

serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 30th day of September, 2002.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 02-25777 Filed 10-9-02; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

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

##### 1. Monterey Coal Company

[Docket No. M-2002-074-C]

Monterey Coal Company, 14300 Brushy Mound Road, Carlinville, Illinois 62626 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a) (Portable trailing cables and cords) to its No. 1 Mine (I.D. No. 11-00726) located in Macoupin County, Illinois. The petitioner proposes to install a Hubbel/Ensign Electric Division Class 1401 Permissible Distribution Box certified by the MSHA Approval and Certification Center under X/P-1733-3, so that two Fletcher Model CDR-15 slim line roof bolters could be used near the end of the longwall panel for additional support of the face when transferring equipment to the next panel. The distribution box would have a maximum of 750 feet of No. 4/0 AWG G-GC trailing cable extending from the power center located outby. The roof bolters would be equipped with No. 2 AWG G-GC portable cables with 1000 feet of the cable extended across the face from the distribution box. The petitioner was granted a petition in December 1994, docket number M-94-131-C, to extend the trailing cables to the Fletcher roof bolters to 1200 feet with short circuit protection set at 800 Amps Maximum and a longwall panel width of 750 feet Maximum. The petitioner states that since the granting of its previous petition, the longwall panel has been increased to 1100 feet Maximum, and is approved and accepted by the MSHA Approval and Certification Center under 2G-3955A-0. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 2. Knott County Mining Company

[Docket No. M-2002-075-C]

Knott County Mining Company, P.O. Box 2805, Pikeville, Kentucky 41502 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its Mallet Branch Mine (I.D. No. 15-18393), Mine 582 (I.D. No. 15-18522), and Hollybush Mine (I.D. No. 15-15289) located in Knott County, Kentucky. The petitioner proposes to use permanently installed, spring-loaded locking devices on battery plug connectors on battery-powered equipment to prevent the plug connectors from unintentionally loosening from battery receptacles and to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 3. Coemont Construction, Inc.

[Docket No. M-2002-076-C]

Coemont Construction, Inc., P.O. Box 297, Glen Daniel, West Virginia 25844 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its Coemont No. 1 Mine (I.D. No. 46-08945) located in Boone County, West Virginia. The petitioner proposes to use a threaded ring and a spring-loaded device instead of a padlock on battery plug connectors on mobile battery-powered machines to prevent the plug connector from accidentally disengaging while under load. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 4. Lone Mountain Processing, Inc.

[Docket No. M-2002-077-C]

Lone Mountain Processing, Inc., Drawer C, St. Charles, Virginia 24282 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 Huff Creek Mine No. 1 (I.D. No. 15-17234) located in Harlan County, Kentucky. The petitioner proposes to use a 2400-volt power center to power a continuous miner with high-voltage trailing cable inby the last open crosscut and within 150 feet of pillar workings. The petitioner asserts that the proposed

alternative method would provide at least the same measure of protection as the existing standard.

##### 5. Lone Mountain Processing, Inc.

[Docket No. M-2002-078-C]

Lone Mountain Processing, Inc., Drawer C, St. Charles, Virginia 24282 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 Darby Fork Mine No. 1 (I.D. No. 15-02265) located in Harlan County, Kentucky. The petitioner proposes to use a 2400-volt power center to power a continuous miner with high-voltage trailing cable inby the last open crosscut and within 150 feet of pillar workings. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 6. White County Coal, LLC

[Docket No. M-2002-079-C]

White County Coal, LLC, 1525 County Road 1300 N, P.O. Box 457, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) to its Pattiki I Mine (I.D. No. 11-02662) located in White County, Illinois. The petitioner proposes to operate a 13 horse power "Flygt" pump outby the last open crosscut 6700 feet from the power source, using AWG2 cable rated at 600-volt, minimum temperature rating 75 degrees C, and the overall jacket heavy duty and flame resistant. The petitioner states that the circuit breaker at the power source would be set at 80 amps. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 7. Kentucky May Mining

[Docket No. M-2002-080-C]

Kentucky May Mining, P.O. Box 249, Stanville, Kentucky 41659 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its Lakeview Mine (I.D. No. 15-18507) located in Pike County, Kentucky. The petitioner proposes to use permanently installed spring-loaded locking devices to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing 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 the existing standard.

#### 8. Remington Coal Company, Inc.

[Docket No. M-2002-081-C]

New River Engineering, Inc., 2971C East DuPont Avenue, Shrewsbury, West Virginia 25015, has filed a petition for the Remington Coal Company, Inc., 430 Harper Park Drive, Beckley, West Virginia 25801, to modify the application of 30 CFR 75.1700 (Oil and gas wells) to its Stockburg No. 1 Mine (I.D. No. 46-08634) located in Kanawha County, West Virginia. The petitioner proposes to plug and mine through oil and gas wells. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### 9. Debra Lynn Coals, Inc.

[Docket No. M-2002-083-C]

Debra Lynn Coals, Inc., P.O. Box 297, Grays Knob, Kentucky 40829 has filed a petition to modify the application of 30 CFR 77.214 (Refuse piles; general) to its Liggett Preparation Plant (I.D. No. 15-12428) located in Harlan County, Kentucky. The petitioner requests a modification of the standards to allow placement of refuse material over abandoned mine portals and associated mine workings. The petitioner proposes to construct a refuse pile over abandoned underground mine works in the Harlan coal bed, and de-water rock drains from two existing mine adits within the abandoned mine works. The petitioner states that the massive sandstone unit immediately above the Harlan coal bed would prevent any adverse effects of mine subsidence on the refuse pile. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to [comments@msha.gov](mailto: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, 1100 Wilson Boulevard, Room 2352, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before November 12, 2002. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 4th day of October 2002.

**Marvin W. Nichols, Jr.,**

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

[FR Doc. 02-25762 Filed 10-9-02; 8:45 am]

**BILLING CODE 4510-43-P**

### NUCLEAR REGULATORY COMMISSION

**[Docket Nos: (Redacted), License Nos: (Redacted), EA-XX-XXX (Redacted)]**

#### **In the Matter of All Power Reactor Licensees, Research and Test Reactor Licensees, and Special Nuclear Material Licensees Who Possess and Ship Spent Nuclear Fuel; Order Modifying License (Effective Immediately)**

The licensees identified in Attachment 1 to this Order have been issued a specific license by the U.S. Nuclear Regulatory Commission (NRC or Commission) authorizing the possession of spent nuclear fuel and a general license authorizing the shipment of spent nuclear fuel [in a transportation package approved by the Commission] in accordance with the Atomic Energy Act of 1954, as amended, and 10 CFR parts 50, 70 and 71. This Order is being issued to all such licensees who ship spent nuclear fuel. Commission regulations for shipment of spent nuclear fuel at 10 CFR 73.37(a) require these licensees to maintain a physical protection system that meets the requirements contained in 10 CFR 73.37(b), (c), (d), and (e).

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees in order to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility or regulated activity. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of security measures at licensed facilities. In addition, the Commission has been conducting a comprehensive review of its safeguards and security programs and requirements.

As a result of its consideration of current safeguards and security plan requirements, as well as a review of

information provided by the intelligence community, the Commission has determined that certain compensatory measures are required to be implemented by licensees as prudent, interim measures, to address the current threat environment in a consistent manner. Therefore, the Commission is imposing requirements, as set forth in Attachment 2 of this Order, on all licensees identified in Attachment 1 of this Order.<sup>1</sup> These interim requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the common defense and security continue to be adequately protected in the current threat environment. These requirements will remain in effect pending notification from the Commission that a significant change in the threat environment has occurred, or the Commission determines that other changes are needed.

The Commission recognizes that licensees may have already initiated many of the measures set forth in Attachment 2 to this Order in response to previously issued Safeguards and Threat Advisories or on their own. It is also recognized that some measures may not be possible or necessary for all shipments of spent nuclear fuel, or may need to be tailored to accommodate the licensees' specific circumstances to achieve the intended objectives and avoid any unforeseen effect on the safe transport of spent nuclear fuel.

Although the additional security measures implemented by licensees in response to the Safeguards and Threat Advisories have been adequate to provide reasonable assurance of adequate protection of common defense and security, in light of the current threat environment, the Commission concludes that the security measures must be embodied in an Order consistent with the established regulatory framework. In order to provide assurance that licensees are implementing prudent measures to achieve a consistent level of protection to address the current threat environment, all licenses identified in Attachment 1 to this Order shall be modified to include the requirements identified in Attachment 2 to this Order. In addition, pursuant to 10 CFR 2.202, I find that in light of the common defense and security matters identified above which warrant the issuance of this Order, the public health, safety, and interest require that this Order be immediately effective.

<sup>1</sup> Attachments 1 and 2 contain SAFEGUARDS Information and will not be released to the public.