

will complete the application in approximately forty hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual public burden associated with this application is 1,350 hours.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: May 15, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

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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: 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. 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-2006-080-C.

FR Notice: 72 FR 8202 (February 23, 2007).

Petitioner: Black Beauty Coal Company, 13101 Ziegler 11 Road, P.O. Box 369, Coulterville, Illinois 62237.

Mine: Gateway Mine, MSHA I.D. No. 11-02408, located in Randolph County, Illinois.

Regulation Affected: 30 CFR 75.364(b)(1) (Weekly examination).

- *Docket Number:* M-2006-088-C.

FR Notice: 72 FR 8204 (February 23, 2007).

Petitioner: Cumberland River Coal Company, P.O. Drawer 109, Appalachia, Virginia 24216.

Mine: Band Mill Mine, MSHA I.D. 44-06816, located in Wise County, Virginia.

Regulation Affected: 30 CFR 75.364(b)(1) (Weekly examination).

- *Docket Number:* M-2008-002-C.

FR Notice: 73 FR 12775 (March 10, 2008).

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

Mine: Mine #75, MSHA I.D. 15-17478, located in Perry County, Kentucky.

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

- *Docket Number:* M-2008-014-C.

FR Notice: 73 FR 28529 (May 16, 2008).

Petitioner: AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

Mine: Ondo Extension Mine, MSHA I.D. No. 36-09005, located in Indiana County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2008-015-C.

FR Notice: 73 FR 28529 (May 16, 2008).

Petitioner: AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

Mine: Nolo Mine, MSHA I.D. No. 36-08850, located in Armstrong County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2008-016-C.

FR Notice: 73 FR 28529 (May 16, 2008).

Petitioner: AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

Mine: Madison Mine, MSHA I.D. No. 36-09127, located in Cambria County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2008-017-C.

FR Notice: 73 FR 28529 (May 16, 2008).

Petitioner: AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

Mine: Gillhouser Run Mine, MSHA I.D. No. 36-09033, located in Indiana County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2008-018-C.

FR Notice: 73 FR 28529 (May 16, 2008).

Petitioner: AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

Mine: Dora 8 Mine, MSHA I.D. No. 36-08704, located in Jefferson County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M-2008-019-C.

FR Notice: 73 FR 28530 (May 16, 2008).

Petitioner: White County Coal, LLC, 1525 Country Road 1300 N, P.O. Box 457, Carmi, Illinois.

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).

- *Docket Number:* M-2008-020-C.

FR Notice: 73 FR 31147 (May 30, 2008).

Petitioner: Rockhouse Creek Development, LLC, P.O. Box 1389, Gilbert, West Virginia 25621.

Mine: No. 6 Mine, MSHA I.D. No. 46-08268, Mine No. 2, MSHA I.D. No. 46-

08636, and No. 9 Mine, MSHA I.D. No. 46-08976, located in Logan County, West Virginia; and No. 3 Mine, MSHA I.D. No. 46-08778 and No. 8 Mine, MSHA I.D. No. 46-09018, located in Mingo County, West Virginia.

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

• *Docket Number:* M-2008-025-C.

FR Notice: 73 FR 34963 (June 19, 2008).

Petitioner: ICG Beckley, LLC, P.O. Box 49, Eccles, West Virginia 25836.

Mine: Beckley Pocahontas Mine, I.D. No. 46-05252, located in Raleigh County, West Virginia.

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

• *Docket Number:* M-2008-046-C.

FR Notice: 73 FR 61912 (October 17, 2008).

Petitioner: Black Beauty Coal Company, 13101 Ziegler 11 Road, P.O. Box 369, Coulterville, Illinois 62237.

Mine: Gateway Mine, MSHA I.D. 11-02408, located in Randolph County, Illinois.

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

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. E9-11685 Filed 5-19-09; 8:45 am]

BILLING CODE 4510-43-P

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 June 19, 2009.

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 2350, 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 2350, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances.

MSHA 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:

Barbara Barron, Office of Standards, Regulations and Variances 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 modification.

II. Petitions for Modification

Docket Number: M-2009-001-M.

Petitioner: General Chemical (Soda Ash) Partners, P.O. Box 551, Green River, Wyoming 82935.

Mine: General Chemical Mine, MSHA I.D. No. 48-00155, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

Modification Request: The petitioner requests a modification of the existing

standard to permit an increase in the length of portable trailing cables, which is longer than the maximum length set forth in 30 CFR Appendix.1, Table 9, to enable safe handling practice of the cable in regards to their mining operation. The petitioner states that currently, the boring machines are approved for use with #2 American Wire Gauge (AWG) trailing cable. The petitioner proposes the following for its General Chemical Mine in Green River, Wyoming: (1) The maximum length for portable trailing cables in regards to power distributed to its boring machines will be 1,200 feet for cable sizes #2/0 AWG, #10 AWG, #1 AWG, and #2 AWG; (2) all instantaneous trip settings for over-current will be maintained at a level below the minimum available fault current calculated, using the MSHA short circuit program "Scwin"; (3) interrupt ratings for all breakers in the distribution circuit will be high enough to interrupt the maximum available fault current as calculated using the MSHA short circuit program "Scwin"; and (4) power distribution circuits pertaining to bore mining sections will be maintained on a typical basis in reference to the typical power distribution in effect at the time of investigation for this modification, whereby cable lengths in the distribution circuit leading up to the Load Center at the bore section will be maintained no longer than those proposed in the Short Circuit calculations, using the MSHA program "Scwin" at the time of this petition. The petitioner asserts that an equal measure of protection will be maintained at all times as that afforded by the standard.

Docket Number: M-2009-008-C.

Petitioner: M.C. Mining, LLC, 4126 State Highway 194 West, Pikeville, Kentucky 41501.

Mine: Mine No. 3, MSHA I.D. No. 15-08079, located in Pike County, Kentucky.

Regulation Affected: 30 CFR 75.503(18.35) (Permissible electric face equipment; maintenance).

Modification Request: The petitioner requests a modification of the existing standard to permit the maximum length of trailing cables to be increased for supplying power to permissible pumps used in the mine. The petitioner states that: (1) This petition will only apply to trailing cables supplying three-phase, 575-volt power to permissible pumps; (2) the maximum length of the trailing cables will be 1,597 feet; (3) the 575-volt permissible pump trailing cable will not be smaller than #6 American Wire Gauge (AWG); (3) all circuit breakers used to protect #6 trailing cables exceeding 500 feet in length will have