

reporting requirements, and the Benefits Accuracy Measurement (BAM), Tax Performance System (TPS), and Data Validation (DV) programs. States are requested to submit the SQSP and the required signature page electronically.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Unemployment Insurance State Quality Service Plan (SQSP)

*OMB Number:* 1205-0132.

*Affected Public:* State Workforce Agencies (SWAs).

*Total Respondents:* 53.

*Frequency:* Annually.

*Average Time per Response:* 3.14 hours.

*Estimated Total Burden Hours:* 1829 hours.

*Estimated Total Burden Cost:* \$0.

**Cheryl Atkinson,**

*Administrator, Office of Workforce Security.*

[FR Doc. E4-3355 Filed 11-26-04; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Information Regarding the Relocation of Foreign Labor Certification Staff in the Dallas and Philadelphia Regional Offices to the Dallas and Philadelphia Backlog Processing Centers and Information Regarding H-1B and H-1B1 Case Processing

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) is issuing this notice to announce that DOL has moved its Foreign Labor Certification field staff in the Dallas and Philadelphia Regional Offices to the new Dallas and Philadelphia Backlog Processing Centers. This notice provides the public in the Dallas and Philadelphia regions with contact information regarding these two new processing centers. All foreign labor certification processing activities previously conducted in the Dallas or Philadelphia Regional Offices will now be assumed by the corresponding Dallas or Philadelphia Backlog Processing Center.

The Backlog Processing Centers shall continue these functions on an interim basis and ETA shall publish a **Federal Register** notice in the near future providing guidance as to the handling of backlogged cases with the State Workforce Agencies (SWAs).

Employers should continue, until ETA publishes future guidance on this issue, to file applications for H-2B and H-2A, as well as applications for permanent labor certification with the appropriate SWA, which will, in turn, forward materials to the appropriate Backlog Processing Center.

Effective November 30, 2004, H-1B and H-1B1 filings must use a new form, as discussed below.

**FOR FURTHER INFORMATION CONTACT:**

William Carlson, Chief, Division of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210; Telephone: (202) 693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Dallas and Philadelphia Backlog Processing Centers partially opened September 27, 2004 and have assumed the responsibility for processing Applications for Alien Employment Certification (ETA Form 750) for Permanent Employment, and H2-A, and H2-B applications previously processed by ETA's Dallas or Philadelphia Regional Offices. H-1B and H-1B1 program notice: A new version of the form ETA 9035, Labor Condition Application (LCA), will be required, to be used as of November 30, 2004 for both H-1B and H-1B1 filings. The new form incorporates the distinction between H-1B and H-1B1 Singapore and H-1B1 Chile programs, updates OMB approval information, and removes the "Government Use Only" section. Starting on approximately November 15, 2004, H-1B and H-1B1 filings using the revised ETA Form 9035 will be accepted at the existing Application Processing Center address and fax number set forth below. The new form will be available for use on the LCA Online Web site (<http://www.lca.doleta.gov>). As of November 30, 2004, the new ETA Form 9035 *must* be used by both H-1B and H-1B1 filers, and the H-1B1 applications for Singapore and Chile will no longer be accepted at the Washington, DC, address previously included in H-1B1 program instructions.

The H1-B and H-1B1 address and fax number are: ETA Application Processing Center, P.O. Box 13640, Philadelphia, PA 19101, Fax: 800-397-0478.

This notice does not affect the pending proposal to streamline procedures for permanent labor certification under 20 CFR part 656, which was published in the **Federal Register** on May 6, 2002.

**ADDRESSES:** The following new addresses, phone numbers, and fax numbers should be used by employers and by State Workforce Agencies for either inquiries or for the forwarding of application materials, as appropriate.

**Please note:** For all application materials, inquiries, and other correspondence sent to either the Dallas or Philadelphia Backlog Processing Center, envelopes should be clearly marked according to the appropriate program type, *i.e.*, Permanent, H2-A or H2-B.

Dallas Backlog Processing Center  
Address: ETA/DFLC Backlog Processing Center, U.S. Department of Labor, 700 North Pearl Street, Suite 400 N, Dallas, TX 75201, Phone: 214-237-9111, Fax: 214-237-9135.

Philadelphia Backlog Processing Center  
Address: ETA/DFLC Backlog Processing Center, U.S. Department of Labor, 1 Belmont Avenue, Suite 200, Bala Cynwyd, PA 19004, Phone: 484-270-1500, Fax: 484-270-1600.

Signed in Washington, DC, this 19th day of November, 2004.

**Emily Stover DeRocco,**

*Assistant Secretary, Employment and Training Administration.*

[FR Doc. E4-3352 Filed 11-26-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Summary of Decisions Granting in Whole or in Part Petitions for Modification

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

**ACTION:** Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

**SUMMARY:** Under section 101 of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor (Secretary) may allow the modification of the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Final decisions on these petitions are based on the petitioner's statements,

comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA, as designee of the Secretary, has granted or partially granted the requests for modification listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision. The term FR Notice appears in the list of affirmative decisions below. The term refers to the **Federal Register** volume and page where MSHA published a notice of the filing of the petition for modification.

**FOR FURTHER INFORMATION CONTACT:** Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. For further information contact Barbara Barron at (202) 693-9447.

Dated at Arlington, Virginia this 19th day of November 2004.

**Marvin W. Nichols, Jr.,**

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

#### **Affirmative Decisions on Petitions for Modification**

*Docket No.:* M-2003-015-C.

*FR Notice:* 68 FR 15245.

*Petitioner:* Mettiki Coal, LLC.

*Regulation Affected:* 30 CFR 75.1325(c).

*Summary of Findings:* Petitioner's proposal is to conduct blasting in certain locations on the longwall face of the Mettiki Mine without always requiring all miners to leave the face to go to an area that is around at least one corner from the blasting area. The blasting will be conducted at longwall faces at locations more than 200 feet in by the headgate. This is considered an acceptable alternative method for the Mettiki Mine. MSHA grants the petition for modification for the Mettiki Mine with conditions.

*Docket No.:* M-2003-062-C.

*FR Notice:* 68 FR 57932.

*Petitioner:* Tito Coal.

*Regulation Affected:* 30 CFR 75.1002(a).

*Summary of Findings:* Petitioner's proposal is to use non-permissible electric equipment such as drags and battery locomotives within 150 feet of the pillar line due in part to the method of mining used in anthracite mines and the alternative evaluation of the mine air quality for methane on an hourly basis during operation. This is considered an acceptable alternative method for the Whites Vein Slope Mine. MSHA grants the petition for

modification for the use of non-permissible battery-powered locomotives and associated non-permissible electric components located within 150 feet from pillar workings for the Whites Vein Slope Mine with conditions.

*Docket No.:* M-2003-077-C.

*FR Notice:* 68 FR 64129.

*Petitioner:* Consolidation Coal Company.

*Regulation Affected:* 30 CFR 75.507.

*Summary of Findings:* Petitioner's proposal is to install non-permissible submersible pumps in bleeder and return entries and sealed areas of the Robinson Run No. 95 Mine. This is considered an acceptable alternative method for the Robinson Run No. 95 Mine. MSHA grants the petition for the use of low- and medium-voltage, three-phase, alternating-current submersible pump(s) installed in return and bleeder entries and sealed areas in the Robinson Run No. 95 Mine with conditions.

*Docket No.:* M-2003-086-C.

*FR Notice:* 68 FR 67218.

*Petitioner:* Genwal Resources, Inc.

*Regulation Affected:* 30 CFR 75.1101-8.

*Summary of Findings:* Petitioner's proposal is to use a water sprinkler system that consists of a single overhead pipe system with automatic sprinklers located not more than 10 feet apart so that the water discharged from the sprinklers will cover 50 feet of fire-resistant belt or 150 feet of non-fire resistant belt adjacent to the belt drive. In addition, automatic sprinklers would be located not more than 10 feet apart so that the water discharged from the sprinkler(s) will cover the drive motor(s), belt take-up electrical controls, and gear reducing unit for each belt drive. This is considered an acceptable alternative method for the South Crandall Canyon Mine. MSHA grants the petition for modification for use of a single overhead pipe sprinkler system with conditions.

*Docket No.:* M-2003-088-C.

*FR Notice:* 68 FR 67218.

*Petitioner:* D & D Coal Company.

*Regulation Affected:* 30 CFR 75.311(b)(2) and (b)(3).

*Summary of Findings:* Petitioner's proposal is to permit electrical circuits entering the underground mine to remain energized to the mine's de-watering pumps while the mine ventilation fan is intentionally stopped during idle shifts while no miners are underground in its Primrose Slope Anthracite mine. This is considered an acceptable alternative method for the Primrose Slope Mine. MSHA grants the petition for modification for the Primrose Slope Mine with conditions.

*Docket No.:* M-2003-090-C.

*FR Notice:* 68 FR 67218.

*Petitioner:* Kingwood Mining Company, LLC.

*Regulation Affected:* 30 CFR 75.503 (30 CFR 18.35).

*Summary of Findings:* Petitioner's proposal is to use #4 A.W.G. and #2 A.W.G. portable trailing cables up to a maximum length of 750 feet to supply 575-volt, three phase, alternating current to roof bolting machines and shuttle cars under specific terms and conditions. This is considered an acceptable alternative method for the Whitetail Kittanning Mine. MSHA grants the petition for modification for 750-foot trailing cables from the power center to roof bolting machines and shuttle cars during the continuous mining cycle development on larger center pillars for the Whitetail Kittanning Mine with conditions.

*Docket No.:* M-2003-096-C.

*FR Notice:* 69 FR 3947.

*Petitioner:* Knott County Mining Company.

*Regulation Affected:* 30 CFR 75.900.

*Summary of Findings:* Petitioner's proposal is to use contactors for undervoltage protection in lieu of using the required circuit breakers under specific terms and conditions. This is considered an acceptable alternative method for the Mine 582. MSHA grants the petition for modification to allow the use of contactors to provide undervoltage and grounded phase and to monitor the grounding conductors for low-voltage power circuits serving the five Horsepower or greater, three-phase alternating current belt drive(s) and pump(s) located in the Mine 582 with conditions.

*Docket No.:* M-2003-097-C.

*FR Notice:* 69 FR 3948.

*Petitioner:* Knott County Mining Company.

*Regulation Affected:* 30 CFR 75.900.

*Summary of Findings:* Petitioner's proposal is to use contactors for undervoltage protection in lieu of using the required circuit breakers, and use an additional ground fault protection device for the affected circuits; to eliminate hazards caused by personnel rushing to the remote location to reset breakers; to make travelways safer and to eliminate the risks that miners will have to take out of a sense of urgency to resume production. This is considered an acceptable alternative method for the Puncheon Branch Mine. MSHA grants the petition for modification to allow the use of contactors to provide undervoltage, grounded phase, and monitor the grounding conductors for low-voltage power circuits serving five Horsepower

or greater three-phase alternating current belt drive(s) and pump(s) located in the Puncheon Branch Mine with conditions.

*Docket No.:* M-2004-018-C.

*FR Notice:* 69 FR 27955.

*Petitioner:* Dakota Westmoreland Corporation.

*Regulation Affected:* 30 CFR 77.1607(u).

*Summary of Findings:* Petitioner's proposal is to use a portable hydraulic unit (power pack) to tow large trucks in lieu of using a tow bar and safety chain; provide training to operators and mechanics to perform the installations of the pack; and if anything fails, automatically set up haul truck brakes and stop all towing procedures. This is considered an acceptable alternative method for the Beulah Mine. MSHA grants the petition for modification for the Beulah Mine with conditions.

*Docket No.:* M-2004-021-C.

*FR Notice:* 69 FR 30726.

*Petitioner:* Spartan Mining Company.

*Regulation Affected:* 30 CFR 75.1002.

*Summary of Findings:* Petitioner's proposal is to transfer high-voltage, 2,400-volt continuous miner equipment from one mine to another mine within the Spartan Mining Company; and to provide training on high-voltage safety, testing, and maintenance procedures to all personnel who perform maintenance on the high-voltage continuous miner system, and who work in proximity to high-voltage equipment or move high-voltage equipment or cable(s), before the proposed alternative method is implemented. This is considered an acceptable alternative method for the Laurel Creek Coalburg mine. MSHA grants the petition for modification for the Laurel Creek Coalburg Mine with conditions.

*Docket No.:* M-2004-026-C.

*FR Notice:* 69 FR 43628.

*Petitioner:* Ohio County Coal Company.

*Regulation Affected:* 30 CFR 75.1103-4(a).

*Summary of Findings:* Petitioner's proposal is to install a carbon monoxide monitoring system as an early warning fire detection system near the center and in the upper third of the belt entry in a location that would not expose personnel working on the system to unsafe situations under specific terms and conditions. This is considered an acceptable alternative method for the Big Run Underground Mine. MSHA grants the petition for modification for the use of a carbon monoxide monitoring system that identifies the location of sensors in lieu of identifying belt flights at the Big Run Underground Mine with conditions.

*Docket No.:* M-2004-034-C.

*FR Notice:* 69 FR 46186.

*Petitioner:* Warrior Coal, LLC.

*Regulation Affected:* 30 CFR 75.1103-4(a).

*Summary of Findings:* Petitioner's proposal is to install a low-level carbon monoxide detecting system as an early warning fire detection system in all belt entries where a monitoring system identifies a sensor location in lieu of identifying each belt flight. This is considered an acceptable alternative method for the Cardinal Mine. MSHA grants the petition for modification for the use of a carbon monoxide system that identifies the location of sensors in lieu of identifying belt flights for the Cardinal Mine with conditions.

*Docket No.:* M-2004-036-C.

*FR Notice:* 69 FR 51863.

*Petitioner:* Warrior Coal, LLC.

*Regulation Affected:* 30 CFR 75.1101-1(b).

*Summary of Findings:* Petitioner's proposal is to use the deluge-type water spray systems installed at belt-conveyor drives in lieu of blow-off dust covers for nozzles; and train a person on testing procedures specific to the deluge-type water spray fire suppression system who will once every 7 days (1) conduct a visual examination of each deluge-type water spray fire suppression system, (2) conduct a functional test of the deluge-type water spray fire suppression system by actuating the system and observing its performance, (3) record results of the examinations and test in a book maintained on the surface and made available to interested parties, and (4) immediately correct any malfunction or clogged nozzle that is detected during examination and test. This is considered an acceptable alternative method for the Cardinal Mine. MSHA grants the petition for modification for use of the deluge-type water spray systems installed at belt-conveyor drives in lieu of blow-off dust covers for nozzles at the Cardinal Mine with conditions.

*Docket No.:* M-2004-006-M.

*FR Notice:* 69 FR 35686.

*Petitioner:* Penn Big Bed Slate Company, Inc.

*Regulation Affected:* 30 CFR 56.19012.

*Summary of Findings:* Petitioner's proposal is to use oversized grooves on the crane drums. The drum grooves are 3/4-inch and Penn Slate uses 5/8-inch wire rope on all of their hoists. The 5/8-inch wire ropes have been used on these drums for more than 70 years and the hoists have operated with no reported accidents or injuries. The hoists transport miners into the pit, and blocks of slate out of the pit. The average slate

block weighs up to 7 tons. The petitioner alleges that the 5/8-inch wire rope does not flatten or restrict the cable. Each year, 30 to 65 feet of wire rope is cut off the working end of the wire rope to ensure that it is safe for continued service. Only during the last year of service is the cable in the grooves used to operate the hoists. This is considered an acceptable alternative method for the Manhattan Quarry Penn Big Bed Mine. MSHA grants the petition for modification for the Manhattan Quarry Penn Big Bed Mine with conditions.

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

##### 1. J & J Coal Company

[Docket No. M-2004-046-C]

J & J Coal Company, 678 Main Street, Goodspring, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.335 (Construction of seals) to its Rocky Top Mine (MSHA I.D. No. 36-09072) located in Schuylkill County, Pennsylvania. Petitioner proposes constructing seals from wooden materials of moderate size and weight; designing the seals to withstand a static horizontal pressure in the range of 10 psi; and installing a sampling tube only in the monkey (higher elevation) seal. The petitioner asserts that because of the pitch of anthracite veins, concrete blocks are difficult to use and expose miners to safety hazards during transport. The petitioner cites the low level of explosibility of anthracite coal dust and the minimal potential for either an accumulation of methane in previously mined pitching veins or an ignition source in the gob area as justification for the proposed 10 psi design criterion. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 2. Arclar Company, LLC

[Docket No. M-2004-047-C]

Arclar Company, LLC, 420 Long Lane Road, Equality, Illinois 62934 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (Nonpermissible