

*Mine:* No. 12 Slope, MSHA I.D. No. 36-09493.

*Regulation Affected:* 30 CFR 75.1400 (Hoisting equipment; general).

- *Docket Number:* M-2007-037-C.

*FR Notice:* 72 FR 39464 (July 18, 2007).

*Petitioner:* Mallie Coal Company, Inc., 8442 Highway 6, Corbin, Kentucky 40701.

*Mine:* Mine No. 7, MSHA I. D. No. 15-19007.

*Regulation Affected:* 30 CFR 75.380(f)(4)(i) (Escapeways; bituminous and lignite mines).

- *Docket Number:* M-2007-038-C.

*FR Notice:* 72 FR 39464 (July 18, 2007).

*Petitioner:* Mallie Coal Company, Inc., 8442 Highway 6, Corbin, Kentucky 40701.

*Mine:* Mine No. 7, MSHA I.D. No. 15-19007.

*Regulation Affected:* 30 CFR 75.342 (Methane monitors).

- *Docket Number:* M-2007-045-C.

*FR Notice:* 72 FR 45829 (August 15, 2007).

*Petitioner:* Alpha & Omega Coal Company, LLC, Drawer 887, Louisa, Kentucky 41230.

*Mine:* No. 2 Deep Mine, MSHA I.D. No. 46-09187.

*Regulation Affected:* 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M-2007-048-C.

*FR Notice:* 72 FR 45830 (August 15, 2007).

*Petitioner:* Paramount Coal Company Virginia, LLC, 2333 Alumni Park Plaza, Suite 310, Lexington, Kentucky 40517.

*Mine:* Deep Mine #26, MSHA I.D. No. 44-06929.

*Regulation Affected:* 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

- *Docket Number:* M-2006-006-M.

*FR Notice:* 71 FR 58434 (October 3, 2006).

*Petitioner:* Mosaic Potash Carlsbad, Inc., P.O. Box 71, 1361 Potash Mines Road, Carlsbad, New Mexico 88221-0071.

*Mine:* Mosaic Potash Carlsbad, Inc., Mine, MSHA I.D. No. 29-00802.

*Regulation Affected:* 30 CFR 57.15031 (Location of self-rescue devices).

- *Docket Number:* M-2006-008-M.

*FR Notice:* 71 FR 58434 (October 3, 2006).

*Petitioner:* Intrepid Potash NM, LLC, 1996 Potash Mines Road, P.O. Box 101, Carlsbad, New Mexico 88221-0101.

*Mine:* Intrepid Potash West Mine, MSHA I.D. No. 29-00175.

*Regulation Affected:* 30 CFR 57.15031 (Location of self-rescue devices).

• *Docket Number:* M-2006-009-M.  
*FR Notice:* 71 FR 58434 (October 3, 2006).

*Petitioner:* Intrepid Potash NM, LLC, 1996 Potash Mines Road, P.O. Box 101, Carlsbad, New Mexico 88221-0101.

*Mine:* Intrepid Potash East Mine, MSHA I.D. No. 29-00170.

*Regulation Affected:* 30 CFR 57.15031 (Location of self-rescue devices).

- *Docket Number:* M-2007-003-M.

*FR Notice:* 72 FR 31860 (June 8, 2007).

*Petitioner:* Intrepid Potash NM, LLC, 1996 Potash Mines Road, P.O. Box 101, Carlsbad, New Mexico 88221-0101.

*Mine:* Intrepid Potash West Mine, MSHA I.D. No. 29-00175.

*Regulation Affected:* 30 CFR 57.18028 (Mine emergency and self-rescuer training).

- *Docket Number:* M-2007-004-M.

*FR Notice:* 72 FR 31861 (June 8, 2007).

*Petitioner:* Intrepid Potash NM, LLC, 1996 Potash Mines Road, P.O. Box 101, Carlsbad, New Mexico 88221-0101.

*Mine:* Intrepid Potash East Mine, MSHA I.D. No. 29-00170.

*Regulation Affected:* 30 CFR 57.18028 (Mine emergency and self-rescuer training).

- *Docket Number:* M-2007-007-M.

*FR Notice:* 72 FR 45830 (August 15, 2007).

*Petitioner:* Phelps Dodge Safford, Inc., 1124 W. Thatcher Blvd., Suite 202, Safford, Arizona 85546.

*Mine:* Phelps Dodge Safford, Inc., Mine, MSHA I.D. No. 02-03131.

*Regulation Affected:* 30 CFR 56.6309(b) (Fuel oil requirements for ANFO).

Dated: January 24, 2008.

**Jack Powasnik,**

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

[FR Doc. E8-1609 Filed 1-29-08; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket ID-OSHA-2008-0002]

### National Advisory Committee on Occupational Safety and Health (NACOSH)

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for nominations to serve on NACOSH; announcement of new and reappointed members.

**SUMMARY:** The Assistant Secretary of Labor for Occupational Safety and Health invites interested parties to submit nominations for membership on

NACOSH and announces the appointment of new NACOSH members.

**DATES:** Nominations for NACOSH must be submitted (postmarked, sent or received) by February 29, 2008.

**ADDRESSES:** You may submit nominations for NACOSH, identified by Docket No. OSHA-2008-0002, by any of the following methods:

Electronically: You may submit nominations, including attachments, electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions on-line for submitting nominations.

Facsimile: If your nomination, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693-1648.

Mail, express delivery, hand delivery, messenger or courier service: Submit three copies of your nominations to the OSHA Docket Office, Docket No. OSHA-2008-0002, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (TTY number (877) 889-5627). Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., e.t.

Instructions: All nominations for NACOSH must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2008-0002). All submissions in response to this **Federal Register** notice, including personal information provided, will be posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting certain personal information, such as social security numbers and birthdates. Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office, at the address above, for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations, see the **SUPPLEMENTARY INFORMATION** section below.

**Docket:** To read or download submissions, go to <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information (e.g., copyrighted material) is not publicly available to read or download through <http://www.regulations.gov>. All submissions, including copyrighted

material, are available for inspection and copying at the OSHA Docket Office at the address above.

Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This document, as well as news releases and other relevant information, also are available at OSHA's Web page at <http://www.osha.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Deborah Crawford, OSHA, Directorate of Evaluation and Analysis, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington DC 20210; telephone (202) 693-1932; fax (202) 693-1641; e-mail address [crawford.deborah@dol.gov](mailto:crawford.deborah@dol.gov).

**SUPPLEMENTARY INFORMATION:**

The Assistant Secretary of Labor for Occupational Safety and Health (OSHA) invites interested parties to submit nominations for membership on NACOSH. The Committee is authorized by section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory body and operates in compliance with provisions in the OSH Act and the Federal Advisory Committee Act (5 U.S.C. App. 2), and regulations issued pursuant to those laws (29 CFR 1912a, 41 CFR part 101-6 and 102-3).

NACOSH is comprised of 12 members, all of whom the Secretary of Labor appoints. Nominations will be accepted for five vacancies (29 CFR 1912a.2). The composition of the committee and categories of members to be appointed are as follows:

- Four public representatives. Two will be appointed;
- Two management representatives. One will be appointed;
- Two labor representatives. No vacancies;
- Two representatives representing occupational safety professions. One will be appointed; and,
- Two representing occupational health professions. One health representative will be appointed.

Pursuant to § 1912a.2, the Secretary of Health and Human Services (HHS) will designate for appointment by the Secretary of Labor one of the public representatives and the representative from the occupational health professions. Therefore, OSHA will provide to HHS all nominations, including supporting materials, for those membership categories.

NACOSH members serve staggered two-year terms, unless the member

becomes unable to serve, resigns, ceases to be qualified to serve because he or she no longer meets the relevant representational requirements, or is removed by the Secretary of Labor. If a vacancy occurs before a term expires, the Secretary may appoint a new member who represents the same interest as the predecessor to serve the remainder of the unexpired term. The committee meets at least two times a year (§ 1912a.4).

Any interested person or organization may nominate one or more qualified individuals for membership. Nominations must include the nominee's name, occupation or current position, and contact information. The nomination also must identify the category that the candidate is qualified to represent, and include a resume of the nominee's background, experience, and qualifications. In addition, the nomination must state that the nominee is aware of the nomination and is willing to serve on NACOSH for a two-year term. NACOSH members will be selected upon the basis of their experience and competence in the field of occupational safety and health (§ 1912a.2). The information received through this nomination process, in addition to other relevant sources of information, will assist the Secretary of Labor in appointing members to serve on NACOSH. In selecting NACOSH members, the Secretary of Labor will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish a list of the new NACOSH members in the **Federal Register**.

**Public Participation—Submission of Nominations and Access to Docket**

You may submit nominations (1) electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments and other material must identify the Agency name and the OSHA docket number for this **Federal Register** notice (Docket No. OSHA-2008-0002). You may supplement electronic nominations by uploading document files electronically. If, instead, you wish to mail additional materials in reference to an electronic or fax submission, you must submit three copies to the OSHA Docket Office (see **ADDRESSES** section). The additional materials must clearly identify your electronic nomination by name, date, and docket number so OSHA can attach them to your nomination.

Because of security-related procedures, the use of regular mail may

cause a significant delay in the receipt of nominations. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting certain personal information such as social security numbers and birth dates. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through <http://www.regulations.gov>. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's User Tips link. Contact the OSHA Docket Office for information about materials not available through the Web site and for assistance in using the Internet to locate docket submissions.

Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This document, as well as news releases and other relevant information, is also available at OSHA's Webpage at <http://www.osha.gov>.

**Appointment of New NACOSH Members**

In November 2007, Secretary Elaine Chao appointed the following four new NACOSH members to serve two-year terms:

- Ms. Barbara McCabe, International Union of Operating Engineers, as a labor representative;
- Ms. Jennifer Bailey, American Cast Iron Pipe Company, as a management representative;
- Mr. Karl Jacobson, Liberty Mutual Insurance Group, as a safety representative; and
- Ms. Susan Randolph, University of North Carolina-Chapel Hill, as a health representative.

In addition, the Secretary reappointed the following three NACOSH members to another two-year term:

- Mr. Douglas Kalinowski, Michigan Department of Consumer and Industry Services, as a public representative;
- Ms. Vickie Wells, San Francisco Department of Public Health, as a public representative; and
- Mr. Kevin Sommers, Fraternal Order of Police, as a labor representative.

**Authority and Signature**

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by sections 6(b)(1) and 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), 29 CFR 1912a, Federal Advisory Committee Act (5 U.S.C. App.2); and Secretary of Labor's Order No. 5-2007 (72 FR 31159).

Signed at Washington, DC this 24th day of January, 2008.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E8-1582 Filed 1-29-08; 8:45 am]

**BILLING CODE 4510-26-P**

**LIBRARY OF CONGRESS****Copyright Royalty Board**

[Docket No. 2008-1 CRB CD 98-99]

**Distribution of 1998 and 1999 Cable Royalty Funds**

**AGENCY:** Copyright Royalty Board, Library of Congress

**ACTION:** Notice announcing commencement of Phase II distribution proceeding with request for Petitions to Participate.

**SUMMARY:** The Copyright Royalty Judges are announcing the commencement of a proceeding to determine the Phase II distribution of 1998 and 1999 royalties collected under the cable statutory license. The Judges also are announcing the date by which a party who wishes to participate in this distribution proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due on or before February 29, 2008.

**ADDRESSES:** An original, five copies, and an electronic copy on a CD of the Petition to Participate, along with the \$150 filing fee, may be delivered to the Copyright Royalty Board by either mail or hand delivery. Petitions to Participate and the \$150 filing fee may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), Petitions to Participate, along with the \$150 filing fee, must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If hand delivered by a private party, Petitions to Participate, along with the \$150 filing

fee, must be brought to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial courier, Petitions to Participate, along with the \$150 filing fee, must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Avenue, SE., Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707-7658 or e-mail at *crb@loc.gov*.

**SUPPLEMENTARY INFORMATION:****Background**

Each year, semiannually, cable systems must submit royalty payments to the Copyright Office as required by the cable statutory license for the privilege of retransmitting over-the-air television and radio broadcast stations. 17 U.S.C. 111. These royalties are then distributed to copyright owners whose works were included in such retransmissions and who timely filed a claim for royalties. Distribution of the royalties for each calendar year are conducted by the Copyright Royalty Judges ("Judges") in two phases. At Phase I, the royalties are divided among the representatives of the major categories of copyrightable content (movies, sports programming, music, etc.) requesting the distribution. At Phase II, the royalties are divided among the various copyright owners within each category.

This Notice announcing the commencement of a proceeding under 17 U.S.C. 803(b)(1) for distribution of cable royalties collected for 1998 and 1999 is confined to Phase II. A Phase I proceeding for these royalty years was conducted by the Librarian of Congress under the Copyright Arbitration Royalty Panel ("CARP") system, the predecessor to the Copyright Royalty Judges. The Librarian issued his determination dividing the royalties among the eight Phase I claimant groups, 69 FR 3606 (January 26, 2004), and the U.S. Court of Appeals for the District of Columbia Circuit affirmed his determination. *Program Suppliers v. Librarian of Congress*, 409 F.3d 395 (DC Cir. 2005). The Librarian did not, however, resolve the Phase II distribution of these royalty years and terminated the proceeding on August 10, 2007. 72 FR 45071.

Consequently, it is now necessary for the Copyright Royalty Judges to resolve this Phase II distribution.<sup>1</sup>

**Commencement of Phase II Proceeding**

Consistent with 17 U.S.C. 804(b)(8), the Copyright Royalty Judges determine that a Phase II controversy exists as to the distribution of 1998 and 1999 cable royalties. We reach this determination, in this instance, for several reasons. First, we observe that certain interested parties represented to the Librarian some time ago that several Phase II controversies exist for these years. Second, the Program Suppliers have recently represented to us that a Phase II controversy with the National Association of Broadcasters remains for these years. Comments of the Program Suppliers on the Existence of a Controversy, at 5, n. 3 (filed in Docket No. 2005-4 CRB CD 2003 on September 19, 2007). And third, we have not received notification that any settlements have been reached, nor have we received motions for final distribution.

The Judges are consolidating the 1998 and 1999 royalty years into a single proceeding. The Librarian consolidated these years for purposes of the Phase I proceeding without incident, and Phase II proceedings are traditionally less extensive and complicated, thereby making consolidation of multiple royalty years more administratively efficient.

**Petitions To Participate**

Petitions to Participate must be filed in accordance with the § 351.1(b) of the Judge's regulations. See 37 CFR 351.1(b). Petitions to Participate submitted by interested parties whose claims do not exceed \$1,000 must contain a statement that the party will not seek a distribution of more than \$1,000. No filing fee is required for these parties. We note, however, that interested parties with claims exceeding one thousand dollars (\$1,000) must submit a filing fee of one hundred and fifty dollars (\$150) with their Petition to Participate or it will be rejected. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to the "Copyright Royalty Board." If a check received in payment of the filing fee is returned for lack of sufficient funds, the

<sup>1</sup> It is important to note that this is a new proceeding before the Copyright Royalty Judges and not a transfer or continuation of a prior proceeding of the Librarian. See Section 6(b)(1) of the Copyright Royalty and Distribution Reform Act of 2004, Pub. L. No. 108-419 (any CARP proceeding terminated by the Librarian "shall become null and void").