

optimization,<sup>5</sup> sustainability<sup>6</sup> and potential limitations of faster-ramping resources.<sup>7</sup>

Moreover, I believe there is no basis to propose a single, one-size-fits-all approach for frequency regulation compensation. In fact, several commenters caution specifically against such an approach.<sup>8</sup> In addition, I have concerns that the majority decision could detract from, or otherwise delay, efforts ongoing at the RTO/ISO stakeholder level.<sup>9</sup>

It is essential that this Commission address frequency regulation compensation to ensure appropriate compensation for service provided. Moreover, new technologies could offer substantial benefits. While I recognize the majority's desire to move quickly, I believe it is more important to "measure twice, cut once." Accordingly, I believe the Commission should have taken a preliminary step (such as the issuance of a Notice of Inquiry or Advanced Notice of Proposed Rulemaking) before moving forward with the specific proposal in a Notice of Proposed Rulemaking. For these reasons, I respectfully dissent in part from this Order.

Marc Spitzer,  
Commissioner.

[FR Doc. 2011-4267 Filed 2-28-11; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Part 75

#### RIN 1219-AB75

### Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is extending the comment period on the proposed rule addressing Examinations of Work

<sup>5</sup> Notice of Proposed Rulemaking at P 38; EPSA June 16, 2010 Comments at 9-10; Southern Company Services, Inc. (Southern) June 16, 2010 Comments at 6-8; Southern California Edison Company (SCE) June 16, 2010 Comments at 3.

<sup>6</sup> Notice of Proposed Rulemaking at P 33; ISO-NE June 16, 2010 Comments at 5; EPSA June 16, 2010 Comments at 6-8; XES June 16, 2010 Comments at 5; Transcript at 15:13-15 (Potishnak); Transcript at 18:18-25 and 19:1-5 (Ramey); Transcript at 23:18-25 and 24:1 (Pike); Transcript at 75:15-25 and 76:4 (Pike); Transcript at 86:18-20 (Potishnak).

<sup>7</sup> Notice of Proposed Rulemaking at P 33, n.51; ISO-NE June 16, 2010 Comments at 5; EPSA June 16, 2010 Comments at 8-9; Transcript at 17:20-25 (Ramey); Transcript at 73:4-16 (Ramey).

<sup>8</sup> ISO-NE June 16, 2010 Comments at 7-8; SCE June 16, 2010 Comments at 2,5; Southern June 16, 2010 Comments at 3.

<sup>9</sup> Notice of Proposed Rulemaking at P 13; SCE June 16, 2010 Comments at 3-4; CAISO June 16, 2010 Comments at 1-2.

Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards. It proposed revising MSHA requirements for preshift, supplemental, and on-shift, and weekly examinations of underground coal mines. This extension gives commenters an additional 30 days to comment on the proposed rule.

**DATES:** The comment period for the proposed rule published December 27, 2010, at 75 FR 81165, is extended. All comments must be received or postmarked by 12 midnight Eastern Daylight Savings Time, March 28, 2011.

**ADDRESSES:** All submissions must be clearly identified and reference MSHA and RIN 1219-AB75. Comments may be submitted by any of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Electronic mail:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include "RIN 1219-AB75" in the subject line of the message.
- *Facsimile:* (202) 693-9441. Include "RIN 1219-AB75" in the subject line of the message.
- *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939.
- *Hand Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939. Sign in at the receptionist's desk on the 21st floor.

MSHA will post all comments on the Internet without change, including any personal information provided.

Comments can be accessed electronically at <http://www.msha.gov> under the "Rules & Regs" link. Comments may also be reviewed in person at the Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia. Sign in at the receptionist's desk on the 21st floor.

MSHA maintains a list that enables subscribers to receive e-mail notification when the Agency publishes rulemaking documents in the **Federal Register**. To subscribe, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

• *Information Collection Requirements:* Comments concerning the information collection requirements of this proposed rule must be clearly identified with "RIN 1219-AB75" and sent to both the Office of Management and Budget (OMB) and MSHA. Comments to OMB may be sent by mail addressed to the Office of Information and Regulatory Affairs, Office of

Management and Budget, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503, *Attn:* Desk Officer for MSHA. Comments to MSHA may be transmitted by any of the methods listed above in this section.

**SUPPLEMENTARY INFORMATION:** On December 27, 2010 (75 FR 81165), MSHA published a proposed rule, Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards. The proposal would require operators to examine for violations of mandatory health or safety standards in addition to hazardous conditions, and take corrective actions if violations are found. It would also require that operators review with mine examiners on a quarterly basis all citations and orders issued in areas where examinations are required. The proposal would require that underground coal mine operators find and fix violations of mandatory health or safety standards, thereby improving health and safety for miners. The proposed rule is available on MSHA's Web site at <http://www.msha.gov/REGS/FEDREG/PROPOSED/2010PROP/2010-32410.pdf>.

In response to a request from the public and to provide the opportunity for additional public participation in this rulemaking, MSHA is extending the comment period from February 25, 2011, to March 28, 2011. All comments and supporting documentation must be received or postmarked by 12 midnight Eastern Daylight Savings Time, March 28, 2011.

Dated: February 24, 2011.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2011-4592 Filed 2-25-11; 4:15 pm]

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 59

#### RIN 2900-AN77

### Due Date of Initial Application Requirements for State Home Construction Grant

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the Department of Veterans Affairs (VA) regulation concerning the calendar date that VA must receive an initial application for a State Home Construction Grant in order for the application to be included on the