

Division, Department of Justice, Washington, DC 20530, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. The Berkshire Gas Company*, (D. MA.), Civ. No. 8-CV-30218, D.J. No. 90-11-3-09166. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Massachusetts, Federal Building and Courthouse, 1550 Main St., Room #310, Springfield, MA 01103. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. Copies of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$5.50 (25 cent per page reproduction cost), payable to the U.S. Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF LABOR

[SGA/DFA-PY-08-02]

Employment & Training Administration

Solicitation for Grant Applications (SGA) Community-Based Job Training Grants

AGENCY: Employment and Training Administration (ETA, Labor).

ACTION: Notice: Amendment to SGA/DFA-PY-08-02.

SUMMARY: The Employment and Training Administration published a document in the **Federal Register** on October 10, 2008, announcing the availability of funds and solicitation for grant applications (SGA) for Community-Based Job Training Grants to be awarded through a competitive

process. This notice is the second amendment to the SGA and extends the receipt for proposal due date from November 24, 2008 to December 3, 2008, as well as updates and clarifies items related to: (1) Evaluation of the grants (Section III. C. 8. Section IV and Attachment A); (2) accessibility to a performance tracking system (Section V. A. 5.); and (3) bonus points (Section V. A. 7.).

Supplemental Information Correction

1. *Key Dates:* The closing date for receipt of applications under this announcement has been extended from a closing date of November 24, 2008 to a new closing date of December 3, 2008, 4 p.m. Eastern Time.

2. *Section III. C. 8., "CBJTGs Evaluation," is revised as follows (page 60348-60349):*

"ETA is interested in determining if training provided through the CBJTGs impacts students' future labor force outcomes. To that end, ETA expects to select grantees awarded funds through this SGA to participate in an evaluation. Therefore, to receive funds under this solicitation, sites must include in their application a statement that, if selected as a grantee they agree to participate in an evaluation. In addition, sites must be willing to share with the evaluation contractor individual information on demographics, participant characteristics, services received and outcomes, and must be willing to provide access to program operating personnel and participants, including after the expiration date of the grant.

"ETA will select an independent contractor to design and conduct the evaluation. ETA will consider a variety of options for the design of the evaluation, including the feasibility of conducting a random assignment evaluation. In a random assignment evaluation, eligible applicants to the program would be randomly selected to be offered training under the CBJTG. Impacts would then be measured by comparing the outcomes of those offered training to outcomes of those not offered training. This is generally agreed to be the most rigorous method of measuring impacts."

3. *Section IV. B. "Content and Form of Application Submission," is revised as follows (page 60350, bullet point regarding attachment A):*

"A statement that the applicant is willing to implement and participate in an evaluation, which may include methodology to evaluate impact of the program."

4. *Section V. A. 5. "Program Management and Organization*

Capacity," is revised as follows (page 60354, last bullet point):

"The applicant organization demonstrates significant capacity to accomplish the goals and outcomes of the project, including the ability to collect, manage, and report data in a way that allows consistent, accurate, and expedient reporting. Applicants should be aware that ETA provides access to a software system to help grantees collect and report the performance data that is required by these grants. This system allows grantees to track information on individual participants and their progress through training, and facilitates grantees' submission of performance data as required by the grant. Applicants' response to this section of the evaluation criteria could reference the use of this software system."

5. *Section V. A. 7. "Collaboration with Faith-Based and Community Organizations," is revised as follows (page 60354):*

"ETA will award five bonus points to applicants that demonstrate, with evidence, collaboration with faith or community-based organizations (or both) to serve populations with barriers to employment as part of their regional training efforts. To receive these five bonus points, applicants must provide a detailed description of this collaboration, including: (1) Clear identification of the specific faith or community-based organizations (or both) that will be involved in the collaboration; (2) a concise, detailed description of the specific role that these organizations will play in the project; (3) any projected outcomes associated with the organizations role in the project, and (4) letters of commitment from each of these organizations stating their support for the project and outlining their specific role in the project."

6. *Section VII. "Agency Contacts," is revised as follows (page 60355):*

"For further information regarding this SGA, please contact Melissa Abdullah, Grants Management Specialist, Division of Federal Assistance, at (202) 693-3346 (please note this is not a toll-free number)."

7. *Attachment A, "Memorandum of Agreement," is revised as follows:*

"In applying for these funds, the organization represented by the undersigned (the "applicant") agrees to participate in an evaluation designed and conducted by an independent contractor selected by ETA. This agreement is intended to serve as evidence of the applicant's commitment to support and participate in the evaluation. If selected for the

evaluation, the applicant agrees to adhere to the evaluation design developed by the evaluation team. Additionally, the applicant agrees to provide all data requested by the evaluation contractor, subject to applicable confidentiality and privacy statutes."

8. Answers to Frequently Asked Questions for this SGA which include questions raised during the virtual prospective applicant conference are posted on ETA's Web site at: <http://www.doleta.gov/business/Community-Based/JobTrainingGrants.cfm> and <http://www.workforce3one.org>.

FOR FURTHER INFORMATION CONTACT: Chari Magruder, Grant Officer, Division of Federal Assistance, at (202) 693-3313.

DATES: *Effective Date:* This notice is effective November 18, 2008.

Signed at Washington, DC this 13th day of November, 2008.

Chari A. Magruder,
Grant Officer.

[FR Doc. E8-27354 Filed 11-18-08; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

AGENCY: Mine Safety and Health Administration, 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: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before December 19, 2008.

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

1. *Electronic Mail:* Standards-Petitions@dol.gov.

2. *Facsimile:* 1-202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, Attention:

Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

MSHA 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. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers.]

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: (1) 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 (2) 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-2008-047-C.

Petitioner: Knight Hawk Coal, LLC, 7290 County Line Road, Cutler, Illinois 62238.

Mine: Prairie Eagle Underground Mine, MSHA I.D. No. 11-03147, located in Perry County, Illinois.

Regulation Affected: 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

Modification Request: The petitioner requests a modification of the existing standard which requires that nozzles attached to the branch lines be full cone, corrosion resistant and provided with blow-off dust covers. The petitioner

proposes an alternative method for deluge-type water spray systems installed at belt conveyor drives conditioned upon compliance with the following terms and guidelines: (1) A person trained in the testing procedures specific to the deluge-type water spray fire suppression systems utilized at each belt drive will once weekly: (a) Conduct a visual examination of each of the deluge-type water spray fire suppression systems; (b) conduct a functional test of the deluge-type water spray fire suppression systems and observe its performance; and (c) record the results of the examination and functional test in a book maintained on the surface for that purpose. The petitioner states that: (1) Any malfunction or clogged nozzle detected as a result of the weekly examination or functional test will be corrected; (2) within sixty days after the Proposed Decision and Order becomes final, proposed revisions for part 48 training plans will be submitted to the District Manager for the area in which the mine is located. The provisions will specify the procedure used to conduct the weekly functional test, and initial and refresher training regarding the conditions specified by 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 to all miners as would be provided by the existing standard.

Docket Number: M-2008-048-C.

Petitioner: Mountain Edge Mining, Inc., P.O. Box 2226, Beckley, West Virginia 25802-2226.

Mine: Coalburg No. 1 Mine, MSHA I.D. No. 46-09082, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of high-voltage (2,400-volt) continuous mining machines and associated cables. The petitioner states that: (1) The portable transformer that supplies power to the 995-volt tramping motors, essential hydraulic pump motors, and control circuitry on the continuous miner when the miner is trammed into, out of, or around the mine, will not be used to back-feed the 2,400-volt circuits on the continuous miner. The portable transformer used to power the continuous miner for tramping will not be moved when energized; (2) the nominal voltage of power circuits will not exceed 2,400 volts; (3) the nominal voltage of control circuits will not exceed 120 volts; (4) the ground-fault current will be limited by a neutral