

*Total Burden Cost (capital/startup):*  
\$0.

*Total Burden Cost (operating/  
maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 15th day of April, 2004.

**Cathy Kazanowski,**

*Chief, Division of Management Systems,  
Bureau of Labor Statistics.*

[FR Doc. 04-9701 Filed 4-28-04; 8:45 am]

BILLING CODE 4510-24-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. Goodin Creek Mining Company, Inc.

[Docket No. M-2004-014-C]

Goodin Creek Mining Company, Inc., 340 South Broadway, Suite 200, Lexington, Kentucky 40508 has filed a petition to modify the application of 30 CFR 75.342 (Methane monitors) to its Mine #1 (MSHA I.D. No. 15-18176) located in Knox County, Kentucky. The petitioner proposes to use a hand-held continuous-duty methane and oxygen detector on each coal hauling three-wheel tractor with drag bottom buckets in lieu of using machine mounted methane monitors. The petitioner states that the tractor operator will be trained in the proper use of the oxygen detector. The petitioner has listed in this petition specific terms and conditions that would be implemented when using its proposed alternative method at the Goodin Creek Mining Company, Inc., Mine #1. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### 2. Oxbow Mining, LLC

[Docket No. M-2004-015-C]

Oxbow Mining, LLC, P.O. Box 535, 3737 Highway 133, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.1100-2(b) (Quantity and location of firefighting equipment) to its Elk Creek Mine (MSHA I.D. No. 05-04674) located in Gunnison County, Colorado. The petitioner requests a modification of the

existing standard to permit an alternative method for installing water lines for the entire length of the belt conveyors, in lieu of keeping the water line charged with water at all times, because in February 2003, the Oxbow Mining, LLC was granted a petition for modification to allow the use of intake air coursed through conveyor belt entries and the belt entry portal sits at approximately 6300 feet elevation, which causes freezing conditions of the existing water line in the conveyor entry during the winter. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### 3. Dolet Hills Lignite Company

[Docket No. M-2004-016-C]

Dolet Hills Lignite Company, 377 Highway 522, Mansfield, Louisiana 71052 has filed a petition to modify the application of 30 CFR 77.803 (Fail safe ground check circuits on high-voltage resistance grounded systems) to its Dolet Hills Lignite Mine (MSHA I.D. No. 16-01031) located in De Soto County, Louisiana. The petitioner requests a modification of the existing standard to allow an alternative method of compliance when raising or lowering the boom/mast at construction sites during initial Dragline assembly. The petitioner states that this method would only be used during the boom/mast raising/lowering process, and when raising and lowering the boom for construction/maintenance, the machine will not be performing mining operations. The procedure would also be applicable in instances of disassembly or major maintenance which require the boom to be raised or lowered. The petitioner has listed specific guidelines in this petition that would be followed to minimize the potential for electrical power loss during this critical boom procedure. The petitioner asserts that this procedure does not replace other mechanical precautions or the requirements 30 CFR 77.405(b) that are necessary to safely secure boom/masts during construction or maintenance procedures and that its proposed alternative method would not result in a diminution of safety to the miners, but would provide the same measure of protection to the miners as the existing standard.

#### 4. Meadow Branch Mining Corporation

[Docket No. M-2004-017-C]

Meadow Branch Mining Corporation, P.O. Box 2560, Wise, Virginia 24293 has filed a petition to modify the application of 30 CFR 75.350 (Air

courses and belt haulage entries) to its Low Splint No. 1 Mine (MSHA I.D. No. 44-06883) located in Wise County, Virginia. The petitioner requests a modification of the existing standard to permit the use of belt air to ventilate active working places. The petitioner proposes to install a carbon monoxide monitoring system as an early warning fire detection system in all belt entries used to course intake air to a working place. 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 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before June 1, 2004. Copies of these petitions are available for inspection at that address.

Dated in Arlington, Virginia this 23rd day of April, 2004.

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

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

[FR Doc. 04-9747 Filed 4-28-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346; License No. NPF-03]

#### FirstEnergy Nuclear Operating Company; Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a letter dated August 25, 2003, filed by Greenpeace pursuant to section 2.206 of title 10 of the Code of Federal Regulations (10 CFR) on behalf of the Nuclear Information & Resource Service and the Union of Concerned Scientists (collectively, the Petitioners). The Petitioners requested that the Nuclear Regulatory Commission (NRC) take enforcement actions against FirstEnergy Nuclear Operating Company (FirstEnergy), the licensee for Davis-Besse Nuclear Power Station in Oak Harbor, Ohio, and also requested that NRC suspend the Davis-Besse license and prohibit plant restart until certain

conditions have been met. As basis for the request to have the NRC take enforcement actions against the licensee, the Petitioners stated that FirstEnergy has failed to complete commitments related to the NRC's 50.54(f) design basis letter (issued on October 9, 1996), and referred to numerous design basis violations dating back to plant licensing (corresponding to Requests 1 and 2 in the Petitioners' August 25 letter). The Petitioners also requested that the NRC suspend the Davis-Besse license and prohibit plant restart until all design basis deficiencies identified in response to the NRC's 50.54(f) design basis letter are adequately addressed, the plant probabilistic risk assessment (PRA) is updated to reflect design flaws, and no systems are in a "degraded but operable" condition (corresponding to Requests 3, 4, and 5 in the Petitioners' August 25 letter).

In a letter dated October 7, 2003, the NRC informed the Petitioners that the issues in the Petition were accepted for review under 10 CFR 2.206 and had been referred to the Office of Nuclear Reactor Regulation for appropriate action. A copy of the acknowledgment letter is publicly available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML032690314. A copy of the Petition is publicly available in ADAMS under the Accession No. ML032400435.

The Petitioners' representatives met with NRC staff on September 17, 2003, to provide additional details in support of this request. This meeting was transcribed and the transcript is publicly available on the NRC Web site as a supplement to the Petition (<http://www.nrc.gov/reactors/operating/ops-experience/vessel-head-degradation/controlled-correspondence.html>).

The licensee responded to the Petition on October 20, 2003 (ML033421458). This response was considered by the staff in its evaluation of the Petition.

In a letter dated November 26, 2003 (ML033010172), the NRC provided to the Petitioners its evaluation of their "immediate action" requests. The staff considered the Petitioners' requests to suspend the Davis-Besse license and prohibit plant restart until certain conditions have been met to be equivalent to "immediate action" requests because the Davis-Besse licensee might complete all necessary restart activities, and the NRC staff might complete all necessary oversight activities, before the staff could finalize the Director's Decision on this Petition. Requests 3, 4, and 5 in the Petitioners'

August 25 letter were considered immediate action requests, and the staff's November 26 evaluation is repeated in Section II.D of the Director's Decision for completeness.

The NRC sent a copy of the proposed Director's Decision to the Petitioners and to the licensee for comment on February 5, 2004 (ML040280003). Neither the Petitioners nor the licensee provided comments on the proposed Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has determined that the Petitioners' first request for enforcement based solely on failure of the licensee to complete commitments represents a misinterpretation of the agency's enforcement policies regarding commitments and therefore is denied. The Director of the Office of Nuclear Reactor Regulation has also determined that the Petitioners' second request for enforcement based on numerous design basis violations is in effect being granted by the actions already taken by the staff. The reasons for these decisions are explained in Director's Decision DD-04-01, the complete text of which is available in ADAMS, or is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records are accessible from the ADAMS Public Electronic Reading Room on the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated in Rockville, Maryland, this 22nd day of April, 2004.  
For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-9692 Filed 4-28-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on May 5-8, 2004, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, November 21, 2003 (68 FR 65743).

#### Wednesday, May 5, 2004 (Closed)

*11 a.m.-6:30 p.m.: Safeguards and Security (Closed)*—The Committee will hear presentations by and hold discussions with representatives of the Office of Nuclear Regulatory Research and the Office of Nuclear Security and Incident Response regarding safeguards and security matters.

#### Thursday, May 6, 2004, Conference Room T-2B3, Two White Flint North, Rockville, Maryland

*8:30 a.m.-8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)*—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.-10:30 a.m.: Use of Mixed Oxide (MOX) Lead Test Assemblies at the Catawba Nuclear Station (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Duke Cogema Stone and Webster (DCS) regarding the license amendment submitted by DCS to obtain NRC authorization to use MOX lead test assemblies at the Catawba Nuclear Station.

*10:45 a.m.-12:15 p.m.: Risk Management Technical Specifications (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the status/overview of the initiatives associated with the risk management technical specifications, and the staff's evaluation of the proposals for pilot application of the initiative on Risk-Informed Completion Times.

*1:15 p.m.-3:15 p.m.: Trial/Pilot Implementation of Regulatory Guide 1.200, "An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities" (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding insights gained from the trial/