

an instantaneous trip unit calibrated to trip at 150 amperes, the trip setting will be sealed or locked and breakers will have permanent legible labels, and each label will identify the circuit breaker as being suitable for protecting #6 cables. The label will be maintained legible; (5) persons designated by the operator will visually examine the trailing cables to ensure the cable is in safe operating condition; (6) trailing cables that are not in safe operating condition will be removed from services immediately and repaired or replaced; (7) each splice or repair in the trailing cables will be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair materials. The splice or repair will comply with 30 CFR 75.603 and 30 CFR 75.604; (8) permanent warning labels will be installed and maintained on the cover(s) of the power center to identify the location of each sealed or locked short-circuit protection device. These labels will warn miners not to change or alter these short-circuit settings; (9) the alternative method will not be implemented until the miners designated to examine the integrity of seals or locks, verify the short-circuit settings, and proper procedures for examining trailing cables for defects and damage have received the elements of the specified training; and (10) proposed revisions for Part 48 training plans will be submitted to the District Manager within 60 days after the petition is granted for the area in which the mine is located, which will include training in the proper procedures for examining the trailing cables to ensure safe operating condition, and training in how to verify that circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained.

Docket Number: M-2009-009-C.

Petitioner: Twentymile Coal Company, Three Gateway Center, suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

Mine: Foidel Creek Mine, MSHA I.D. No. 05-03836, located in Routt County, Colorado. *Regulation Affected:* 30 CFR 75.312(c) & (d) (Maine mine fan examination and records).

Modification Request: The petitioner requests a modification of the existing standard to permit fan-stoppage devices and automatic closing doors to be tested without stopping the mine fan. The petitioner proposes the following alternative procedure for testing the fans: (a) The fan door will be installed according to drawings approved by MSHA, and the fan alarm signal will be installed according to MSHA requirements, including the warning light near the door location and an

audible and visual alarm at the dispatcher and communication center locations; (b) air reversal doors will be tested every seven days by rotating the test frame outward until it contacts the air flow reversal door; (c) the person conducting the test will make a visual observation of the movement of the test frame and general maintenance of the metal door and frame for good repair; (d) the fan alarm signal system (mechanical switch) which is mounted to the fan house, will be tested by a responsible person every seven days by actuating the switch; (e) the actuating of the fan alarm switch will be verified by a responsible person with the communication center and the dispatcher; (f) the person who made the tests will record the results in a secure book at a surface location by the end of the shift on which the tests were made. The book will also indicate the general repair of the system and will be made available to representatives of the Secretary. The petitioner states that the MSHA District Manager will be notified regarding future testing of additional air reversal fan doors, when each fan is equipped with the new test frame system, so that an inspection may be scheduled prior to the seven day testing. The petitioner further states that until all main fans are equipped in compliance with the approved system, miners must be removed from the mine for testing of any fan not yet equipped. 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 standard.

Docket Number: M-2009-010-C.

Petitioner: Frasure Creek Mining, LLC, P.O. Box 142, Justice, West Virginia 24851. *Mines:* No. 5 Mine, MSHA I.D. No. 46-08942, Deep Mine No. 15, MSHA I.D. No. 46-09209, located in Fayette County, West Virginia, and Isaban Deep Mine No. 3, MSHA I.D. No. 46-09245, located in Mingo County, West Virginia.

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

Modification Request: The petitioner requests a modification of the existing standard to permit blow-off dust covers to be used without the nozzles. The petitioner proposes to continue its weekly inspections and functional testing of the complete deluge-type water spray system. The petitioner states that dust covers are not necessary because the nozzles can be maintained in an unlogged condition through weekly use. The petitioner further states that it is burdensome to recap the large number of covers weekly after each inspection and functional test. The

petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

Docket Number: M-2009-012-C.

Petitioner: Wolf Run Mining Company, 1 Edmiston Way, Buckhannon, West Virginia 26201.

Mines: Imperial Mine, MSHA I.D. No. 46-09115, located in Upshur County, West Virginia.

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

Modification Request: The petitioner requests a modification of the existing standard to permit blow-off dust covers not to be applied to nozzles on deluge-type systems. The petitioner states that: (1) The functional test required each year under 30 CFR 75.1101-11 will be done weekly; (2) functional tests are currently being done a weekly basis and although more than adequate pressure and flow rates are being maintained for these deluge systems, in some tests, the dust covers do not come off all sprays; (3) by doing this functional test weekly, all sprays can be inspected and maintained on a weekly basis. The dust covers provide protection for sprays which are tested yearly, and by testing weekly, the covers are not necessary. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. E9-11673 Filed 5-19-09; 8:45 am]

BILLING CODE 4510-43-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 June 19, 2009.

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 modification.

II. Petitions for Modification

Docket Number: M-2009-004-C.

Petitioner: Cumberland Coal Resources, LP, Three Gateway Center, 401 Liberty Avenue, Suite 1340, Pittsburgh, Pennsylvania.

Mine: Cumberland Mine, MSHA I.D. No. 36-05018, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance for the standard with respect to vertical degasification wells with horizontal laterals into the underground coal seam. The petitioner proposes to mine through vertically drilled degasification boreholes with horizontal laterals using the following plugging procedures: (1) The borehole will be filled with flexible gel prior to the anticipated mine through and may use alternative grouting methods including cementitious or polyurethane grout; (2) a packer will be installed at a location in the lateral to ensure that an appropriate amount of the lateral is filled with gel; (3) any water present in the hole will be tested for chlorides prior to the time of gelling and the gel quality will be adjusted to compensate for the chloride concentration; and (4) a triplex piston pump will be used to pump 1.75 times the calculated hole volume of gel underground until the volume of gel is depleted and 100-140 psi pressure is realized, or until gel leakage is observed along the ribs underground. The petitioner also proposes to use the following procedures for mining through plugged degasification boreholes: (1) Prior to mining within 300 feet of the borehole or lateral MSHA and the Bureau of Deep Mine Safety, and a representative of the miners will be notified both verbally and through a letter accompanied by a drawing of the borehole location and copy of a certification that plugging has occurred; (2) prior to mining through, the District Mine Inspector from the Bureau of Deep Mine Safety, the MSHA District Manager, and a representative of the United Mine Workers of America will be notified in sufficient time to have a representative present during the mining through operation; and (3) inform all personnel working underground at the beginning of the shift in which a borehole or lateral will be mined through to inform them of the cut through and communication procedure to be used. Persons may review a complete description of the petitioner's procedures for plugging and mining through oil and gas wells at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method would at all times

guarantee no less than the same measure of protection afforded the miners under the existing standard.

Docket Number: M-2009-005-C.

Petitioner: Pinnacle Mining Company, LLC, P.O. Box 338, Pineville, West Virginia 24874-0338.

Mine: Pinnacle Mine, MSHA I.D. No. 46-01816, located in Wyoming County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit mining through Surface Drilled Coalbed Methane Wells with Horizontal Branches in Coal Seams. The petitioner proposes to continue mining through the vertical boreholes and horizontal legs and branches of Coalbed Methane Wells that penetrate the coalbed being mined. The petitioner states that the following method(s) will be used to protect the miners in the mine against hazards from the wells while mining through Surface Drilled Coalbed Methane Wells with Horizontal Branches in Coal Seams: Intact Surface Articulated Horizontal Borehole (SAHB) Mine plans *Option 1:* (1) The SAHB will be infused with water prior to the underground mining operations breaching the SAHB; (2) legs that are opened after mining through may have an effective plug installed into the coal rib to prevent an influx of methane into the mined area. An effective plug is any material that impedes the flow of methane and water. Typically, a hydraulic packer is used to plug the hole but cement or grout may be substituted; and (3) the holes may be filled with water after other legs are breached. The petitioner states that typically, open legs are breached several times during development mining, which allows the segmented hole to be ventilated or filled with water, and when the trunk line of a SAHB has not been severed, a negative pressure surface pump connected to the SAHB may be used to ventilate the hole. *Option 2:* (1) The SAHB will be infused with water prior to the underground mining operations breaching the SAHB; (2) a low strength grout mixture will be injected into the SAHB from the surface after infusion; (3) if the SAHB is located such that it may be used as a gob well for longwall panel, the amount of grout mixture injected will be limited to filling a void in the coal seam, or the SAHB will be filled with grout to at least fifty feet above the upper most underground mineable coal seam. The petitioner also states that the following method(s) will be used to protect the miners in the mine against hazards from the wells while mining through Surface

Drilled Coalbed Methane Wells with Horizontal Branches in Coal Seams: Breached Surface Articulated Horizontal Borehole (SAHB) Mine Through Plan: (1) Breached SAHB's will be ventilated in accordance with all State and Federal regulations; (2) legs that are open after mining through may have an effective plug installed into the coal rib to prevent an excess of methane into the mined area. An effective plug is any material that impedes the flow of methane and water. Typically, a hydraulic packer is used to plug the hole but cement or grout may be substituted. The hole is plugged when typical face ventilation will not suffice and the potential for methane accumulation exists, usually occurring immediately after cut through; (3) typically, open legs are breached several times during development mining, which allows the segmented hole to be ventilated and eliminates methane storage capacity; (4) should a situation occur where a breached leg continues to produce methane and cannot be ventilated, the hole will be water infused again. Water infusion will take place underground using mine water at standard operating pressure. The hole will remain infused until it is determined that it may be safely bled off and ventilated or it is breached during secondary mining; and (5) when the trunk line of a SAHB has not been severed, a negative pressure surface pump connected to the SAHB may be used to ventilate the hole. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M-2009-006-C.

Petitioner: Spartan Mining Company, P.O. Box 1120, Holden, West Virginia 25625.

Mine: Road Fork No. 51 Mine, MSHA I.D. No. 46-01544, located in Wyoming County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance when: (1) Mining within 75 feet of a horizontal wellbore; (2) when initially mining through a horizontal wellbore; and (3) when subsequently mining through horizontal wellbores, using the specific procedures listed in this petition for modification. The petitioner states that; (1) no person shall be permitted in the area of the mine-through operation except those actually engaged in the operation, company personnel, personnel from MSHA, and personnel from the

appropriate West Virginia agency; (2) the mine-through operation shall be under the direct supervision of a certified official; and (3) prior to mining through the first lateral wellbore of a coalbed methane well and a well which has already had at least one lateral wellbore mined through, Spartan will verify that any water that is present will be bailed from the vertical section of the wellbore, as close to the coal seam elevation as practical, using normal bailing equipment; and (4) the surface wellhead will be maintained opened to bring the vertical section of the wellbore to outside atmosphere pressure. A complete description of the procedures the petitioner will use in implementing its modification can be reviewed at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M-2009-007-C.

Petitioner: Black Butte Coal Company, P.O. Box 98, Point of Rocks, Wyoming 82942.

Mine: Black Butte and Leucite Hills Mines, MSHA I.D. No. 48-01180, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 77.1304(a) (Blasting agents; special provisions).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of commercially recycled petroleum-based lubrication oil that is commercially mixed with unused No. 2 fuel oil to create a blasting agent. The petitioner states that the mixed oil is purchased in batches of approximately 8,000 to 10,000 gallons and is not mixed with ammonium nitrate prill until the Ammonium Nitrate-Fuel Oil (ANFO) components are placed in a blasting hole. The petitioner asserts that the proposed alternative method would at all times guarantee no less than the same measure of protection afforded by the existing standard.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. E9-11674 Filed 5-19-09; 8:45 am]

BILLING CODE 4510-43-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will

meet on May 26, 2009 via conference call. The meeting will begin at 11 a.m. (EDT), and continue until conclusion of the Board's agenda.

LOCATION: 3333 K Street, NW., Washington, DC 20007, 3rd Floor Conference Room.

STATUS OF MEETING: Open. Directors will participate by telephone conference in such a manner as to enable interested members of the public to hear and identify all persons participating in the meeting. Members of the public may observe the meeting by joining participating staff at the location indicated above.

MATTERS TO BE CONSIDERED: 1. Approval of the agenda.

2. Consider and act on Board of Directors' response to the Inspector General's Semiannual Report to Congress for the period of October 1, 2008 through March 31, 2009.

3. Consider and act on other business.

4. Public comment.

CONTACT PERSON FOR INFORMATION:

Katherine Ward, Executive Assistant to the Vice President for Legal Affairs, at (202) 295-1500.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Katherine Ward, at (202) 295-1500.

Dated: May 15, 2009.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. E9-11916 Filed 5-18-09; 4:15 pm]

BILLING CODE 7050-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Matter To Be Deleted From the Agenda of a Previously Announced Agency Meeting

TIME AND DATE: 11:15 a.m., Thursday, May 21, 2009.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Closed.

MATTER TO BE DELETED: 3. Personnel (1). Closed pursuant to some or all of the following: Exemptions (2) and (6).