DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

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 submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified 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 September 16, 2011.

ADDRESSES: You may submit your comments, identified by “docket...
II. Petitions for Modification

Docket Number: M–2011–022–C.
Petitioner: Sage Creek Coal Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.
Mine: Peabody Sage Creek Mine, MSHA Mine I.D. No. 05–04952, located in Routt County, Colorado.

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

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with respect to the braking systems on a grader. The petitioner states that: (1) The petition is limited in application to the Diesel Motorgraders, (2) The maximum speed on the Diesel Motorgraders will be limited to 10 mph by: (a) permanently blocking out the gear(s) or any gear ratio(s) that provide higher speeds. The device will limit the vehicle speed in both forward and reverse; and (b) using transmission(s) and differential(s) geared in accordance with the equipment manufacturer which limits the maximum speed to 10 mph. (3) Prior to implementing the alternative method: (a) The diesel grader will be inspected by MSHA to determine compliance with the terms and conditions; (b) grader operators will be trained to recognize appropriate levels of speed for different road conditions and slopes; (c) grader operators will be trained to lower the moldboard (grader blade) to provide additional stopping capability in emergencies; and (d) grader operators will be trained to recognize the transmission gear blocking device and its proper application requirements. (4) The grader will comply with all other applicable requirements of the Federal Mine Safety and Health Act of 1977 and the applicable requirements of 30 CFR, parts 75 and 77. (5) Within 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions stated in the petition. The proposed alternative method will at all times guarantee no less than the same measure of protection to all miners as would be provided by the standard.

Docket Number: M–2011–023–C.
Petitioner: Peabody Twentymile Mining LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.
Mine: Foidel Creek Mine, MSHA Mine I.D. No. 05–03836, located in Routt County, Colorado.

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

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with respect to the braking systems on a grader. The petitioner states that: (1) The petition is limited in application to the Diesel Motorgraders, (2) The maximum speed on the Diesel Motorgraders will be limited to 10 mph by: (a) permanently blocking out the gear(s) or any gear ratio(s) that provide higher speeds. The device will limit the vehicle speed in both forward and reverse; and (b) using transmission(s) and differential(s) geared in accordance with the equipment manufacturer which limits the maximum speed to 10 mph. (3) Prior to implementing the alternative method: (a) The diesel grader will be inspected by MSHA to determine compliance with the terms and conditions; (b) grader operators will be trained to recognize appropriate levels of speed for different road conditions and slopes; (c) grader operators will be trained to lower the moldboard (grader blade) to provide additional stopping capability in emergencies; and (d) grader operators will be trained to recognize the transmission gear blocking device and its proper application requirements. (4) The grader will comply with all other applicable requirements of the Federal Mine Safety and Health Act of 1977 and the applicable requirements of 30 CFR, parts 75 and 77. (5) Within 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions stated in the petition. The proposed alternative method will at all times guarantee no less than the same measure of protection to all miners as would be provided by the standard.
seeks a modification of the existing standard; (1) As it pertains to a secondary escapeway/raisebore from the C Bed to the Lower Quartzite area; (2) The secondary escapeway/raisebore from the C Bed to the Lower Quartzite area is 42 inches in diameter and steel-encased. The escapeway/raisebore from the C Bed to the Lower Quartzite area is equipped with a ladder and secure landings at least every 30 feet, in conformance with 30 CFR 57.11025. The secondary escapeway/raisebore from the C Bed to the Lower Quartzite area consists of two sections. The first section is 114 feet, and the second section is 317 feet. The first section begins at the C Bed and ends at the Upper C Bed. The second section begins at the Upper C Bed and ends at the Lower Quartzite area. Refer to Attachments A and B for diagrams of the area in question; (3) The mine proposes an alternative method of compliance with the existing standard, by installation of a leaky feeder communication system in the steel-encased secondary escapeway. The alternative method provides mines in the escapeway with continuous communication with the surface and will allow for notification that personnel are in the raise and on their way out. The leaky feeder system will be protected from damage due to steel encasement of the escapeway/raisebore. The steel encasement of the escapeway/raisebore will also prevent exposure to falling rock in the secondary escapeway to miners. The landings spaced at a maximum of 30 foot intervals are configured to provide protection to resting miners from falling down the escapeway; (4) In the alternative to compliance with the existing standard, the petitioner proposes to: (a) Install a leaky feeder communication cable in the secondary escapeway/raisebore from the C Bed to the Lower Quartzite area; (b) install radio boxes in the secondary escapeway/raisebore from the C Bed to the Lower Quartzite area. The radio boxes will each contain: (i) A radio; (ii) A charging station for the radio; and (iii) An extra battery for the radio; (c) within 45 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions to the escape and evacuation plan as required in 30 CFR 57.11053; and (d) with 60 days after the proposed decision and order becomes final, the petitioner will submit proposed revisions of its approved 30 CFR part 48 training plan to the Metal/Nonmetal Safety and Health District Manager. In addition to the requirements specified, these proposed revisions will specify initial and refresher training regarding the terms and conditions stated in the proposed decision and order. 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.

_Pocket Number: M–2011–006–M._

_Petitioner: Degerstrom Ventures, 3268 Blackfoot River Road, Soda Springs, Idaho 83276._

_Mine: Enoch Valley Mine and South Rasmussen Mine, MSHA Mine I.D. No. 10–01702, located in Caribou County, Idaho._

_Regulation Affected: 30 CFR 56.9300(a) (Berms or guardrails)._  

**Modification Request:** The petitioner requests a modification of the existing standard to permit the haul road to be used without berms or guardrails being provided or maintained on the banks of the roadway where a drop-off exists of sufficient grade or depth to cause a vehicle to overturn or endanger persons in equipment. The petitioner asserts that the addition of berms or guardrails to the haul road will add a substantial hazard to the safety of the haul trucks and will expose the operators of the trucks to an unnecessary, unsafe condition. The petitioner states that: (1) Its predecessor, Bravo Soda Springs, has previously obtained similar modification of 30 CFR 56.9300(a) on two previous occasions relating to other sections of the same roadway that applies to 8.6 miles of haul road covered by previous decision and orders as well as a new 3.1 mile section of roadway; and (2) The modification is needed because the mining operation is expected to be extended to a new site in the same vicinity, known as the Blackfoot Bridge Mine. The Record of Decision for the new proposed Blackfoot Bridge Mine was filed June 17, 2011, and will be covered under the same mine identification number as the Enoch Valley Mine and South Rasmussen Mine. The petitioner asserts that the use of berms or guardrails on the haul road will add a hazard to the safety of the haul trucks and will expose the operators of the trucks to unsafe conditions.

_Dated: August 12, 2011._

_Patricia W. Silvey, Certifying Officer._

[FR Doc. 2011–20978 Filed 8–16–11; 8:45 am]

**BILLING CODE 4510–43–P**

**MARINE MAMMAL COMMISSION**

**Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information**

**AGENCY:** Marine Mammal Commission.

**ACTION:** Final guidelines.

**SUMMARY:** The Marine Mammal Commission adopts these guidelines to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by the agency in accordance with the directive issued by the Office of Management and Budget (67 FR 8452–8460), pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Gosliner, General Counsel, Marine Mammal Commission, 4340 East-West Highway, Room 700, Bethesda MD 20814; telephone: (301) 504–0087; fax: (301) 504–0099

**Background**

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554) directs the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” Pursuant to this directive, OMB issued guidelines on 22 February 2002 (67 FR 8452–8460) that direct each federal agency to (1) Issue its own guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by the agency; (2) establish administrative mechanisms to allow affected persons to seek and obtain correction of information that does not comply with the OMB guidelines or the agency’s guidelines; and (3) report periodically to the director of OMB on the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and how such complaints were handled by the agency.

The Marine Mammal Commission was established under the Marine Mammal Protection Act of 1972 to provide independent oversight of the marine mammal conservation policies and programs being carried out by federal agencies. The Commission is charged with developing, reviewing, and making recommendations on domestic and international actions and