

success of the WPRS program in the state.

Ira L. Mills,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of a Member to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to a three-year term on the Department's Performance Review Board:

Steven Law,
Catherine Murphy.

FOR FURTHER INFORMATION CONTACT: Mr. David LeDoux, Director, Office of Executive Resources and Personnel Security, Room C5508, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-7605.

Signed at Washington, DC., this 14th day of January, 2004.

Elaine L. Chao,

Secretary of Labor.

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection

requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Energy Employees Occupational Illness Compensation Program Act Forms (EE-1, EE-2, EE-3, EE-4, EE-7, EE-8, EE-9, EE-20). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before March 22, 2004.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, Email bell.hazel@dol.gov. Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* The Act provides for the timely, uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred in the performance of duty for the Department of Energy and certain of its contractors and subcontractors. The Act sets forth eligibility criteria for covered employees for compensation under the program and outlines the elements of compensation payable from the Fund. The information collected is used to obtain demographic, factual and medical information necessary to determine entitlement to benefits under the EEOICPA. The eight forms listed below are reporting requirements under the Act and are required to determine a claimant's eligibility for compensation and to receive benefits under the EEOICPA. The forms reporting requirements are: EE-1, Claim for Benefits Under Energy Employees Occupational Illness Compensation Program Act is used to file notice of claim under the EEOICPA, and is to be completed by the living current or former employer; EE-2, Claim for Survivor Benefits Under Energy Employees Occupational Illness Compensation Program Act is used by the survivor of a covered employee to file notice of claim under the EEOICPA; EE-3, Employment History for Claim Under Energy Employees Occupational

Illness Compensation Program Act is used to gather information regarding the employee's work history; EE-4, Employment History Affidavit for Claim Under the Energy Employees Occupational Illness Compensation Program Act is used to support the claimant's employment history by affidavit; EE-7, Medical Requirements Under the Energy Employees Occupational Illness Compensation Program Act informs an employee, survivor or physician of the medical evidence needed to establish a diagnosis of a covered condition; EE-8, Letter to Claimant is sent with enclosure EN-8 to obtain information on the employee's smoking history when lung cancer is claimed; EE-9, Letter to Claimant is sent with enclosure EN-9 to obtain information concerning the race or ethnicity of the employee when skin cancer is claimed; and EE-20, Letter to Claimant is sent with enclosure EN-20 to verify acceptance of payment on approved claims. This information collection is currently approved for use through July 31, 2004.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for the extension in order to carry out its responsibility to determine a claimant's eligibility for compensation under the EEOICPA.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Energy Employee Occupational Illness Compensation Act Forms (various).

OMB Number: 1215-0197.
 Agency Number: EE-1, EE-2, EE-3, EE-4, EE-7, EE-8, EE-9, EE-20.
 Affected Public: Individuals or households; Business or other for-profit.
 Total Respondents: 50,019.
 Total Responses: 50,019.
 Time per Response: 5 to 60 minutes.
 Frequency: As needed.
 Estimated Total Burden Hours: 22,495.
 Total Burden Cost (capital/startup): \$0.
 Total Burden Cost (operating/maintenance): \$12,742.

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

Dated: January 15, 2004.

Bruce Bohanon,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

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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 upon 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 16th day of January, 2004.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-1999-042-C.

FR Notice: 64 FR 32553.

Petitioner: R S & W Coal Company, Inc.

Regulation Affected: 30 CFR 75.1312(e)(1).

Summary of Findings: Petitioner's proposal is to store explosives and detonators in gangways at least 4 feet above the roadway and offset from the rib 12 feet into solid rock rather than the minimum distance of 25 feet required by the existing standard. This is considered an acceptable alternative method for the R S & W Drift Mine. MSHA grants the petition for modification to store explosives and detonators in an alternative location off the gangway at least 10 feet from roadways and any source of electric current at the R S & W Drift Mine with conditions.

Docket No.: M-1999-045-C.

FR Notice: 64 FR 32554.

Petitioner: B. and B. Coal Company.

Regulation Affected: 30 CFR 75.1312(e)(1).

Summary of Findings: Petitioner's proposal is to store explosives and detonators in a chute off the gangway at least 10 feet from roadways and any source of electric current in lieu of the 25 feet required by the existing standard. This is considered an acceptable alternative method for the Rock Ridge No. 1 Slope Mine. MSHA grants the petition for modification for explosives and detonators to be stored in an alternative location off the

gangway at least 10 feet from roadways and any source of electric current at the Rock Ridge No. 1 Slope Mine with conditions.

Docket No.: M-1999-140-C.

FR Notice: 65 FR 1914.

Petitioner: Twentymile Coal Company.

Regulation Affected: 30 CFR 75.1909(a)(1).

Summary of Findings: Petitioner's proposal is to use an alternative method for engine approval for a diesel generator. The petitioner proposes to equip its diesel generator (Engine Serial No. 1WB16204) with a DST Management System™ exhaust conditioner and use a ventilation rate of 29,000 cfm. This is considered an acceptable alternative method for the Foidel Creek Mine. MSHA grants the petition for modification for generator set using a Caterpillar 3406 PITA engine used at the Foidel Creek Mine with conditions.

Docket No.: M-2000-097-C.

FR Notice: 65 FR 58818.

Petitioner: Twentymile Coal Company.

Regulation Affected: 30 CFR 75.1909(a)(1).

Summary of Findings: Petitioner's proposal is to use three pieces of diesel equipment which utilizes Caterpillar 3304 PCT, 4-cylinder diesel engines, rated at 165hp and 2200 RPM at its mine and affiliated mine to haul equipment and supplies and to revel throughout the mines. This is considered an acceptable alternative method for the Foidel Creek Mine. MSHA grants the petition for modification for the use of three Caterpillar 3304 PCT engines at the Foidel Creek Mine with conditions.

Docket No.: M-2001-029-C.

FR Notice: 66 FR 30232.

Petitioner: Bowie Resources Limited.

Regulation Affected: 30 CFR 75.1726(a).

Summary of Findings: Petitioner's proposal is to use modified diesel powered L.H.D.'s or scoops as elevated mobile work platforms at the Bowie No. 2 Mine. This is considered an acceptable alternative method for the Bowie No. 2 Mine. MSHA grants the petition for modification for the Wagner Scoops and scoop buckets at the Bowie No. 2 Mine with conditions.

Docket No.: M-2002-066-C.

FR Notice: 67 FR 54675.

Petitioner: Energy West Mining Company.

Regulation Affected: 30 CFR 75.500(d).

Summary of Findings: Petitioner's proposal is to use the following non-