

*Respondents:* 1,785.  
*Responses:* 1,785.  
*Estimated Total Burden Hours:* 1.

### III. Focus of Comments

The Department of Labor (Department) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

**Joseph A. Piacentini,**

*Director, Office of Policy and Research,  
 Employee Benefits Security Administration.*

[FR Doc. E6-20522 Filed 12-4-06; 8:45 am]

BILLING CODE 4510-29-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

**AGENCY:** Mine Safety and Health Administration (MSHA), 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:** Comments on the petitions must be postmarked and received by the

Office of Standards, Regulations, and Variances on or before January 4, 2007.

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

1. *E-Mail:* [Standards-Petitions@dol.gov](mailto:Standards-Petitions@dol.gov).
2. *Telefax:* 1-202-693-9441.
3. *Hand-Delivery or Regular Mail:* Submit comments to the Mine Safety and Health Administration (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. If you submit your comments by hand-delivery, you are required to check in at the receptionist desk on the 21st floor.

Copies of the petitions and comments will be available during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Ria Moore Benedict, Deputy Director, Office of Standards, Regulations, and Variances at 202-693-9443 (Voice), [benedict.ria@dol.gov](mailto:benedict.ria@dol.gov) (e-mail), or 202-693-9441 (Telefax), or you can contact 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].

#### 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 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 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-2006-076-C.  
*Petitioner:* Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama.  
*Mine:* Shoal Creek Mine, (MSHA I.D. No. 01-02901), located in Jefferson County, Alabama.

*Regulation Affected:* 30 CFR 75.507 (Power connection points).

*Modification Request:* The petitioner requests a modification of the existing standard to permit use of three-phase, alternating current deep-well submersible pumps in boreholes in its Shoal Creek Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

*Docket Number:* M-2006-077-C.

*Petitioner:* Arch Western Bituminous Group, LLC, 225 N. 5th Street, Suite 900, Grand Junction, Colorado 81510.

*Mine:* SUFCO Mine, (MSHA I.D. No. 42-00089), located in Sevier County, Utah.

*Regulation Affected:* 30 CFR 75.1909(c)(2) (Non-permissible diesel-powered equipment; design and performance requirements).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of Getman 220 tractors towing fully loaded Uintah 2m shield trailers that are: (a) Equipped with a supplemental braking system on the tractor; (b) Equipped with a system to automatically lower the load in the trailer onto the roadway providing additional braking action; (c) Operated by personnel that have been trained to recognize appropriate levels of speed for different road conditions and slopes, and all hazards associated with an additional supplemental braking system; and (d) Maintenance personnel will be trained in recognizing all hazards with the additional supplemental braking system. The petitioner states that the miners will be trained in the terms and conditions of the Proposed Decision and Order and within 60 days submit revisions of its Part 48 training plan to the District Manager that includes initial and refresher training to comply with final order. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

*Docket Number:* M-2006-078-C.

*Petitioner:* San Juan Coal Company, P.O. Box 561, Waterflow, New Mexico 87421.

*Mine:* San Juan South Mine, (MSHA I.D. No. 29-02170), located in San Juan County, New Mexico.

*Regulation Affected:* 30 CFR 75.335(a)(2) (Construction of seals).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of an alternative method for construction of seals in the San Juan South Mine. Persons may review a complete

description of petitioner's alternative method at the MSHA address listed in this notice. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will provide an equal or higher degree of safety as the existing standard.

*Docket Number:* M-2006-079-C.

*Petitioner:* San Juan Coal Company, P.O. Box 561, Waterflow, New Mexico 87421.

*Mine:* San Juan South Mine, (MSHA I.D. No. 29-02170), located in San Juan County, New Mexico.

*Regulation Affected:* 30 CFR 75.335(a)(1) (Construction of seals).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of an alternative method for construction of seals in the San Juan South Mine. Persons may review a complete description of petitioner's alternative method at the MSHA address listed in this notice. The petitioner asserts that application of the existing standard will result in a diminution of safety to the miners and the proposed alternative method will provide an equal or higher degree of safety as the existing standard.

Dated at Arlington, Virginia this 22nd day of November 2006.

**Patricia W. Silvey,**

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

[FR Doc. E6-20569 Filed 12-4-06; 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 (MSHA), Labor.

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**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.

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#### 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 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 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-2006-067-C.

*Petitioner:* West Ridge Resources, Inc., P.O. Box 1077, Price, Utah 84501.

*Mine:* West Ridge Mine, (MSHA I.D. No. 42-02233), located in Carbon County, Utah.

*Regulation Affected:* 30 CFR 75.350 (Air courses and belt haulage entries).

*Modification Request:* The petitioner has filed a petition for modification to

request that Section V. (B)(5) of the Proposed Decision and Order (PDO) for previously granted petition, docket number M-1999-026-C, be amended to insert the following sub-paragraphs:

1. In addition to the requirements of (B)(5), and subject to the terms set forth in paragraph 2 of this subpart, diesel-powered equipment classified as "heavy-duty" under 30 CFR 75.1908(a) must include a means, maintained in operating condition, to maintain the surface temperature of the exhaust system of diesel equipment below 302° Fahrenheit.

2. In the absence of a safe and reasonable means to comply with the requirement set forth in Paragraph 1 of this subpart, the following requirements shall apply.

(i) All hydraulic hoses, fuel lines, or other devices used to convey combustible fluids must be separated from the hot engine exhaust-system surfaces by piping rerouting, barriers or other means acceptable to MSHA. Such hoses, lines, or other devices used to convey combustible fluids that by design cannot be separated as required may be insulated using Kevlar or equivalent insulation product.

(ii) Engine exhaust system must be designed to minimize contact with combustible materials. Where safe and reasonable, exhaust pipes outside of the engine compartment must be of double-wall construction. Joints in the exhaust systems must consist of flanged connections utilizing gaskets and/or solid welded construction.

(iii) In addition to the requirements of 30 CFR 75.1909, 4-braid hoses must be used where a hose failure could result in combustible fluids contacting parts of the exhaust systems. Hoses should be covered with a Kevlar covering such as Protect, NHS-125, MSHA IC-171/1, or an equivalent covering acceptable to MSHA.

(iv) Diesel equipment must be equipped with both an automatic and manual fire-suppression system meeting the requirements of 30 CFR 75.1911 and capable of being activated from inside and outside the machine operator's cab. The manual activator located outside the cab must be on the side of the machine opposite the operator's cab. The fire-suppression system must be installed by a reputable fire suppression vendor with an enhanced fire-hazard analysis designed to address a higher level of fire protection for machines that are operated in two-entry mining systems. Each diesel-powered machine must be equipped with two hand-held fire extinguishers. Diagrams specific to each diesel family must be developed and retained by the mine operator to