

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Notice of Affirmative Decisions on Petitions for Modification Granted in Whole or in Part**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of Affirmative Decisions on Petitions for Modification Granted in Whole or in Part.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) enforces mine operator compliance with mandatory safety and health standards that protect miners and improve safety and health conditions in U.S. Mines. This **Federal Register** Notice (FR Notice) notifies the public that it has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

**ADDRESSES:** Copies of the final decisions are posted on MSHA's Web site at <http://www.msha.gov/indexes/petition.htm>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209. All visitors must first stop at the receptionist desk on the 21st Floor to sign-in.

**FOR FURTHER INFORMATION CONTACT:** Roslyn B. Fontaine, Acting Deputy Director, Office of Standards, Regulations, and Variances at 202-693-9475 (Voice), [fontaine.roslyn@dol.gov](mailto:fontaine.roslyn@dol.gov) (E-mail), or 202-693-9441 (Telefax), or Barbara Barron at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

**SUPPLEMENTARY INFORMATION:****I. Introduction**

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) that the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a

petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

**II. Granted Petitions for Modification**

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M-2007-011-C.  
*FR Notice:* 72 FR 31859 (June 8, 2007).

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

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

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

- *Docket Number:* M-2007-035-C.  
*FR Notice:* 72 FR 36066 (July 2, 2007).

*Petitioner:* Black Beauty Coal Company, LLC, Vermilion Grove Road, 4500 N 1500 East Road, Ridge Farm, Illinois 61870-6075.

*Mine:* Riola Mine Complex-Vermilion Grove, MSHA I.D. No. 11-03060, located in Vermilion County, Illinois.

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

- *Docket Number:* M-2007-067-C.  
*FR Notice:* 72 FR 70350 (December 11, 2007).

*Petitioner:* Mach Mining, LLC, P.O. Box 300, Johnson City, Illinois 62951.

*Mine:* Mach No. 1 Mine, MSHA I.D. No. 11-03141, located in Williamson County, Illinois.

*Regulation Affected:* 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M-2007-070-C.  
*FR Notice:* 73 FR 4638 (January 25, 2008).

*Petitioner:* White County Coal, LLC, P.O. Box 457, Carmi, Illinois 62821.

*Mine:* Pattiki Mine, MSHA I.D. No. 11-03058, located in White County, Illinois.

*Regulation Affected:* 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35 (Portable trailing cables and cords).

- *Docket Number:* M-2007-072-C.  
*FR Notice:* 73 FR 4638 (January 25, 2008).

*Petitioner:* Harlan-Cumberland Coal Company, P.O. Box 1710, 103 South Cumberland Avenue, Suite 200, Harlan, Kentucky 40831.

*Mine:* Totz Preparation Plant, MSHA I.D. No. 15-10657, located in Harlan County, Kentucky.

*Regulation Affected:* 30 CFR 77.214(a) (Refuse piles; general).

- *Docket Number:* M-2008-001-C.  
*FR Notice:* 73 FR 7324 (February 7, 2008).

*Petitioner:* S & M Coal Company, 1744 E. Grand Avenue, Tower City, Pennsylvania 17980.

*Mine:* Buck Mountain Slope, MSHA I.D. No. 36-02022, located in Dauphin County, Pennsylvania.

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

- *Docket Number:* M-2008-003-C.  
*FR Notice:* 73 FR 12775 (March 10, 2008).

*Petitioner:* Brooks Run Mining Company, 208 Business Street, Beckley, West Virginia 25801.

*Mine:* Wyoming No. 1 Mine, MSHA I.D. No. 46-09213, located in Wyoming County, West Virginia; Cucumber Mine, MSHA I.D. No. 46-09066 and War Branch No. 1 Mine, MSHA I.D. No. 46-09055, located in McDowell County, West Virginia.

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

- *Docket Number:* M-2008-004-C.  
*FR Notice:* 73 FR 12775 (March 10, 2008).

*Petitioner:* The American Coal Company, P.O. Box 727, Harrisburg, Illinois 62946.

*Mine:* Galatia Mine, MSHA I.D. No. 11-02752, located in Saline County, Illinois.

*Regulation Affected:* 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35 (Portable trailing cables and cords).

- *Docket Number:* M-2008-010-C.  
*FR Notice:* 73 FR 20066 (April 24, 2008).

*Petitioner:* Pleasant View Mining Company, Inc., 755 Nebo Road, Madisonville, Kentucky 42431.

*Mine:* Richland No. 9 Mine, MSHA I.D. No. 15-17232, Hopkins County, Kentucky.

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

Dated: January 6, 2009.

**Patricia W. Silvey,**

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

[FR Doc. E9-330 Filed 1-9-09; 8:45 am]

**BILLING CODE 4510-43-P**

**LEGAL SERVICES CORPORATION****Disaster Relief Emergency Grant Instructions**

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of Issuance of Disaster Relief Emergency Grant Instructions.

**SUMMARY:** On occasion, the Legal Services Corporation (LSC) has available

special funding to help meet the emergency needs of programs in disaster areas. This Notice sets forth instructions for current LSC grant recipients who have experienced needs due to a disaster in a federally-declared disaster area and who wish to apply for disaster relief funding, when such funds are available. This information is also posted to the LSC Web site at [www.lsc.gov](http://www.lsc.gov).

**DATES: Effective Date:** These instructions become effective 30 days after the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** Director of the Office of Program Performance, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007, (202) 295-1500 (phone); (202) 337-6813 (fax).

**SUPPLEMENTARY INFORMATION:**

**Instructions for Applying for Disaster Relief**

*Eligibility*

On occasion, the Legal Services Corporation (LSC) has available special funding to help meet the emergency needs of programs in disaster areas. When funding is available, only current LSC recipients in Federally-declared disaster areas are eligible to apply for such emergency funds.

*Disaster Relief Grant Application Instructions*

To obtain emergency funding from the LSC, a recipient shall submit a written application to LSC's President. The application must be signed by the executive director and the chair of the board of directors of the recipient.

The following information must be included in the application:

- (1) *Resources, Need and Objectives*
  - (a) The recipient's name and number;
  - (b) A description of the damage sustained by recipient and the surge in demand for services as a result of the disaster;
  - (c) An estimate, in dollars, of lost property, including records, and equipment;
  - (d) The amount of emergency funds requested;
  - (e) A brief narrative stating the purpose of the requested funds;
  - (f) The recipient's current annual budget of revenue and expenses (LSC and non-LSC);
  - (g) The recipient's fiscal year.
- (2) *Operational Procedures*

Describe the operational procedures for the disaster relief project(s) including the following items where applicable:

(a) The anticipated length of time to restore operations from emergency status to normal;

(b) The anticipated term of the emergency grant (*i.e.*, proposed beginning and termination dates), not to exceed twelve months;

(c) A description of the project, including criteria to be used for determining successful completion;

(3) *Grant Assurances*

(a) An assurance that recipient will comply with all of the grant assurances applicable to its basic field grant (which are herein incorporated by reference) in the expenditure of the emergency funds; and

(e) An assurance that the recipient will follow the special LSC accounting and reporting requirements for the emergency funds (*i.e.*, separate reporting by natural line item in the annual audit, separate case reporting in the CSR report, and if requested, periodic progress reports to the LSC) specified below.

(4) *Budget*

Provide a detailed budget of expenses for the emergency need, including the following information

- (a) The amount of emergency funds requested from LSC;
- (b) Projected funding from other (non-LSC) sources, including insurance proceeds;
- (c) Any in-kind contributions;
- (d) Expenses by natural line item; and
- (e) Any anticipated purchases in excess of \$10,000.

It is suggested that the outside of the envelope clearly note that it contains an "Application for an Emergency Grant for Disaster Relief" and that the President's office be alerted by phone or e-mail that an application is being submitted.

*Disaster Relief Emergency Grant Approval Criteria*

Given the nature of emergency situations arising from natural disasters, requests for assistance will be processed on a priority basis. The primary emphasis will be on restoring, as quickly as possible, the program's capacity to serve eligible clients.

*Disaster Relief Emergency Grant Extensions*

To obtain approval for an extension of the grant term, a recipient must submit a request in writing no later than sixty days prior to the termination date of the grant. LSC shall respond to such request no later than thirty days prior to the termination date of the grant.

*Disaster Relief Emergency Grant Accounting and Reporting*

*Accounting for the Grant*

The grant must be separately reported by natural line item in recipient's annual audit(s). This reporting may be done either on the face of the financial statements, or in a schedule attached to the financial statements. Any fund balance remaining at the end of the grant period shall be refunded to the LSC at submission of the audit report.

*Case Service Reporting*

In times of crisis, the immediate needs of victims supersede the need to adhere to the recipient's established priorities and recipients confronted by natural disasters generally dispense with the stated priorities to respond to the most pressing needs of their clients. Depending on the extent of the disaster and the impact it has on the recipient's case activities, the recipient may find that it has processed a substantial number of cases outside its normal priorities and the case reporting would reflect this. To avoid a distorted picture when disaster cases are reported in the regular CSRs, LSC requires that there be separate case reporting for disaster related cases for which emergency funding was provided.

*Periodic Progress Reports*

If requested, the recipient shall make periodic reports to LSC on the progress being made by the recipient in the completion of the disaster relief project(s).

Dated: January 6, 2009.

**Victor M. Fortuno,**

*Vice President & General Counsel.*

[FR Doc. E9-361 Filed 1-9-09; 8:45 am]

BILLING CODE 7050-01-P

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice 09-003]

**Notice of Intent To Grant Exclusive License**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Intent to Grant Exclusive License.

**SUMMARY:** This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license worldwide to practice the inventions described and claimed in U.S. Patent Nos. 6,133,036, entitled "Preservation Of Liquid Biological