

APPENDIX—Continued  
[Petitions instituted on 07/13/98]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,751 .....	Buster Brown (Wrks) .....	Norton, VA .....	06/24/98	Children's Clothing.
34,752 .....	Flagg Brass (USWA) .....	Stowe, PA .....	06/26/98	Brass Alloy Pipe Fittings.
34,753 .....	Imperial Headwear, Inc (Wrks) .....	Denver, CO .....	06/23/98	Headwear.
34,754 .....	Juki Union Special Corp (Wrks) .....	Charlotte, NC .....	06/15/98	Industrial Sewing Machines.
34,755 .....	Orion Sales, Inc (Wrks) .....	Olney, IL .....	06/30/98	Customer Services.
34,756 .....	Grinnell Flow Control (Wrks) .....	Statesboro, GA .....	05/29/98	Butterfly Valves.
34,757 .....	Kinney Shoe Corp. (Wrks) .....	Carlisle, PA .....	06/25/98	Women and Men Shoes.

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BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

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

#### 1. Mountain Coal Company

[Docket No. M-98-38-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)(4) (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 standard to allow the width of the alternate escapeway in the belt entry to be maintained at a minimum 48 inch width for a distance of about 20 feet on the walkway side at each belt drive, tripper drive, belt brake, belt transfer point, belt splicing table, and belt take-up unit. The petitioner asserts that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 2. Canyon Fuel Company, LLC

[Docket No. M-98-39-C]

Canyon Fuel Company, LLC, P.O. Box 719, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.1909(b)(8) (nonpermissible diesel-powered equipment; design and performance requirements) to its Skyline Mine No. 1 (I.D. No. 42-01435), and its Skyline Mine No. 3 (I.D. No. 42-01566) located in Carbon and Emery Counties, Utah. The petitioner requests a modification of the standard to permit

the use of a device that traps a column of fluid to hold the brake in the applied position, provided that when this device is used, the wheels shall be blocked against motion through the use of a wheel block on the downgrade side of at least one tire. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 3. Canyon Fuel Company, LLC

[Docket No. M-98-40-C]

Canyon Fuel Company, LLC, P.O. Box 719, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.1913(c)(1) (starting aids) to its Skyline Mine No. 1 (I.D. No. 42-01435), and its Skyline Mine No. 3 (I.D. No. 42-01566) located in Carbon and Emery Counties, Utah. The petitioner requests a modification of the standard to permit the use of volatile fuel starting aids in areas where permissible equipment is required, provided that continuous methane testing is done before the starting aids are taken into these areas and during the time that the starting aids are in use or are present in these areas. The petitioner states that if greater than 0.1 percent of methane is detected, the starting aids would not be taken into or used in these areas; and that the starting aids would be removed from the areas immediately after use. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 4. Island Creek Coal Company

[Docket No. M-98-41-C]

Island Creek Coal Company, 1741 Hilltop Road, Morganfield, Kentucky 42437 has filed a petition to modify the application of 30 CFR 75.350 (air courses and belt haulage entries) to its Ohio No. 11 Mine (I.D. No. 15-03178) located in Union County, Kentucky. The petitioner requests that Item No. 4 of the Proposed Decision and Order for its previously granted petition be amended to read as follows: "Administrative

controls shall be used to minimize the number and type of pieces of diesel equipment in the mine and to notify miners on the working section(s) when diesel equipment with a rating of 50 horsepower or greater is operating in air currents affecting the section(s) being ventilated with belt air only. All diesel-powered equipment operated in the mine shall be provided with a fire suppression system." The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 5. Joliett Coal Company

[Docket No. M-98-42-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.332(b)(1) and (b)(2) (working sections and working places) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner proposes to use air passing through inaccessible abandoned workings and additional areas, which is not examined under other mandatory standards and is currently 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. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 6. Joliett Coal Company

[Docket No. M-98-43-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.340 (underground electrical installations) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner proposes to charge batteries on the mine's locomotive during idle periods when all

miners are out of the mine and to allow intake air used to ventilate the charging station to continue through the normal route to the last open crosscut and into the return airway. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **7. Joliett Coal Company**

[Docket No. M-98-44-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit alternative methods of construction using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; a design criteria in the 10 psi range; and installation of the water trap 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.

#### **8. Joliett Coal Company**

[Docket No. M-98-45-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.360 (preshift examination) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner proposes to visually examine each seal for physical damage from the slope gunboat during the pre-shift 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. The petitioner proposes to physically examine the entire length of the slope once a month. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **9. Joliett Coal Company**

[Docket No. M-98-46-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.364(b)(1), (4) and (5) (weekly examination) to its No. 3 Vein Slope (I.D. No. 36-08702) located

in Schuylkill County, Pennsylvania. The petitioner proposes to examine the intake haulage slope and primary escapeway areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions once a month. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **10. Joliett Coal Company**

[Docket No. M-98-47-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1002-1 (location of other electric equipment; requirements for permissibility) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner proposes to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation anytime the methane concentration at the equipment reaches 0.5 percent, either during operation or during a pre-shift examination. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **11. Joliett Coal Company**

[Docket No. M-98-48-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1100-2 (quantity and location of firefighting equipment) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage is not practical. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **12. Joliett Coal Company**

[Docket No. M-98-49-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1200(d) & (i) (mine map) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill 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.

#### **13. Joliett Coal Company**

[Docket No. M-98-50-C]

Joliett Coal Company, 837 East Grand Avenue, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1202-1(a) (temporary notations, revisions, and supplements) to its No. 3 Vein Slope (I.D. No. 36-08702) located in Schuylkill County, Pennsylvania. The petitioner proposes to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### **14. Webster County Coal Corporation**

[Docket No. M-98-51-C]

Webster County Coal Corporation, 2668 State Route 120 East, Providence, Kentucky 42450 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Dotiki Mine (I.D. No. 15-02132) located in Webster County, Kentucky. Due to poor roof conditions and diminishing height in the intake air course, traveling the affected area would be unsafe. The petitioner proposes to establish two continuous monitoring stations to continuously monitor for methane and oxygen; to have an audible alarm signal at a surface location where a responsible person would be on duty at all times while miners are underground, and to train this person in the proper procedures for handling the monitoring system if immediate action is necessary in the event of an emergency or malfunction; to have a certified person check the monitoring stations weekly for air quantity and direction; and to have the results of the check recorded in a book that would be maintained on the surface. The petitioner states that application of the 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.

#### 15. Dandy Mining Company, Inc.

[Docket No. M-98-52-C]

Dandy Mining Company, Inc., P.O. Box 917, Gilbert, West Virginia 25621 has filed a petition to modify the application of 30 CFR 75.364(a)(1) and (b)(2) (weekly examination) to its No. 1 Mine (I.D. No. 46-08307) located in Logan County, West Virginia. The petitioner requests temporary modification of the standard to the extent that complying with the standard would put an examiner in an unsafe situation when traveling certain areas of the return air course due to deteriorating roof and conditions. The petitioner intends to mine parallel and mine into the affected area in approximately 6 months and seal the area according to MSHA requirements and West Virginia State Law. The petitioner proposes to establish evaluation points to monitor movement of air going into and returning from the affected area. The petitioner states that if the affected area is sealed according to MSHA requirement, when mining into the affected area, the West Virginia Law would require mine rescue teams to be present and operate equipment under oxygen to mine into sealed areas which would create a hazard 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.

#### 16. Chemical Lime Company

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

Chemical Lime Company, P.O. Box 479, Montevallo, Alabama 35115 has filed a petition to modify the application of 30 CFR 56.6306 (loading, blasting, and security) to its O'Neal Quarry (I.D. No. 01-00003) located in Shelby County, Alabama. The petitioner proposes to load explosives to within one hole of the hole being drilled during the drilling cycle of overburden removal. The petitioner asserts that application of the standard as it applies to the overburden blasting at the O'Neal Quarry will create a diminution of safety to the miners and to the drilling and blasting contractors. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 17. Climax Molybdenum Company

[Docket No. M-98-03-M]

Climax Molybdenum Company, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219

has filed a petition to modify the application of 30 CFR 57.12016 (work on electrically powered equipment) to its Henderson Mine (I.D. No. 05-00790) located in Clear Creek County, Colorado. The petitioner requests a modification of the standard to permit an alternative method of compliance with the requirements for lockout of equipment. The petitioner proposes to perform all lockout steps in the crusher control room except the lockout of the conveyor belt pullcord; to have the crusher operator remotely open two power contactor/breakers for each drive motor, turn the VFC off and disable all local control power for these contactor/breakers, and have an auxiliary contactor on each breaker or contactor that would indicate whether each device has opened; to disable the mill operator control and the potential network control hardware; to have persons desiring a lockout to activate a pullcord switch and lock the switch with a lockout lock; to give an indication to the crusher operator that the last pullcord switch has been deactivated; to have the crusher operator try to start the belt to ensure that starting the belt system is not possible before declaring the belt system locked out; and to have the crusher operator physically guard the PLC in the control room or lock the control room with a lockout lock. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

#### 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 September 3, 1998. Copies of these petitions are available for inspection at that address.

Dated: July 27, 1998.

**Patricia W. Silvey,**

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

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. RM 98-6]

#### Cable Compulsory License: Specialty Station List

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Request for information.

**SUMMARY:** The Copyright Office is compiling a new specialty station list to identify commercial television broadcast stations which, according to their owners, qualify as specialty stations for purposes of the former distant signal carriage rules of the Federal Communications Commission (FCC). Lists were published in 1990 and in 1995, at which time we stated that the specialty station list would be revised approximately every three years. Accordingly, the Copyright Office is again requesting all interested owners of television broadcast stations that qualify as specialty stations, including those that previously filed affidavits, to submit sworn affidavits to the Copyright Office stating that the programming of their stations meets certain requirements under the FCC regulations in effect on June 24, 1981.

**DATES:** Affidavits should be received on or before October 5, 1998.

**ADDRESSES:** If sent by mail, submit the sworn affidavit to: David O. Carson, General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. If hand delivered, bring the document to: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE., Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707-8380 or Telefax (202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

#### Why Would a Broadcast Station Seek Specialty Station Status?

Specialty station status is significant in the administration of the cable compulsory license. 17 U.S.C. 111. The licensing system indirectly allows a cable operator to carry the signal of a television station classified as a specialty station at the base rate for "permitted" signals. See 49 FR 14944 (April 16, 1984); 37 CFR 256.2(c).