

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Petitions for Modification**

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

**1. Day Mining, Inc.**

[Docket No. M-98-01-C]

Day Mining, Inc., 430 Harper Pike Drive, Beckley, West Virginia 25801 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Day Mining Mine (I.D. No. 46-05437) located in Kanawha County, West Virginia. The petitioner proposes to use 2,400 volt cables to power high-voltage longwall equipment. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**2. Mountain Coal Company**

[Docket No. M-98-02-C]

Mountain Coal Company, P.O. Box 591, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.380(d)(5) (escapeways; bituminous and lignite mines) to its West Elk Mine (I.D. No. 05-03672) located in Gunnison County, Colorado. The petitioner requests a modification of the mandatory standard to allow the temporary continued use of F-Seam portals as the designated primary escapeway rather than using an intake air shaft (designated as Shaft #3) located in B-Seam at crosscut #11 in Box Canyon Mains. The petitioner states that the F-Seam portals would continue to be designated as the primary escapeway until Shaft #1 is completed which is expected to be April 1999, and that application of the mandatory standard would result in a diminution of safety to the miners. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**3. Pine Ridge Coal Company**

[Docket No. M-98-03-C and M-98-04-C]

Pine Ridge Coal Company, 810 Laidley Tower, P.O. Box 1233, Charleston, West Virginia has filed a petitions to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Big Mountain No. 16 Mine (I.D. No. 46-07908) and its

Robin Hood No. 9 Mine (I.D. No. 46-02143) both located in Boone County, West Virginia. The petitioner proposes to use 2,400 volt cables to power high-voltage equipment in by the last open crosscut at continuous miner sections. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**4. Oxbow Carbon and Minerals, Inc.**

[Docket No. M-98-05-C]

Oxbow Carbon and Minerals, Inc., P.O. Box 535, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.360(c)(1) (preshift examination) to its Sanborn Creek Mine (I.D. No. 05-04452) located in Gunnison County, Colorado. The petitioner requests a modification of the mandatory standard to allow the determination of the air volume in the last open crosscut to be measured in the return aircourse between the last open crosscut and the second to last open crosscut. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**5. Arclar Company**

[Docket No. M-98-06-C]

Arclar Company, P.O. Box 444, Harrisburg, Illinois 62946 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Big Ridge Mine (I.D. No. 11-02879) located in Saline County, Illinois. Due to hazardous roof conditions, examining the return aircourse in its entirety would be unsafe. The petitioner proposes to examine the volume of air, percentage of methane, and hazardous conditions on both sides of the roof fall on a preshift schedule to ensure that ventilation of the active places are maintained without diminution of safety to the miners on unit and eliminate others from being placed in unsafe conditions to rehabilitate the affected area; and to install manddoors in the stopping line on each side of the fall to allow access into the affected area. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**6. Left Fork Mining Company, Inc.**

[Docket No. M-98-07-C]

Left Fork Mining Company, Inc., P.O. Box 405, Arjay, Kentucky 40902 has filed a petition to modify the application of 30 CFR 75.380(h), and (i)(2) (escapeways; bituminous and

lignite mines) to its Straight Creek Mine No. 1 (I.D. No. 15-12564) located in Bell County, Kentucky. The petitioner proposes to use the slope entry which is separated from the primary escapeway by a pressure difference, and where air comes in at a separate portal, as part of its alternate escapeway. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**7. FKZ Coal, Inc.**

[Docket No. M-98-08-C]

FKZ Coal, Inc., 119 Greenwood Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1202-1(a) (temporary notations, revisions, and supplements) to its No. 1 Slope (I.D. No. 36-08637) located in Northumberland County, Pennsylvania. The petitioner proposes to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**8. FKZ Coal, Inc.**

[Docket No. M-98-09-C]

FKZ Coal, Inc., 119 Greenwood Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.335 (seal construction) to its No. 1 Slope (I.D. No. 36-08637) located in Northumberland County, Pennsylvania. The petitioner requests a modification of the standard 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**9. FKZ Coal, Inc.**

[Docket No. M-98-10-C]

FKZ Coal, Inc., 119 Greenwood Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1200 (d) and (i) (mine map) to its No. 1 Slope (I.D. No. 36-08637) located in Northumberland County, Pennsylvania. The petitioner proposes 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **10. FKZ Coal, Inc.**

[Docket No. M-98-11-C]

FKZ Coal, Inc., 119 Greenwood Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1100-2 (quantity and location of firefighting equipment) to its No. 1 Slope (I.D. No. 36-08637) located in Northumberland County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **11. FKZ Coal, Inc.**

[Docket No. M-98-12-C]

FKZ Coal, Inc., 119 Greenwood Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 1 Slope (I.D. No. 36-08637) located in Northumberland County, Pennsylvania. The petitioner proposes 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **12. Dunkard Mining Company**

[Docket No. M-98-13-C]

Dunkard Mining Company, Box 8, Dilliner, Pennsylvania 15327 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Dunkard Mine (I.D. No. 36-01301) located in Greene County, Pennsylvania. Due to hazardous roof conditions, certain areas of the intake aircourse cannot be traveled safely. The petitioner proposes to test for methane and the

quantity and quality of air by establishing monitoring points No. 1 and No. 2 which would be monitored weekly. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **13. Consolidation Coal Company**

[Docket No. M-98-14-C and M-98-15-C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Blacksville No. 2 Mine (I.D. No. 46-01968) located in Monongalia County, West Virginia, and its Robinson Run No. 95 Mine (I.D. No. 46-01318) located in Harrison County, West Virginia. The petitioner proposes to seal the Pittsburgh Coal Seam from the surrounding strata at the affected wells by using technology developed through Consolidation Coal Company's successful well-plugging program instead of establishing and maintaining barriers around oil and gas wells. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **14. G & P Contractors, Inc.**

[Docket No. M-98-16-C]

G & P Contractors, Inc., Route 1, Box 419-A1, Gray, Kentucky 40734 has filed a petition to modify the application of 30 CFR 75.380(f)(4)(i) (escapeways; bituminous and lignite mines) to its Goodin Creek Mine (I.D. No. 15-17980) located in Knox County, Kentucky. The petitioner requests relief from using fire suppression systems on its three wheel Mescher tractors. The petitioner proposes 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 have the equipment operator 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **15. Lodestar Energy, Inc.**

[Docket No. M-98-17-C]

Lodestar Energy, Inc., P.O. Box 448, Clay, Kentucky 42404 has filed a petition to modify the application of 30 CFR 75.380(d)(1) (escapeways; bituminous and lignite mines) to its Wheatcroft Mine (I.D. No. 15-13920) located in Webster County, Kentucky. The petitioner proposes to have a minimum of 4-feet of clearance on a secondary escapeway at its Wheatcroft mine. The petitioner asserts that no diminution of safety would occur to the miners as a result of this reduction in clearance.

#### **16. G & P Contractors, Inc.**

[Docket No. M-98-18-C]

G & P Contractors, Inc., Route 1, Box 419-A1, Gray, Kentucky 40734 has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its Goodin Creek Mine (I.D. No. 15-17980) located in Knox County, Kentucky. The petitioner proposes 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **17. Echo Bay Minerals Company**

[Docket No. M-98-01-M]

Echo Bay Minerals Company, 921 Fish Hatchery Road, Republic, Washington 99166 has filed a petition to modify the application of 30 CFR 57.11050 (escapeways and refuges) to its Lamefoot Mine (I.D. No. 45-03265) located in Ferry County, Washington. The petitioner propose to use a refuge chamber on each level of its mine which is not accessed by the existing secondary escapeway. The petitioner states that these refuge chambers would have dedicated air and communication lines, with supplied air bottles, first aid-equipment (stretchers, blankets, and trauma kits), meals-ready-to-eat, and drinking water. The petitioner asserts that application of the mandatory standard would result in a diminution of safety to the miners.

#### **Request for Comments**

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov", or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627,

Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1998. Copies of these petitions are available for inspection at that address.

Dated: February 27, 1998.

**Patricia W. Silvey,**

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

[FR Doc. 98-6015 Filed 3-9-98; 8:45 am]

BILLING CODE 4510-43-P

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### 101st Full Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plan

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 101st open meeting of the full Advisory Council on Employee Welfare and Pension Benefit Plans will be held Tuesday, April 7, 1998, in Room S2508, U.S. Department of Labor Building, Third and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the meeting, which will begin at 1:30 p.m. and end at approximately 3:30 p.m., is to consider the items listed below:

- I. Welcome and Introduction and Swearing In of New Council Members
- II. Assistant Secretary's Report
  - A. PWBA Priorities for 1998
  - B. Announcement of Council Chair and Vice Chair
- III. Introduction of PWBA Senior Staff
- IV. Summary of the Final Reports of Advisory Council Working Groups for the 1997 Term
- V. Determination of Topics to Be Addressed by Council Working Groups for 1998
- VI. Statements from the General Public
- VII. Adjourn

Members of the public are encouraged to file a written statement pertaining to any topics the Council may wish to study for the year concerning ERISA by submitting 20 copies on or before March 24, 1998 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon

Morrissey by March 24 at the address indicated.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before March 24, 1998.

Signed at Washington, DC this 4th day of March, 1998.

**Olena Berg,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 98-6116 Filed 3-9-98; 8:45 am]

BILLING CODE 4510-29-M

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** U. S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: NRC Form 314—Certificate of Disposition of Materials.
2. Current OMB approval number: 3150-0028
3. How often the collection is required: The form is submitted once, when a licensee terminates its license.
4. Who is required or asked to report: Persons holding an NRC license for the possession and use of radioactive byproduct, source, or special nuclear material who are ceasing licensed activities and terminating the license.
5. The number of annual respondents: 400
6. The number of hours needed annually to complete the requirement or request: An average of 0.5 hours per response, for a total of 200 hours.
7. Abstract: NRC Form 314 furnishes information to NRC regarding transfer or other disposition of radioactive material by licensees who wish to terminate their licenses. The information is used by NRC as part of the basis for its determination that the facility has been

cleared of radioactive material before the facility is released for unrestricted use.

Submit, by May 11, 1998, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov>) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6 F33, Washington, DC, 20555-0001, or by telephone at 301-415-7233, or by Internet electronic mail at [BJS1@NRC.GOV](mailto:BJS1@NRC.GOV).

Dated at Rockville, Maryland, this 4th day of March, 1998.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 98-6083 Filed 3-9-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

### Carolina Power & Light Company (H.B. Robinson Steam Electric Plant Unit No. 2), Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 70.24 to Carolina Power & Light Company (CP&L or the licensee) for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (HBR) located at the licensee's site in Darlington County, South Carolina.