

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

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of petitions for modification of existing mandatory safety standards.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before August 4, 2008.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic mail:* Standards-Petitions@dol.gov.
2. *Facsimile:* 1-202-693-9441.
3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.
4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

We will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Reynolds, Office of Standards, Regulations, and Variances at 202-693-9449 (Voice), reynolds.lawrence@dol.gov (E-mail), or 202-693-9441 (Telefax), or contact Barbara Barron at 202-693-9447 (Voice), barron.barbara@dol.gov (E-

mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:**I. Background**

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modifications.

II. Petitions for Modification

Docket Number: M-2008-031-C.

Petitioner: Blue Diamond Coal Company, P.O. Box 47, Slemp, Kentucky 41763.

Mine: Mine #75, MSHA I.D. No. 15-17478, located in Perry County, Kentucky.

Regulation Affected: 30 CFR 75.364(b)(2) (Weekly examination).

Modification Request: The petitioner requests a modification of the existing standard to permit check points (examination points) to be established in seven locations of the Parallel Twin Pines Intake Mains due to poor roof conditions that prevent foot travel. The petitioner proposes to establish examination points at certain points to evaluate airflow entering the Parallel Twin Pines Intake Mines and exiting the Parallel Twin Pines Intake Mains. The petitioner also proposes to establish ventilation check points between certain breaks of the Parallel Twin Pines Intake Mains. The petitioner states that due to adverse roof conditions and distance from active works it is impractical to expose personnel to traveling this area. The petitioner further states that no lesser degree of safety is ensured by traveling to both ends of the mains and verifying the adequate air volume and quality at the noted evaluation points and check points. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M-2008-032-C.

Petitioner: Double Bonus Coal Company, P.O. Box 414, Pineville, West Virginia 24874.

Mine: No. 65 Mine, MSHA I.D. No. 46-09020, located in Wyoming County, West Virginia.

Regulation Affected: 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

Modification Request: The petitioner requests a modification of the existing standard to permit blow-off dust covers to be eliminated for nozzles on deluge-type water spray systems. The petitioner proposes to conduct weekly inspections and functional tests of its complete deluge-type water spray system. The petitioner states that in view of the frequent inspections and functional testing of the system, the dust covers are not necessary because the nozzles can be maintained in an unclogged condition through weekly use, and it is burdensome to recap the large number of covers weekly after each inspection and functional test. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Jack Powasnik,

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

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NATIONAL COUNCIL ON DISABILITY**Sunshine Act Meetings**

TYPE: Quarterly Meeting.

DATES AND TIMES:

July 14, 2008, 8:30 a.m.-4 p.m.;
July 15, 2008, 8:30 a.m.-5 p.m.;
July 16, 2008, 8:30 a.m.-4:15 p.m.

LOCATION: Renaissance Seattle Hotel, 515 Madison Street, Seattle, WA.

STATUS:

July 14, 2008, 8:30 a.m.-4 p.m.—Open;
July 14, 2008, 4 p.m.-5 p.m.—Closed Executive Session;
July 15, 2008, 8:30 a.m.-5 p.m.—Open;
July 16, 2008, 8:30 a.m.-4:15 p.m.—Open.

AGENDA: Public Comment Sessions; Emergency Preparedness Panel; Air Carrier Access Act Panel; Discussions on the Americans with Disabilities Act Amendments Act of 2008, and Employment; Reports from the Chairperson, Council Members, and the Executive Director; Unfinished Business; New Business; Announcements; Adjournment.

SUNSHINE ACT MEETING CONTACT: Mark S. Quigley, Director of External Affairs, NCD, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax)