

fraction of 50 percent, and equip the diesel fuel transformation units with automatic fire suppression devices when towed by the pickup truck. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

### 9. Original Sixteen to One Mine, Inc.

[Docket No. M-1999-020-M]

Original Sixteen to One Mine, Inc., P.O. Box 1621, Alleghany, California 95910 has filed a petition to modify the application of 30 CFR 57.6132(a)(6) (magazine requirements) to its Sixteen to One Mine (I.D. No. 04-01299) located in Sierra County, California. The petitioner requests exemption from the mandatory safety standard on the basis that compliance with standard will result in a diminution of safety to the miners. The petitioner states that the existence of signs poses a greater threat to the health and safety and miners, authorized non-employees and the general public by calling attention to the area.

### Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 11, 2000. Copies of these petitions are available for inspection at that address.

Dated: January 4, 2000.

**Carol J. Jones,**

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

[FR Doc. 00-707 Filed 1-11-00; 8:45 am]

**BILLING CODE 4510-43-U**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### Nevada State Standards; Notice of Approval

#### 1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional

Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the **Federal Register** (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision. The Nevada plan provides for the adoption of Federal standards as State standards by reference. The State may also adopt independent standards after opportunity for public input.

In response to Federal standards changes, the State has submitted State standard revisions identical to: 29 CFR 1910.1001 and 29 CFR 1926.58, Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Final Rules Amending Present Standards in General Industry and in Construction and lifting Administrative Stay (March 5, 1992, 57 FR 7877; June 8, 1992, 57 FR 24330; June 30, 1992, 57 FR 29119); 29 CFR 1910.1048, Occupational Exposure to Formaldehyde; Final Rule (May 27, 1992, 57 FR 22290); 29 CFR 1910.147, Control of Hazardous Energy Sources (Lockout/Tagout); Final Rule and Corrections and Technical Amendments (September 20, 1990, 55 FR 38677); 29 CFR 1910.1025, Occupational Exposure to Lead; Final Rule (January 30, 1990, 55 FR 3146); 29 CFR 1910.1000, Air Contaminants, Table Z-1-A; Amendments (February 5, 1990, 55 FR 3723); 29 CFR 1910.1001 and 29 CFR 1926.58, Occupational Exposure to Asbestos; Final Rule; Partial Response to Court Remand (February 5, 1990, 55 FR 3724); 29 CFR 1910.120 and 29 CFR 1926.65, Hazardous Waste Operations and Emergency Response; Final Rule (August 22, 1994, 59 FR 43268); 29 CFR 1910.332, Electrical Safety-Related Work Practices; Final Rule (August 6, 1990, 55 FR 31984); 29 CFR 1926.705, Concrete and Masonry Construction Safety Standards; Lift Slab Construction Operations; Final Rule (October 18, 1990, 55 FR 42306); 29 CFR 1926.1050, Safety Standards for Stairways and Ladders Used in the Construction Industry; Final Rule; Technical Amendments (August 23, 1991, 56 FR 41793); 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens; Final Rule (December 6, 1991, 56 FR 64004); 29 CFR 1910.119 and 29 CFR 1910.109, Process Safety Management of Highly Hazardous

Chemicals; Final Rule and Explosives and Blasting Agents; Final Rule Amendment; Corrections and Administrative Stay (March 4, 1992, 57 FR 7847; June 1, 1992, 57 FR 23060); 29 CFR 1910.1050 and 29 CFR 1926.60, Occupational Exposure to 4,4, Methylene-dianiline (MDA); Final Rule (August 10, 1992, 57 FR 35630); 29 CFR 1910.1027, Occupational Exposure to Cadmium; Final Rule (September 14, 1992, 57 FR 42102); 29 CFR 1910.146, Permit-Required Confined Spaces; Final Rule (December 1, 1998, 63 FR 66018); 29 CFR 1926.26, Exposure to Lead in Construction; Interim Final Rule (May 4, 1993, 58 FR 26590); 29 CFR 1910.269, Electrical Power Generation, Transmission and Distribution; Electrical Protective Equipment (January 31, 1994, 59 FR 4320); 29 CFR 1910.1200, Hazard Communication; Final Rule (February 9, 1994, 59 FR 6126); 29 CFR 1910.133, 1910.135 and 1910.136, Personal Protective Equipment; Final Rule; Technical Amendment (May 2, 1996, 61 FR 19547); 29 CFR 1910.272, Grain Handling Facilities; Technical Amendment; Final Rule (March 8, 1996, 61 FR 9577); 29 CFR 1910.1201, 1915.100, 1917.29, 1918.100, 1926.61, 1928.21, Retention of DOT Markings, Placards, and Labels; Final Rule (July 19, 1994, 59 FR 36695); 29 CFR 1910.269, 1926.500-1926.503, Safety Standards for Fall Protection in the Construction Industry; Final Rule (August 9, 1994, 59 FR 40672); 29 CFR 1910.1001, 1926.1101, 1915.1001, Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite, Final Rule; Corrections (August 23, 1996, 61 FR 43454); 29 CFR 1910.266, Logging Operations; Final Rule (August 9, 1995, 60 FR 40457; September 8, 1995, 60 FR 47022); 29 CFR 1910.1025, Occupational Exposure to Lead; Final Rule (October 11, 1995, 60 FR 52856); 29 CFR Parts 1910, 1915 and 1926, Consolidation of Repetitive Provisions; Technical Amendments, Final Rule (June 20, 1996, 61 FR 31427); 29 CFR Parts 1910, 1915, 1926, 1928, Miscellaneous Minor Technical Amendments; Final Rule (March 7, 1996, 46 FR 9227); 29 CFR Part 1926, Incorporation of General Industry Health and Safety Standards Applicable to Construction Work; Final Rule (August 12, 1996, 61 FR 41738); 29 CFR 1926.450, Safety Standard for Scaffolds Used in the Construction Industry, Final Rule; Corrections, Partial Stay (November 25, 1996, 61 FR 59831); 29 CFR 1910.1051, and 29 CFR 1926.55, Occupational Exposure to 1,3 Butadiene; Final Rule (November 4,

1996, 61 FR 56746); 29 CFR 1910.1052, Occupational Exposure to Methylene Chloride; Final Rule (January 10, 1997, 62 FR 1494); 29 CFR 1910.134 and 29 CFR 1926.103, Respiratory Protection; Final Rule; Corrections (April 23, 1998, 63 FR 20098); 29 CFR Parts 1910, 1915, 1917, 1918, 1926, Powered Industrial Truck (PITs) Operator Training; Final Rule (December 1, 1998, 63 FR 66237); 29 CFR 1910.108 and 29 CFR 1910.94, Dipping and Coating Operations; Final Rule (March 23, 1999, 64 FR 13897).

These standards were adopted by the State on the Federal promulgation date and are contained in the Division of Occupational Safety and Health Standards for General Industry and Construction and were adopted by reference pursuant to Nevada Revised Statutes § 618.295. State standards adopted by reference have the same numbers as the corresponding Federal standards.

In addition to the Federal standard changes, the State has submitted three State Initiated Standards Plan Change Supplements as follows:

A. On June 6, 1990, the State adopted a unique State standard for Elevator or Hoist Requirements in the Construction of Certain Structures (NAC 618.500). This standard was submitted to OSHA for review on November 26, 1990. The State standard provides that an elevator or personnel hoist be installed and used during construction of any building or structure which is more than 60 feet in height above ground level or 48 feet in depth below ground level and be equipped with suitable voice equipment to enable communication between the elevator or hoist and each floor in an emergency.

B. On March 1, 1992, the State adopted a unique State standard for Ammonium Perchlorate (NAC 618.5155 to 618.5335). This standard pertains to the manufacture, handling and storage of Ammonium Perchlorate.

C. On February 25, 1997, the State adopted by reference the ANSI/ASME Standards for: (1) Hammerhead Tower Cranes B30.3-1990 and addenda 3a, 3b and 3c; (2) Portal, Tower and Pillar Cranes, B30.4-1990 and addenda 4a, 4b and 4c; and (3) Mobile and Locomotive Cranes, B30.5-1994 and addenda 5a, with additional requirements of a site safety plan, a clear zone, annual certification, and operator training.

2. *Decision.* OSHA has determined that the standards submitted in response to Federal standards changes are identical to the Federal standards and therefore approves the standards.

There are no equivalent Federal standards comparable to the Nevada State standards for Elevator or Hoist

Requirements in the Construction of Certain Structures, Ammonium Perchlorate and Crane Safety Standard. OSHA has determined that these standards are at least as effective in comparison to OSHA's general standards requirements and to enforcement policy. These standards have been in effect since June 6, 1990, March 1, 1992 and May 1, 1997 respectively.

During this time OSHA has received no indication of significant objection to the State's standards either as to effectiveness in comparison to OSHA's general standards requirements and enforcement policy or as to conformance with the product clause requirements of section 18(c)(2) of the Act. OSHA, therefore, approves these standards. However, the right to reconsider these approvals is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 71 Stevenson Street, Suite 420, San Francisco, CA 94105; Occupational Safety and Health, 400 West King Street, Suite 200, Carson City, NV 89710; and Office of the Directorate of Federal State Operations, Room N3700, Room 200, Constitution Avenue, NW., Washington, DC 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and for making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards adopted in response to Federal standards are identical to the Federal standards which were promulgated in accordance with Federal law, including meeting requirements for public participation.

2. The State standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 12, 2000.

**Authority:** Section 18, Pub. L. 91-596, 84 Stat. 1608 (20 U.S.C. 667).

Signed at San Francisco, California this 10th day of November 1999.

**Christopher Lee,**

*Acting Regional Administrator.*

[FR Doc. 00-650 Filed 1-11-00; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### Supplements to Nevada State Plan; Approval

**ACTION:** Approval; Supplements to Nevada State Occupational Safety and Health Plan.

**SUMMARY:** This notice approves supplements to the Nevada occupational safety and health State plan. The supplements are legislative amendments enacted in 1995 and 1999 and amendments to regulations promulgated in 1983 and 1992.

**EFFECTIVE DATE:** January 12, 2000.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Nevada Occupational Safety and Health Plan was initially approved under section 18(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(b)) (hereinafter referred to as the Act) and Part 1902 of this chapter on January 4, 1974 (39 FR 1008). Final approval under section 18(e) was proposed on November 16, 1999 (64 FR 62138). Part 1953 of this chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary).

##### II. Description of Supplements

###### A. Amendments to Nevada Occupational Safety and Health Act

In 1995 the State enacted amendments to its Occupational Safety and Health Act. The five amendments, submitted on June 28, 1995, included the following revisions:

(1) Nevada Revised Statutes section 618.378 was revised to require that an occupational accident which is fatal to one or more employees or which results in the hospitalization of three or more employees be reported to the State