acceptable alternative method. Granted for the No. 1 Slope Mine with conditions.

Docket No.: M-98-012-C.

FR Notice: 63 FR 11697.

Petitioner: FKZ Coal, Inc.

Regulation 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 to use increased rope strength/safety factor and secondary safety rope connection in place of such devices considered acceptable alternative method. Granted for the No. 1 Vein Slope Mine with conditions.

Docket No.: M-98-016-C.

FR Notice: 63 FR 11697.

Petitioner: G & P Contractors, Inc.

Regulation Affected: 30 CFR 75.380.

Summary of Findings: Petitioner's proposal to install two five pound or one ten pound portable chemical fire extinguisher in the operator's deck of each Mescher tractor operated at the mine and to have this fire extinguisher readily accessible to the operator; to inspect each fire extinguisher daily prior to entering the escapeway; to keep at the mine a daily record of the inspection; to have a sufficient number of spare fire extinguishers maintained at the mine in case a fire extinguisher becomes defective; and to provide training to each employee operating the Mescher tractor on the proper procedures for conducting daily inspections of the fire extinguisher considered acceptable alternative method. Granted for the Goodin Creek Mine with conditions.

Docket No.: M-98-017-C.

FR Notice: 63 FR 11697.

Petitioner: Lodestar Energy, Inc.

Regulation Affected: 30 CFR 75.380.

Summary of Findings: Petitioner's proposal to use a minimum of 4-feet of clearance on a secondary escapeway at its Wheatcroft mine considered acceptable alternative method. Granted for the Wheatcroft Mine with conditions for locations of reduced width in approximately twenty feet of the secondary escapeway near and between the slope coal haulage conveyor tail roller guarding to the No. 2 belt drive head support beam.

Docket No.: M-98-018-C.

FR Notice: 63 FR 11697.

Petitioner: G & P Contractors, Inc.

Regulation Affected: 30 CFR 75.342.

Summary of Findings: Petitioner's proposal to use hand-held continuous-duty methane and oxygen detectors instead of machine-mounted methane monitors on permissible three-wheel tractors with drag bottom buckets considered acceptable alternative method. Granted for the Goodin Creek Mine with conditions.

Docket No.: M-98-019-C.

FR Notice: 63 FR 18232.

Petitioner: Energy West Mining Company.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to amend the Decision and Order Granting Petition for Modification No. M-94-166-C is granted. The Assistant Secretary had granted a modification of 30 CFR 75.350 to enable the company to conduct longwall mining with two rather than three entries in longwall panels under deep cover. The Assistant Secretary had concluded that mining under deep cover with more than two entries would result in a diminution of safety. The current modification amends the conditions under which the original modification was granted to accommodate the high-pressure emulsion station within the two-entry longwall retreat sections at Energy West's Trail Mountain Mine.

Docket No.: M-98-020-C.

FR Notice: 63 FR 18232.

Petitioner: Energy West Mining Company.

Regulation Affected: 30 CFR 75.352.

Summary of Findings: Petitioner's proposal to amend the Decision and Order Granting Petition for Modification No. M-94-167-C is granted. The Assistant Secretary had granted a modification of 30 C.F.R. § 75.352 to enable the company to conduct longwall mining with two rather than three entries in longwall panels under deep cover. The Assistant Secretary had concluded that mining under deep cover with more than two entries would result in a diminution of safety. The current modification amends the conditions under which the original modification was granted to accommodate the high-pressure emulsion station within the two-entry longwall retreat sections at Energy West's Trail Mountain Mine.

Docket No.: M-98-023-C.

FR Notice: 63 FR 18232.

Petitioner: Fray Mining, Inc.

Regulation Affected: 30 CFR 77.214.

Summary of Findings: Petitioner's proposal to allow construction of a refuse bench fill in an area containing abandoned mine openings considered acceptable alternative method. Granted for the Mine No. 2 with conditions.

Docket No.: M-98-025-C.

FR Notice: 63 FR 18233.

Petitioner: Marrowbone Development Company.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to use an automatic fire detection system based on carbon monoxide monitoring of the underground conveyor entries to allow

air coursed through conveyor belt entries to be used to ventilate active working places and to install a carbon monoxide detection system as an early warning fire detection system in all belt entries used to course intake air to a working place considered acceptable alternative method. Granted for the North Marrowbone Creek Mine with conditions.

Docket No.: M-98-026-C.

FR Notice: 63 FR 18233.

Petitioner: Marrowbone Development Company.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal to use permanently installed spring-loaded locking devices instead of padlocks on battery plugs and to install and maintain spring-loaded locking devices on battery plugs to prevent the threaded rings that secure the battery plugs to the battery receptacles from loosening unintentionally considered acceptable alternative method. Granted for the North Marrowbone Creek Mine with conditions.

Docket No.: M-98-027-C.

FR Notice: 63 FR 18233.

Petitioner: Eagle Energy, Inc.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use 4,160 volt cables to power longwall equipment considered acceptable alternative method. Granted for the Mine No. 1 with conditions.

Docket No.: M-98-029-C.

FR Notice: 63 FR 29034.

Petitioner: Joliett Coal Company.

Regulation 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 to use increased rope strength/safety factor and secondary safety rope connection in place of such devices considered acceptable alternative method. Granted for the No. 3 Vein Slope Mine with conditions.

Docket No.: M-98-033-C.

FR Notice: 63 FR 29034.

Petitioner: Sea "B" Mining Company.

Regulation Affected: 30 CFR 75.1710.

Summary of Findings: Petitioner's proposal to operate self-propelled electric face equipment without canopies because of the mining heights less than 46 inches at the Silver Creek Mine considered acceptable alternative method. Granted with conditions for the three center-driven Joy 21SC shuttle cars, Serial Nos. ET11685, ET13646 standard drive reel, and ET16734 off-standard reel; for the S&S Scoop CX2,

Serial No. CX2 323; for the Long Airdock Scoop 482, Serial No. 482-2240; and, for the Fletcher Roof Bolting Machine, Model RD RR11 w/T-Bar ATRS, Serial No. 97095, in heights (floor to roof) less than 46 inches.

Docket No.: M-98-062-C.

FR Notice: 63 FR 44292.

Petitioner: Independence Coal Company, Inc.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage longwall mining equipment and the nominal voltage of power circuits for this equipment would not exceed 2,400 volts considered acceptable alternative method. Granted with conditions for the 2,400-volt continuous miner system(s) used at the Justice No. 1 Mine.

Docket No.: M-98-063-C.

FR Notice: 63 FR 44292.

Petitioner: Independence Coal Company, Inc.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage longwall mining equipment and the nominal voltage of power circuits for this equipment would not exceed 2,400 volts considered acceptable alternative method. Granted with conditions for the 2,400-volt continuous miner system(s) used at the Jack's Branch Buffalo Creek Mine.

Docket No.: M-98-086-C.

FR Notice: 63 FR 58431.

Petitioner: Kedco, Inc.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage 2,400 volt cables to power continuous mining machines in and inby the last open crosscut considered acceptable alternative method. Granted with conditions for the 2,400-volt continuous miner system used at the No. 2 Mine.

Docket No.: M-97-004-C.

FR Notice: 62 FR 11926.

Petitioner: Eastern Mingo Coal Company.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use (2,300 volt) a.c. electricity to power continuous mining equipment considered acceptable alternative method. Granted with conditions for the 2,400-volt continuous miner used at the Big Branch Mine.

Docket No.: M-97-020-C.

FR Notice: 62 FR 23797.

Petitioner: Becky Coal Company, Inc.

Regulation Affected: 30 CFR 75.380.

Summary of Findings: Petitioner's proposal to install two number five or

one number ten portable chemical fire extinguisher in the operator's deck of each Mescher tractor operated at its mine; to have the fire extinguisher readily accessible to the operator; and to have each fire extinguisher inspected daily by the equipment operator prior to entering the escapeway and if any defects are found replace the extinguisher before entering considered acceptable alternative method. Granted for the Mine No. 5 with conditions for Mescher three wheel tractors to be operated in the primary intake escapeway.

Docket No.: M-97-027-C.

FR Notice: 62 FR 23798.

Petitioner: Arclar Company.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to use intake air from belt haulage entries to ventilate the active working places and to install and maintain a carbon monoxide monitoring system along the beltline considered acceptable alternative method. Granted with conditions to allow air coursed through conveyor belt entries to be used to ventilate working places.

Docket No.: M-97-029-C.

FR Notice: 62 FR 23798.

Petitioner: Arch of Illinois.

Regulation Affected: 30 CFR 75.323.

Summary of Findings: Petitioner's proposal to have the section's transformer located in the intake air/power entry and maintained at least 300 feet away from any type of mining (development or secondary mining/winging) and that the intake would feed the air to the active working face, the gob area, and around the bleeder system considered acceptable alternative method. Granted for the Conant Mine with conditions for application only during the second mining process known as "winging" using the Archveyor system.

Docket No.: M-97-034-C.

FR Notice: 62 FR 23799.

Petitioner: Tanoma Mining Company.

Regulation Affected: 30 CFR 75.326 (now 75.350).

Summary of Findings: Petitioner's proposal to amend paragraph 1(b) by adding "when pillaring, inby sensor is to be located at least 150 feet but no more than 160 feet from the inby end of the RFM" considered acceptable alternative method. Granted with conditions.

Docket No.: M-97-035-C.

FR Notice: 62 FR 23799.

Petitioner: Birdeye Coal Company, Inc.

Regulation Affected: 30 CFR 75.380.

Summary of Findings: Petitioner's proposal to install two number five or one number ten portable chemical fire extinguisher in the operator's deck considered acceptable alternative method. Granted for No. 4 Mine for Mescher three wheel tractors to be operated in the primary intake escapeway.

Docket No.: M-97-050-C.

FR Notice: 62 FR 29372.

Petitioner: Canyon Fuel Company, LLC.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage 4,160 volt cables to supply power to longwall equipment used inby the last open crosscut considered acceptable alternative method. Granted for the SUFCO for the 4,160-volt longwall equipment.

Docket No.: M-97-060-C.

FR Notice: 62 FR 34311.

Petitioner: B. and B. Anthracite Coal.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to conduct examinations of 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 considered acceptable alternative method. Granted for the Rock Ridge No. 1 Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M-97-062-C.

FR Notice: 62 FR 34311.

Petitioner: B. and B. Anthracite Coal.

Regulation Affected: 30 CFR 75.1202-1.

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 Rock Ridge No. 1 Slope Mine with conditions for annual revisions and supplements of the mine map.

Docket No.: M-97-064-C.

FR Notice: 62 FR 34311.

Petitioner: Consolidation Coal Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal 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 considered acceptable alternative method. Granted for the Shoemaker Mine with conditions for the unsafe-to-travel 1780-foot segment of the 4 South and East Returns return aircourse near Whittaker Air Shaft and Portal area.

Docket No.: M-97-067-C.

FR Notice: 62 FR 34312.

Petitioner: Old Ben Coal Company.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal to use in lieu of a padlock a Spring-Loaded Plug Interlock attached to the receptacle and permanently attached to the battery-case 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 considered acceptable alternative method. Granted for the Ziegler No. 11 Mine with conditions.

Docket No.: M-97-073-C.

FR Notice: 62 FR 38123.

Petitioner: Apogee Coal Company (dBA Arch of Illinois).

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to allow the use of high-voltage trailing cables (2400 Vac) inby the last open crosscut and within 150 feet of pillar workings at the continuous miner sections considered acceptable alternative method. Granted for the Conant Mine with conditions.

Docket No.: M-97-077-C.

FR Notice: 62 FR 38123.

Petitioner: Apogee Coal Company (dBA Arch of Illinois).

Regulation Affected: 30 CFR 75.701.

Summary of Findings: Petitioner's proposal to allow the use of a diesel-powered generator to supply power to mobile mining equipment when the equipment is being moved from one area to another without grounding the neutral to a low resistance ground field considered acceptable alternative method. Granted for the 480-volt, three-phase, 200KW/250 KVA DPG set supplying power to a 250 KVA three-phase transformer and three-phase power circuits.

Docket No.: M-97-078-C.

FR Notice: 62 FR 38123.

Petitioner: Eastern Associated Coal Corporation.

Regulation Affected: 30 CFR 75.507.

Summary of Findings: Petitioner's proposal to use a 2300-volt three-phase alternating current electric power circuit

for the pump, and the power circuit would be designed and installed to contain (1) either a direct or derived neutral which would be grounded through a suitable resistor at the source transformer or power center; (2) a grounding circuit originating at the grounded side of the grounding resistor that would extend along with the power conductors and serve as the grounding conductor for the frame of the pump and all the associated electric equipment where power is supplied from the circuit; (3) a grounding resistor that would limit the ground fault current to no more than 15 amperes; (4) a suitable circuit breaker to provide protection against grounded phase, undervoltage, short circuit, and overload; (5) a disconnecting device; and (6) a fail-safe ground check circuit considered acceptable alternative method. Granted for the Harris No. 1 Mine and Lightfoot No. 2 Mine with conditions.

Docket No.: M-97-079-C.

FR Notice: 62 FR 38124.

Petitioner: Consolidation Coal Company.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage cables not extending 4,160 volts in by the last open crosscut and has listed in the petition specific terms and conditions for their safe use considered acceptable alternative method. Granted for the Blacksville No. 2 Mine with conditions.

Docket No.: M-97-082-C.

FR Notice: 62 FR 44724.

Petitioner: Tanoma Mining Company.

Regulation 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 Tanoma Mine with conditions for mining through or near (whenever the safety barrier diameter is reduced to a distance less than the District Manager would approve pursuant to Section 75.1700) plugged oil or gas wells penetrating the Lower Kittanning Coal Seam.

Docket No.: M-97-084-C.

FR Notice: 62 FR 44724.

Petitioner: Turris Coal Company.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to use intake air coming from belt haulage entries to ventilate workings and to install a carbon monoxide monitoring system as an early warning system along belt haulage entries considered acceptable alternative method. Granted for the Turris Coal Company with conditions.

Docket No.: M-97-087-C.

FR Notice: 62 FR 46379.

Petitioner: Costain Coal, Inc.

Regulation Affected: 30 CFR 75.1103-4.

Summary of Findings: Petitioner's proposal to install one CO sensor not more than 100 feet downwind of where both the tailpiece and belt drive are located, and at intervals not to exceed 2,000 feet along each conveyor belt entry considered acceptable alternative method. Granted for the Smith Underground No. 1 Mine 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-97-089-C.

FR Notice: 62 FR 46379.

Petitioner: Garrett Mining, Inc.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to use belt haulage entries as intake air courses for ventilation of active working places, and to install a low-level CO monitoring system as an early warning fire detection system in all belt entries used as intake air courses considered alternative method. Granted for the No. 2 Mine with conditions.

Docket No.: M-97-090-C.

FR Notice: 62 FR 46379.

Petitioner: Costain Coal, Inc.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal to use a spring-loaded device with specific characteristics instead of a padlock to secure plugs and electrical type connectors to batteries and to the permissible mobile powered equipment the batteries serve considered acceptable alternative method. Granted for the Smith Underground No. 1 Mine with conditions for the use of permanently installed spring-loaded locking devices in lieu of padlocks on battery plugs.

Docket No.: M-97-091-C.

FR Notice: 62 FR 46379.

Petitioner: G & P Contractors, Inc.

Regulation Affected: 30 CFR 75.380.

Summary of Findings: Petitioner's proposal to install two 5-pound or one 10-pound portable chemical fire extinguisher in the operator's deck of each Mescher tractor readily accessible to the operator; to have the fire extinguisher inspected daily by the equipment operator prior to entering the escapeway; to have the operator make a record of the daily inspections and keep them at the mine site; and to have a sufficient number of spare fire extinguishers maintained at the mine in case an extinguisher becomes defective

considered acceptable alternative method. Granted for the Stoney Fork Mine No. 2 with conditions for Mescher three wheel tractors to be operated in the primary intake escapeway.

Docket No.: M-97-094-C.

FR Notice: 62 FR 46380.

Petitioner: Consolidation Coal Company.

Regulation Affected: 30 CFR 75.804.

Summary of Findings: Petitioner's proposal to use a high-voltage 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 Shoemaker Mine with conditions.

Docket No.: M-97-097-C.

FR Notice: 62 FR 51910.

Petitioner: CONSOL of Kentucky, Inc.

Regulation Affected: 30 CFR 75.1101-8.

Summary of Findings: Petitioner's proposal to use a single overhead pipe system with 1/2-inch orifice automatic sprinklers located on 10-foot centers, located to cover 50 feet of fire-resistant belt or 150 feet of non-fire resistant belt, with actuation temperatures between 200 and 230 degrees Fahrenheit and with water pressure equal to or greater than 10 psi; to have the sprinklers located not more than 10 feet apart, so that the discharge of water will extend over the belt drive, belt take-up, electrical control, and gear reducing unit considered acceptable alternative method. Granted for the Big Springs No. 6 Mine with conditions.

Docket No.: M-97-098-C.

FR Notice: 62 FR 51910.

Petitioner: Eastern Associated Coal Corporation.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage cables (2400-volt) in by the last open crosscut at the longwall working sections considered acceptable alternative method. Granted for the Harris No. 1 Mine with conditions.

Docket No.: M-97-099-C.

FR Notice: 62 FR 51910.

Petitioner: Lodestar Energy, Inc.

Regulation Affected: 30 CFR 75.503 (18.41(f)).

Summary of Findings: Petitioner's proposal to use a spring-loaded device with specific fastening characteristics instead of a padlock to secure plugs and electrical type connectors to batteries and to the permissible mobile powered equipment to prevent accidental separation of the battery plugs from their receptacles during normal

operation of the battery equipment considered acceptable alternative method. Granted for the Baker Mine with conditions.

Docket No.: M-97-100-C.

FR Notice: 62 FR 51910.

Petitioner: Eastern Associated Coal Corporation.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to request that paragraph 28 of the PDO be amended to provide at least one escapeway on the tailgate side of the longwall face considered acceptable alternative method. Granted for the Federal No. 2 Mine with conditions.

Docket No.: M-97-102-C.

FR Notice: 62 FR 51908.

Petitioner: Mark P. Shingara Coal.

Regulation Affected: 30 CFR 75.335.

Summary of Findings: Petitioner's proposal to permit alternative methods of seal 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. 4 Vein Slope with conditions.

Docket No.: M-97-103-C.

FR Notice: 62 FR 51908.

Petitioner: Mark P. Shingara Coal.

Regulation Affected: 30 CFR 75.360.

Summary of Findings: Petitioner's proposal to visually examine each seal for physical damage from the slope gunboat during the preshift examination after an air quality 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 No. 4 Vein Slope Mine with conditions.

Docket No.: M-97-104-C.

FR Notice: 62 FR 51909.

Petitioner: Mark P. Shingara Coal.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to examine these areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and travel and thoroughly examine these areas for hazardous conditions once a month considered acceptable alternative method. Granted for the No. 4 Vein Slope Mine with conditions.

Docket No.: M-97-108-C.

FR Notice: 62 FR 51909.

Petitioner: Mark P. Shingara Coal.

Regulation 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 increased rope strength/safety factor and secondary safety rope connection in place of such devices considered acceptable alternative method. Granted for the No. 4 Vein Slope with conditions.

Docket No.: M-97-109-C.

FR Notice: 62 FR 51909.

Petitioner: Oxbow Carbon & Minerals, Inc.

Regulation Affected: 30 CFR 75.804.

Summary of Findings: Petitioner's proposal to allow the use of Anaconda Type SHD+GC, Pirelli Type SHD-Center-GC, Tiger Brand Type SHD-CGC, and other brands of identical construction flame-resistant cables on the high-voltage longwall system(s) and that these cables would utilize a flexible No. 16 A.W.G. ground check conductor for the ground continuity check circuit considered acceptable alternative method. Granted for the Sanborn Creek Mine with conditions.

Docket No.: M-97-110-C.

FR Notice: 62 FR 51909.

Petitioner: Oxbow Carbon & Minerals, Inc.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use 2,400 volt cables to power longwall equipment considered acceptable alternative method. Granted for the Sanborn Creek Mine with conditions.

Docket No.: M-97-114-C.

FR Notice: 62 FR 59893.

Petitioner: Roberts Bros. Coal Co., Inc.

Regulation Affected: 30 CFR 75.503(18.41(f)).

Summary of Findings: Petitioner's proposal to use a spring-loaded device with specific fastening characteristics instead of a padlock to secure plugs and electrical type connectors to batteries and to the permissible mobile powered equipment, to prevent accidental separation of the battery plugs from their receptacles during normal operation of the battery equipment and in the event of a battery fire, the spring-loaded device can be disconnected much faster and safer than a padlock considered acceptable alternative method. Granted for the Cardinal No. 2 Mine with conditions.

Docket No.: M-97-115-C.

FR Notice: 62 FR 59893.

Petitioner: BJM Coal Company.

Regulation Affected: 30 CFR 75.503(18.41(f)).

Summary of Findings: Petitioner's proposal to allow the use of a spring-loaded locking device instead of padlocks to secure battery plugs to machine mounted receptacles which would prevent the threaded lock ring on a plug from turning and coming loose unintentionally considered acceptable alternative method. Granted for the Camp Creek Deep Mine with conditions.

Docket No.: M-97-116-C.

FR Notice: 62 FR 59893.

Petitioner: BJM Coal Company.

Regulation Affected: 30 CFR 75.503(18.41(f)).

Summary of Findings: Petitioner's proposal to allow the use of a spring-loaded locking device instead of padlocks to secure battery plugs to machine mounted receptacles which would prevent the threaded lock ring on a plug from turning and coming loose unintentionally considered acceptable alternative method. Granted for the Mine No. 9b with conditions.

Docket No.: M-97-119-C.

FR Notice: 62 FR 63727.

Petitioner: The Pittsburgh & Midway Coal Mining Co.

Regulation Affected: 30 CFR 75.503(18.41(f)).

Summary of Findings: Petitioner's proposal to allow the use of a spring-loaded device with specific fastening characteristics with its fastening configuration to secure plugs and electrical-type connectors to batteries and to the permissible mobile-powered equipment, which the batteries serve, instead of using a padlock considered acceptable alternative method. Granted for the Sebree No. 1 Mine with conditions.

Docket No.: M-97-121-C.

FR Notice: 62 FR 63727.

Petitioner: Consol of Kentucky, Inc.

Regulation Affected: 30 CFR 75.1101-8.

Summary of Findings: Petitioner's proposal to permit the use of a single line of automatic sprinklers for its fire protection system on main and secondary belt conveyor and the use of a single overhead pipe system with 1/2-inch orifice automatic sprinklers located on 10-foot centers, located to cover 50 feet of fire-resistant belt or 150 feet of non-fire resistant belt, with actuation temperatures between 200 to 230 degrees Fahrenheit, and with water pressure equal to or greater than 10 psi; to locate the sprinklers not more than 10 feet apart so that the discharge of water

will extend over the belt drive, belt take-up, electrical control, and gear reducing unit; to conduct a test using the specific procedures outlined in this petition during the installation of each new system, during any subsequent repair or replacement of any critical part, and annually to ensure proper operation considered acceptable alternative method. Granted for the Ridge No. 8 Mine with conditions.

Docket No.: M-97-125-C.

FR Notice: 62 FR 63728.

Petitioner: Island Creek Coal Company.

Regulation Affected: 30 CFR 75.503(18.41(f)).

Summary of Findings: Petitioner's proposal to use a spring-loaded metal locking device instead of padlocks to secure battery charging plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered scoop cars considered acceptable alternative method. Granted for the Ohio No. 11 Mine with conditions.

Docket No.: M-97-127-C.

FR Notice: 62 FR 63728.

Petitioner: Genwal Resources, Inc.

Regulation Affected: 30 CFR 75.1101-8.

Summary of Findings: Petitioner's proposal to use a water sprinkler system with a single overhead pipe system and automatic sprinklers located not more than 10 feet apart so that the water discharged from the sprinklers will cover 50 feet of fire resistant belt, or 150 feet of non-fire resistant belt adjacent to the belt drive; and to permit automatic sprinklers(s) will cover the drive motor(s), belt take-up electrical controls, and gear reducing unit for each belt drive and to conduct a functional test to ensure proper operation during the installation of each new system and during subsequent repair or replacement of any critical part; and to submit to the District Manager proposed revisions to their Part 48 training plan that would specify initial and refresher training for compliance to this petition considered acceptable alternative method. Granted for the Crandall Canyon Mine with conditions.

Docket No.: M-97-141-C.

FR Notice: 63 FR 2700.

Petitioner: M & M Anthracite Coal Company.

Regulation 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 increased rope strength/safety factor and secondary safety rope

connection in place of such devices considered acceptable alternative method. Granted for the Little Tracey Slope Mine with conditions.

Docket No.: M-97-142-C.

FR Notice: 63 FR 2700.

Petitioner: Elk Run Coal Company.

Regulation Affected: 30 CFR 75.503(18.41(f)).

Summary of Findings: Petitioner's proposal to use permanently installed, spring-loaded locking devices on mobile battery-powered machines to prevent unintentional loosening of battery plugs from battery receptacles in order to eliminate the hazards associated with difficult removal of padlocks during emergency situations, instead of using padlocks considered acceptable alternative method. Granted for the Black Knight II Mine with conditions.

Docket No.: M-97-149-C.

FR Notice: 63 FR 5972.

Petitioner: Canfield Energy, Inc.

Regulation Affected: 30 CFR 75.342.

Summary of Findings: Petitioner's proposal to use hand-held continuous-duty methane and oxygen indicators in lieu of machine-mounted methane monitors on permissible three-wheel tractors with drag bottom buckets considered acceptable alternative method. Granted for the Canfield No. 4 Mine with conditions for the Mescher permissible three-wheel battery-powered tractors used to load coal.

Docket No.: M-97-150-C.

FR Notice: 63 FR 5972.

Petitioner: Chestnut Coal Company.

Regulation Affected: 30 CFR 75.1200.

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 alternative method. Granted for the No. 10 Slope Mine with conditions.

Docket No.: M-97-151-C.

FR Notice: 63 FR 5972.

Petitioner: Peabody Coal Company.

Regulation Affected: 30 CFR 75.503.

Summary of Findings: Petitioner's proposal to use a spring-loaded metal locking device for securing the battery-connecting plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered scoop cars and tractors instead of using padlocks

considered acceptable alternative method. Granted for the Camp No. 1 Mine with conditions.

Docket No.: M-96-044-C.

FR Notice: 61 FR 33141.

Petitioner: Consolidation Coal Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to establish two check points, on inby and outby the affected area; to maintain these check points in a safe condition at all times; and to have a certified person test for methane and the quantity of air on a weekly basis at both check points and the person making such examinations would record the results with their initials and date in a record book kept on the surface and made accessible to interested parties considered acceptable alternative method. Granted for the Loveridge No. 22 Mine with conditions for the "unsafe to travel" 60-foot segment of the designated return aircourse which has ventilated the battery charging station (old inside shop) near Sugar Run Shaft.

Docket No.: M-96-081-C.

FR Notice: 61 FR 47193.

Petitioner: Kiah Creek Mining Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to evaluate the area at the toe of the fall to determine the quantity and quality of air flowing across the fall and by the seals considered acceptable alternative method. Granted for the No. 8 Mine with conditions to allow monitoring of air flowing over the roof fall in front of the old Southeast Main Nos. 2 & 3 mine seals and indirect evaluation in lieu of physical examination and gas checks at those seals.

Docket No.: M-96-086-C.

FR Notice: 61 FR 47193.

Petitioner: Utah Fuel Company.

Regulation Affected: 30 CFR 75.344.

Summary of Findings: Petitioner's proposal to use audible and visual alarms to be located at the surface office building where assigned persons can respond to the alarms instead of at unmanned locations underground considered acceptable alternative method. Granted for the Skyline No. 3 Mine and Skyline No. 1 with conditions for the preshift examination of remote electrical installations and compressors serving mine de-watering pump installations conducted by pumpers who are certified mine examiners.

Docket No.: M-96-087-C.

FR Notice: 61 FR 47193.

Petitioner: Utah Fuel Company.

Regulation Affected: 30 CFR 75.340.

Summary of Findings: Petitioner's proposal to use audible and visual alarms to be located at the surface office building where assigned persons can respond to the alarms instead of at unmanned locations underground considered acceptable alternative method. Granted for the Skyline No. 1 Mine and Skyline No. 3 with conditions for the continuous monitoring of electrical installations providing power to mine de-watering pump installations in remote locations by an MSHA approved Atmospheric Monitoring System which activates visual and audible alarms at the system's surface location.

Docket No.: M-96-095-C.

FR Notice: 61 FR 47194.

Petitioner: Arch of Illinois.

Regulation Affected: 30 CFR 75.362.

Summary of Findings: Petitioner's proposal to use an intrinsically safe atmospheric monitoring system (AMS), a Trollex Explosive Gas Sensor Model No. TX3266 or an equivalent AMS, to test for methane before the equipment is energized, and to continuously detect and test for methane at 20-minute intervals while the mining equipment is energized in the working face. This would eliminate personnel exposure to the potential hazards of the face area during the tests considered acceptable alternative method. Granted for the Conant Mine with conditions for application only during the second mining process known as "winging" using the Archveyor system.

Docket No.: M-96-096-C.

FR Notice: 61 FR 47194.

Petitioner: Arch of Illinois.

Regulation Affected: 30 CFR 75.331.

Summary of Findings: Petitioner's proposal to use a "blowing" auxiliary permissible fan and tubing with the Archveyor System to ventilate the wing cut face area considered acceptable alternative method. Granted for the Conant Mine with conditions.

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

FR Notice: 61 FR 57460.

Petitioner: Utah Fuel Company.

Regulation Affected: 30 CFR 75.360.

Summary of Findings: Petitioner's proposal to continuously monitor electrical installations for carbon monoxide or temperature rather than conduct preshift examinations and to physically examine these installations for other hazardous conditions at least weekly; and to have the miners entering these areas certified and conduct an examination for themselves or to have a certified person examine the areas prior

to other employees entering these areas considered acceptable alternative method. Granted for the Skyline Mine No. 1 with conditions.

Docket No.: M-96-137-C.

FR Notice: 61 FR 64373.

Petitioner: D.J.T. Coal Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to examine the areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and travel and thoroughly examine these areas for hazardous conditions once a month considered acceptable alternative method. Granted for the D.J.T. Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M-96-168-C.

FR Notice: 62 FR 4331.

Petitioner: Apogee Coal Company (dba Arch of Illinois).

Regulation Affected: 30 CFR 75.901.

Summary of Findings: Petitioner's proposal to allow a diesel powered generator to be operated for supplying power to mobile mining equipment when such equipment is being moved from one area of the mine to another without grounding the neutral to a low resistance ground field and that the mining personnel would be trained in the proper testing procedures to be used at the mine whenever this practice occurs considered acceptable alternative method. Granted for the Conant Mine with conditions.

Docket No.: M-96-174-C.

FR Notice: 62 FR 4332.

Petitioner: Mallie Coal Company, Inc.

Regulation Affected: 30 CFR 75.380.

Summary of Findings: Petitioner's proposal to install two five-pound or one ten-pound portable chemical fire extinguisher in the operators deck of each Mescher tractor operated at the mine; to have the fire extinguisher readily accessible to the operator; and to have each fire extinguisher inspected daily by the equipment operator prior to entering the escapeway considered acceptable alternative method. Granted for the Mine No. 5 with conditions.

Docket No.: M-96-183-C.

FR Notice: 62 FR 4333.

Petitioner: Kerr-McGee Coal Corporation.

Regulation Affected: 30 CFR 77.1304.

Summary of Findings: Petitioner's proposal to use petroleum-based lubrication oil, which would be drained from its Jacobs Ranch Mine equipment,

blended with fuel oil to create an Ammonium Nitrate Fuel Oil (ANFO) blasting agent and proposes to submit proposed revisions to its part 48 training plan, which include initial and refresher training regarding compliance to its petition considered acceptable alternative method. Granted for the Jacobs Ranch Mine with conditions.

Docket No.: M-96-194-C.

FR Notice: 62 FR 4334.

Petitioner: Apogee Coal Company (dba Arch of Illinois).

Regulation Affected: 30 CFR 75.333.

Summary of Findings: Petitioner's proposal to allow permanent stoppings to be built and maintained to a point not to exceed 900 feet from the point of deepest penetration in the conveyor belt entry or to a distance from the point of deepest penetration in the conveyor belt entry not to exceed 1½ time the length of the Archveyor continuous face haulage system considered acceptable alternative method. Granted for Conant Mine with conditions for application only to the Archveyor system (i.e. stageloader, system conveyor, continuous mining machine, and bolter car if used).

Docket No.: M-96-207-C.

FR Notice: 62 FR 11925.

Petitioner: Brookside Coal Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to examine the areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and travel and thoroughly examine these areas for hazardous conditions once a month considered acceptable alternative method. Granted for the Diamond Vein Slope Mine with conditions for 30 CFR 75.364(b)(4), to conduct examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M-95-078-C.

FR Notice: 60 FR 31499.

Petitioner: R. & D. Coal Company.

Regulation Affected: 30 CFR 75.332.

Summary of Findings: Petitioner's proposal to use air passing through inaccessible abandoned workings and additional areas by mixing with air in the intake haulage slope to ventilate the only active workings section, to ensure air quality by sampling intake air during preshift and on-shift examinations, and to suspend mine production when air quality fails to meet specified criteria considered acceptable alternative method. Granted for the Buck Mountain Slope Mine with conditions.

Docket No.: M-95-115-C.

FR Notice: 60 FR 46871.

Petitioner: Consolidation Coal Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to establish check points J and K to monitor the affected area and to have a certified person examine the area for methane and the quantity of air at both check points on a weekly basis; and to have the certified person initial and record the date, time, and results of the weekly examinations in a book kept on the surface and made available for inspection by interested persons considered acceptable alternative method. Granted for the Shoemaker Mine with conditions.

Docket No.: M-95-167-C.

FR Notice: 60 FR 64080.

Petitioner: Cyprus Plateau Mining Corporation.

Regulation Affected: 30 CFR 75.1002.

Summary of Findings: Petitioner's proposal to use high-voltage (2,400 or 4,160 volt) cables to power longwall mining equipment considered acceptable alternative method. Granted for the Willow Creek Mine with conditions.

Docket No.: M-95-183-C.

FR Notice: 61 FR 8306.

Petitioner: Mountain Coal Company.

Regulation Affected: 30 CFR 75.1002-1.

Summary of Findings: Petitioner's proposal to use non-permissible electronic testing or diagnostic equipment within 150 feet of pillar workings; and to use low-voltage or battery operated non-permissible equipment such as, but not limited to, laptop computers, oscilloscopes, vibration analysis machines, and cable fault detectors considered acceptable alternative method. Granted for the West Elk Mine with conditions.

Docket No.: M-95-184-C.

FR Notice: 61 FR 8306.

Petitioner: Mountain Coal Company.

Regulation Affected: 30 CFR 75.500.

Summary of Findings: Petitioner's proposal to use non-permissible electronic testing or diagnostic equipment in or inby the last open crosscut; and use low-voltage or battery operated non-permissible equipment such as, but not limited to, laptop computers, oscilloscopes, vibration analysis machines, and cable fault detectors considered acceptable alternative method. Granted for the West Elk Mine with conditions.

Docket No.: M-94-135-C.

FR Notice: 59 FR 46269.

Petitioner: K & S Coal Company.

Regulation Affected: 30 CFR 75.332.

Summary of Findings: Petitioner's proposal to use air passing through inaccessible abandoned workings and additional areas by mixing with the air in the intake haulage slope to ventilate the only active working section, to ensure air quality by sampling intake air during preshift and on-shift examinations, and to suspend mine production when air quality fails to meet specified criteria considered acceptable alternative method. Granted for the First Chance Slope Mine with conditions.

Docket No.: M-93-07-C.

FR Notice: 58 FR 8065.

Petitioner: McElroy Coal Company.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to establish monitoring stations at the North Return and the Left Return of 2-North before it enters the affected aircourses, and continue using monitoring stations at the 1-South entries of the affected return aircourse daily as described in petition for modification, docket number M-92-142-C considered acceptable alternative method. Granted for the Slope No. 1 Mine with conditions.

Docket No.: M-93-027-C.

FR Notice: 58 FR 13805.

Petitioner: Cyprus Plateau Mining Corporation.

Regulation Affected: 30 CFR 75.350.

Summary of Findings: Petitioner's proposal to install a low-level carbon monoxide detection in all belt entries used as intake aircourses to ventilate active working places considered acceptable alternative method. Granted for the Star Point No. 2 Mine with conditions.

Docket No.: M-93-097-C.

FR Notice: 58 FR 39237.

Petitioner: E & E Fuels.

Regulation Affected: 30 CFR 75.364.

Summary of Findings: Petitioner's proposal to examine the intake haulage slope and primary escapeway 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 considered acceptable alternative method. Granted for the Orchard Slope Mine with conditions for 30 CFR 75.364(b)(1) regarding weekly examinations of the seals located along the return and bleeder air courses from the ladder on a weekly basis, not monthly as proposed by petitioner.

Docket No.: M-93-116-C.

FR Notice: 58 FR 39239.

Petitioner: Buck Mountain Coal Company.

Regulation 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 inby 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 Buck Mountain Slope Mine with conditions.

Docket No.: M-97-002-M.

FR Notice: 62 FR 23800.

Petitioner: Barrick Goldstrike Mines, Inc.

Regulation Affected: 30 CFR 56.6309.

Summary of Findings: Petitioner's proposal to allow the use of used crankcase oil blended with diesel fuel to prepare ammonium nitrate/fuel oil (ANFO) for blasting considered acceptable alternative method. Granted for the Barrick Goldstrike Mine with conditions.

Docket No.: M-97-004-M.

FR Notice: 62 FR 34312.

Petitioner: Homestake Mining Company.

Regulation Affected: 30 CFR 56.6202.

Summary of Findings: Petitioner's proposal 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, and the flashing amber light would be a natural extension of the amber light currently used at the Homestake Mine to delineate explosive storage facilities considered acceptable alternative method. Granted for the Lead, S.D. Mine with conditions.

Docket No.: M-97-013-M.

FR Notice: 63 FR 2700.

Petitioner: Tg Soda Ash, Inc.

Regulation Affected: 30 CFR 57.22305.

Summary of Findings: Petitioner's proposal to operate a nonpermissible pump in an area of the mine that was previously a shortwall panel, and to operate approved equipment inby the last open break or in areas where methane may enter the airstream considered acceptable alternative method. Granted for the Wyoming Soda Ash Mine with conditions.

Docket No.: M-95-012-M.

FR Notice: 61 FR 8306

Petitioner: Rock of Ages Quarries, Inc.

Regulation Affected: 30 CFR 56.19003

Summary of Findings: Petitioner's proposal to use chain drives between

the driving mechanism and the gear train of the hoists considered acceptable alternative method. Granted for the Rock of Ages Light Side Mine with conditions.

Docket No.: M-95-013-M

FR Notice: 61 FR 8306.

Petitioner: Rock of Ages Quarries, Inc.

Regulation Affected: 30 CFR

56.19003.

Summary of Findings: Petitioner's proposal to use chain drives between the driving mechanism and the gear train of the hoists considered acceptable alternative method. Granted for the Rock of Ages Light Side Mine with conditions.

Docket No.: M-95-014-M.

FR Notice: 61 FR 8306.

Petitioner: Rock of Ages Quarries, Inc.

Regulation Affected: 30 CFR

56.19003.

Summary of Findings: Petitioner's proposal to use chain drives between the driving mechanism and the gear train of the hoists considered acceptable alternative method. Granted for the Rock of Ages Light Side Mine with conditions.

Docket No.: M-95-015-M.

FR Notice: 61 FR 8306.

Petitioner: Rock of Ages Quarries, Inc.

Regulation Affected: 30 CFR

56.19003.

Summary of Findings: Petitioner's proposal to use chain drives between the driving mechanism and the gear train of the hoists considered acceptable alternative method. Granted for the Rock of Ages Light Side Mine with conditions.

Docket No.: M-95-017-M.

FR Notice: 61 FR 8307.

Petitioner: Swenson Granite Company, Inc.

Regulation Affected: 30 CFR

56.19003.

Summary of Findings: Petitioner's proposal to use chain drives between the driving mechanism and the gear train of the hoists considered acceptable alternative method. Granted for the Swenson Gray Quarry Mine with conditions.

Docket No.: M-95-018-M.

FR Notice: 61 FR 8307.

Petitioner: Swenson Granite Company, Inc.

Regulation Affected: 30 CFR

56.19003.

Summary of Findings: Petitioner's proposal applies to chain drives between the driving mechanism and the gear train of the hoists, allowing the use of chain drives for such application

considered acceptable alternative method. Granted for the Lower Quarry Mine with conditions.

Docket No.: M-94-031-M.

FR Notice: 59 FR 29305.

Petitioner: Mitsubishi Cement Corporation.

Regulation Affected: 30 CFR 57.13020.

Summary of Findings: Petitioner's proposal to establish blow-off stations at various places in the plant where employees can clean their clothes with compressed air; to install tamper-proof airline regulators at each station to ensure that primary operating air pressure is consistent; and to post rules for employees to follow when using compressed air to clean their clothes considered acceptable alternative method. The compressed air would have an OSHA-approved nozzle with pressure no greater than 2-6 psi at normal average line pressure. Granted for the Cushenbury Plant with conditions.

Docket No.: M-94-037-M.

FR Notice: 61 FR 8307.

Petitioner: Rock of Ages Quarries, Inc.

Regulation Affected: 30 CFR 56.19003.

Summary of Findings: Petitioner's proposal to use chain drives between the driving mechanism and the gear train of the hoists considered acceptable alternative method. Granted for the Rock of Ages Light Side Mine with conditions.

Docket No.: M-81-072-M.

FR Notice: 47 FR 8898.

Petitioner: Ziegler Chemical and Mineral Corp.

Regulation Affected: 30 CFR 57.19-3.

Summary of Findings: Petitioner's proposal to use a V-belt drive personnel hoist known as Hoist B-11 at its gilsonite mines considered acceptable alternative method. Granted for Bonanza Mine with conditions.

[FR Doc. 99-12550 Filed 5-18-99; 8:45 am]

BILLING CODE 4510-43-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

May 13, 1999.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 64, No. 89, at 25,080, May 10, 1999.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:00 a.m., Thursday, May 13, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW, Washington, DC.

STATUS: Open.

CHANGES IN MEETING: Following a motion to dismiss the proceedings by the Secretary of Labor, the Commission canceled oral argument on *Secretary of Labor v. Newmont Gold Co.*, Docket Nos. WEST 97-164-RM, etc.

PREVIOUSLY ANNOUNCED TIME AND DATE:

The meeting to consider *Secretary of Labor v. Newmont Gold Co.*, Docket Nos. WEST 97-164-RM, etc., will commence following upon the conclusion of oral argument in the case which commences at 10:00 a.m. on Thursday, May 13, 1999.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW, Washington, DC.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

CHANGES IN MEETING: Following a motion to dismiss the proceedings by the Secretary of Labor, the Commission canceled the meeting to consider *Secretary of Labor v. Newmont Gold Co.*, Docket Nos. WEST 97-164-RM, etc.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 99-12644 Filed 5-14-99; 4:18 pm]

BILLING CODE 6735-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts Fellowships Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that two meetings of the Fellowships Panel, Jazz Masters section, to the National Council on the Arts will be held on May 27, 1999. The panel will meet from 3:30 to 5:00 p.m. via teleconference from the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.