

On May 11, 2004, MSHA grants application for relief to give effect to May 11, 2004, to allow the high-voltage continuous miner, previously granted modification under Docket Number M-1998-001-C, to be used at the Stockburg No. 2 Mine under current and nearly identical granting terms and conditions.

*Docket No.:* M-2004-009-C.

*FR Notice:* 69 FR 13593.

*Petitioner:* Coteau Properties

Company.

*Regulation Affected:* 30 CFR 77.803.

*Summary of Findings:* Petitioner's proposal is to use an alternative method of compliance when raising or lowering the boom/mast during construction/maintenance, most likely during disassembly or major maintenance. The petitioner proposes to use this procedure only to raise or lower the boom/mast on draglines using the on-board motor generator sets. This is considered an acceptable alternative method for the Freedom Mine. MSHA grants the petition for modification for dragline boom or mast raising, lowering, assembling, disassembling or during major repairs which require raising or lowering the dragline boom or mast by the on-board generators for the Freedom Mine with conditions.

*Docket No.:* M-2004-010-C.

*FR Notice:* 69 FR 13593.

*Petitioner:* TXU Mining Company LP.

*Regulation Affected:* 30 CFR 77.803.

*Summary of Findings:* Petitioner's proposal is to use an alternative method of compliance when raising or lowering the boom/mast during construction/maintenance, most likely during disassembly or major maintenance. The petitioner proposes to use this procedure only to raise or lower the boom/mast on draglines using the on-board motor generator sets. This is considered an acceptable alternative method for the Big Brown Strip Mine, Winfield North Strip Mine, Winfield South Strip Mine, Beckville Strip Mine, Tatum Strip Mine, and Oak Hill Strip Mine. MSHA grants the petition for modification for dragline boom or mast raising, lowering, assembling, disassembling or during major repairs which require raising or lowering the dragline boom or mast by the on-board generators for the Big Brown Strip Mine, Winfield North Strip Mine, Winfield South Strip Mine, Beckville Strip Mine, Tatum Strip Mine, and Oak Hill Strip Mine with conditions.

*Docket No.:* M-2004-012-C.

*FR Notice:* 69 FR 18986.

*Petitioner:* The Sabine Mining

Company.

*Regulation Affected:* 30 CFR 77.803.

*Summary of Findings:* Petitioner's proposal is to use an alternative method

of compliance when raising or lowering the boom/mast during necessary repairs. The machine will not be in operation during the procedure for raising and lowering the boom for construction/maintenance. This modification will not replace any other mechanical precautions or the requirements of 30 CFR 77.405(b) that are necessary to safely secure booms/masts during construction or maintenance procedures. This is considered an acceptable alternative method for the South Hallsville No. 1 Mine. MSHA grants the petition for modification for dragline boom or mast raising, lowering, assembling, disassembling or during major repairs which require raising or lowering the dragline boom or mast by the on-board generators for the South Hallsville No. 1 Mine.

*Docket No.:* M-2004-013-C.

*FR Notice:* 69 FR 18986.

*Petitioner:* CONSOL of Kentucky, Inc.

*Regulation Affected:* 30 CFR 75.1101-8.

*Summary of Findings:* Petitioner's proposal is to use a single line of automatic sprinklers for its fire protection system on main and secondary belt conveyors in the Raccoon E-1 Mine. The petitioner proposes to use a single overhead pipe system with 1/2-inch orifice automatic sprinklers located on 10-foot centers, located to cover 50 feet of fire-resistant belt or 150 feet of non-fire resistant belt, with actuation temperatures between 200 and 230 degrees Fahrenheit, and with water pressure equal to or greater than 10 psi. The petitioner also proposes to have the automatic sprinklers located not more than 10 feet apart so that the discharge of water will extend over the belt drive, belt take-up, electrical control, and gear reducing unit; conduct a test to insure proper operation during the installation of each new system and during any subsequent repair or replacement of any critical part of the sprinkler system; conduct a functional test to insure proper operation during subsequent repair or replacement of any critical part of the sprinkler system; and conduct a functional test on an annual basis. This is considered an acceptable alternative method for the Raccoon E-1 Mine. MSHA grants the petition for modification for a single overhead pipe sprinkler system for the Raccoon E-1 Mine with conditions.

*Docket No.:* M-2003-002-M.

*FR Notice:* 68 FR 55293.

*Petitioner:* Phelps Dodge Morenci Incorporated.

*Regulation Affected:* 30 CFR 56.6309.

*Summary of Findings:* Petitioner's proposal is to use recycled waste oil to

prepare ammonium nitrate-fuel oil at the Morenci Mine using the specific procedures listed in the petition for modification. This is considered an acceptable alternative method for the Morenci Mine. MSHA grants the petition for modification for the Morenci Mine with conditions.

[FR Doc. 04-21231 Filed 9-21-04; 8:45 am]

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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. Brooks Run Mining Company, LLC

[Docket No. M-2004-040-C]

Brooks Run Mining Company, LLC, has filed a petition to modify the application of 30 CFR 75.1711 (Sealing of mines) to its Mine No. 3 (MSHA I.D. No. 46-06043) located in Webster County, West Virginia. The petitioner proposes to barricade or fence-off mine openings to prevent entrance to the Mine No. 3, instead of sealing mine openings. The petitioner states that the Mine No. 3 has remaining coal reserves that may be economically recoverable in the future; currently no miners are employed at the mine site; and the mine has been idle and the portals barricaded since October 5, 1999. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### 2. Relgis, Inc.

[Docket No. M-2004-041-C]

Relgis, Inc., 800 Main Street, Summersville, West Virginia 26651 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (Automatic fire sensor and warning device systems; installation; minimum requirements) to its Lick Branch No. 2 Mine (MSHA I.D. No. 46-08676) located in Fayette County, West Virginia. The petitioner proposes 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. The petitioner states that sensors will not be located in intersections, abnormally high areas, or in other areas where airflow patterns do not permit products of combustion to be

carried to the sensors. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to [comments@msha.gov](mailto:comments@msha.gov), by fax at (202) 693-9441, or by regular mail to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before October 22, 2004. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 16th day of September 2004.

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

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

[FR Doc. 04-21230 Filed 9-21-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR 1218-0206 (2004)]

#### Grain Handling Facilities Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits comments concerning its request for an extension of the Information Collection Requirements contained in the Grain Handling Facilities Standard (29 CFR 1910.272). The purpose of these requirements is to establish safety practices, means, methods and operations for employees working in grain handling facilities.

**DATES:** Comments must be submitted by the following dates:

*Hard copy:* Your comments must be submitted (postmarked or received) by November 22, 2004.

*Facsimile and electronic transmission:* Your comments must be received by November 22, 2004.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-0206(2004), by any of the following methods:

*Regular mail, express delivery, hand delivery, and messenger service:* Submit

your comments and attachments to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., ET.

*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Electronic:* You may submit comments through the Internet at <http://ecomments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.

*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the Supporting Statement, OMB-83-I Form, and attachments), go to OSHA's Web page at <http://OSHA.gov>. In addition, comments, submissions and the ICR are available for inspection and copying at the OSHA Docket Office at the address above. You may also contact Todd Owen or Theda Kenney at the address below to obtain a copy of the ICR.

(For additional information on submitting comments, please see the "Public Participation" heading in the SUPPLEMENTARY INFORMATION section of this document.)

#### FOR FURTHER INFORMATION CONTACT:

Theda Kenney or Todd Owen, Directorate of Standards and Guidance OSHA, Room N-3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

#### SUPPLEMENTARY INFORMATION:

##### I. Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments and supporting materials in response to this notice by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA Web page. Because of security related problems there may be significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of submissions by express delivery, hand delivery and courier service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address.

Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions.

Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Web page.

## II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The Grain Handling Facilities Standard (the Standard) (29 CFR 1910.272) specifies several paperwork requirements. The following sections describe what information is collected under each requirement, who uses the information, and how they use it.

Paragraph (d) of the standard requires the employer to develop and implement an emergency action plan so that employees will be aware of the appropriate actions to take in the event of an emergency.

Paragraph (e)(1) requires that employers provide training to employees at least annually and when changes in job assignment will expose them to new hazards.

Paragraph (f)(1) requires the employer to issue a permit for all hot work. Under paragraph (f)(2) the permit shall certify that the requirements contained in 1910.272(a) have been implemented prior to beginning the hot work operations and shall be kept on file until completion of the hot work operation.

Paragraph (g)(1)(i) requires the employer to issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative is