

Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on March 2, 2010, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

**Hearing.**—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on March 16, 2010, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before March 12, 2010. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on March 11, 2010, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.**—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is March 9, 2010. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is March 23, 2010; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petitions, on or before March 23, 2010. On April 7, 2010, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before April 9, 2010, but such final comments must not contain new factual

information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in section II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: November 30, 2009.

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. E9-28853 Filed 12-2-09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Application

This is notice that on July 16, 2009, Noramco, Inc., Division of Ortho-McNeil, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the basic

classes of controlled substances listed in schedule II:

Drug	Schedule
Opium, raw (9600) .....	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances to manufacture other controlled substances.

As explained in the Correction to Notice of Application pertaining to Rhodes Technologies, 72 FR 3417 (2007), comments and requests for hearings on applications to import narcotic raw material are not appropriate.

As noted in a previous notice published in the **Federal Register** on September 23, 1975 (40 FR 43745), all applicants for registration to import a basic class of any controlled substances in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: November 23, 2009.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. E9-28826 Filed 12-2-09; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Notice of Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of Affirmative Decisions on Petitions for Modification Granted in Whole or in Part.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) enforces mine operator compliance with mandatory safety and health standards that protect miners and improve safety and health conditions in U.S. mines. This **Federal Register** Notice (FR Notice) notifies the public that it has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

**ADDRESSES:** Copies of the final decisions are posted on MSHA's Web site at

<http://www.msha.gov/indexes/petition.htm>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209. All visitors must first stop at the receptionist desk on the 21st Floor to sign in.

#### FOR FURTHER INFORMATION CONTACT:

Roslyn B. Fontaine, Acting Deputy Director, Office of Standards, Regulations and Variances at 202-693-9475 (Voice), [fontaine.roslyn@dol.gov](mailto:fontaine.roslyn@dol.gov) (E-mail), or 202-693-9441 (Telefax), or Barbara Barron at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) that the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

##### II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M-2007-054-C.  
*FR Notice:* 72 FR 53265 (September 18, 2007).

*Petitioner:* Chestnut Coal Company, RR 3, Box 142, Sunbury, Pennsylvania 17801.

*Mine:* No. 13 Slope (Formerly No. 11 Slope), MSHA I.D. No. 36-09475, located in Northumberland County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.1100-2(a)(2) (Quantity and location of firefighting equipment).

- *Docket Number:* M-2008-011-C.  
*FR Notice:* 73 FR 20066 (April 14, 2008).

*Petitioner:* Chevron Mining, Inc., 12398 New Lexington Road, Berry, Alabama 35546.

*Mine:* North River No. 1 Mine, MSHA I.D. 01-00759, located in Fayette County, Alabama.

*Regulation Affected:* 30 CFR 75.507 (Power connection points).

- *Docket Number:* M-2008-032-C.  
*FR Notice:* 73 FR 38250 (July 3, 2008).

*Petitioner:* Double Bonus Coal Company, P.O. Box 414, Pineville, West Virginia 24874.

*Mine:* No. 65 Mine, MSHA I.D. 46-09020, located in Wyoming County, West Virginia.

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

- *Docket Number:* M-2008-033-C.  
*FR Notice:* 73 FR 42599 (July 22, 2008).

*Petitioner:* Penn View Mining Company, Inc., 2340 Smith Road, Shelocta, Pennsylvania 15774.

*Mine:* TJS #6 Mine, MSHA I.D. No. 36-09464, located in Armstrong County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.503 (30 CFR 18.35) (Permissible electric equipment; maintenance).

- *Docket Number:* M-2008-039-C.  
*FR Notice:* 73 FR 54434 (September 19, 2008).

*Petitioner:* AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

*Mine:* Dora 8 Mine, MSHA I.D. No. 36-08704, located in Jefferson County, Pennsylvania.

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

- *Docket Number:* M-2008-040-C.  
*FR Notice:* 73 FR 54434 (September 19, 2008).

*Petitioner:* AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

*Mine:* Madison Mine, MSHA I.D. No. 36-09127, located in Cambria County, Pennsylvania.

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

- *Docket Number:* M-2008-041-C.  
*FR Notice:* 73 FR 54434 (September 19, 2008).

*Petitioner:* AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

*Mine:* Gillhouser Run Mine, MSHA I.D. No. 36-09033, located in Indiana County, Pennsylvania.

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

- *Docket Number:* M-2008-042-C.  
*FR Notice:* 73 FR 54434 (September 19, 2008).

*Petitioner:* AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

*Mine:* Ondo Extension Mine, MSHA I.D. No. 36-09005, located in Indiana County, Pennsylvania.

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

- *Docket Number:* M-2008-0043-C.  
*FR Notice:* 73 FR 54434 (September 19, 2008).

*Petitioner:* AMFIRE Mining Company, LLC, One Energy Place, Latrobe, Pennsylvania 15650.

*Mine:* Nolo Mine, MSHA I.D. No. 36-08850, located in Indiana County, Pennsylvania.

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

- *Docket Number:* M-2008-045-C.  
*FR Notice:* 73 FR 61913 (October 17, 2008).

*Petitioner:* Guest Mountain Mining Corporation, P.O. Box 2560, Wise, Virginia 24293.

*Mine:* Mine No. 4, MSHA I.D. No. 44-05815, located in Wise County, Virginia.

*Regulation Affected:* 30 CFR 77.214(a) (Refuse piles; general).

- *Docket Number:* M-2008-048-C.  
*FR Notice:* 73 FR 69680 (November 19, 2008).

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

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

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

- *Docket Number:* M-2008-049-C.  
*FR Notice:* 73 FR 80434 (December 31, 2008).

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

*Mine:* Prairie Eagle South Mine, MSHA I.D. 11-03205, located in Perry County, Illinois.

*Regulation Affected:* 30 CFR 75.503 (30 CFR 18.35) (Permissible electric equipment; maintenance).

- *Docket Number:* M-2008-050-C.  
*FR Notice:* 73 FR 80434 (December 31, 2008).

*Petitioner:* River View Coal, LLC, 835 State Route 1179, Waverly, Kentucky 42462.

*Mine:* River View Mine, MSHA I.D. 15-03178 (New MSHA I.D. No. 15-19374), located in Union County, Kentucky.

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

- *Docket Number:* M-2008-051-C.  
*FR Notice:* 73 FR 80434 (December 31, 2008).

*Petitioner:* River View Coal, LLC, 835 State Route 1179, Waverly, Kentucky 42462.

*Mine:* River View Mine, MSHA I.D. 15-03178 (New MSHA I.D. No. 15-

19374), located in Union County, Kentucky.

*Regulation Affected:* 30 CFR 75.503 (30 CFR 18.35) (Permissible electric equipment; maintenance).

• *Docket Number:* M–2008–056–C.

*FR Notice:* 74 FR 4470 (January 26, 2009).

*Petitioner:* Midland Trail Energy, LLC, 42 Rensford Star Route, Charleston, West Virginia 25306.

*Mine:* Blue Creek No. 1 Mine, MSHA I.D. 46–09297; and Blue Creek No. 2 Mine, MSHA I.D. No. 46–09296, located in Kanawha County, West Virginia.

*Regulation Affected:* 30 CFR 75.900 (Low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers).

• *Docket Number:* M–2008–057–C.

*FR Notice:* 74 FR 4471 (January 26, 2009).

*Petitioner:* Midland Trail Energy, LLC, 42 Rensford Star Route, Charleston, West Virginia 25306.

*Mine:* Blue Creek No. 1 Mine, MSHA I.D. 46–09297, and Blue Creek No. 2 Mine, MSHA I.D. No. 46–09296, located in Kanawha County, West Virginia.

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

• *Docket Number:* M–2008–006–M.

*FR Notice:* 74 FR 4471 (January 26, 2009).

*Petitioner:* Solvay Chemicals, Inc., P.O. Box 1167, Green River, Wyoming 82935.

*Mine:* Solvay Chemicals Mine, MSHA I.D. 48–01295, located in Sweetwater County, Wyoming.

*Regulation Affected:* 30 CFR 57.22305 (Approved equipment (III mines)).

Dated: November 27, 2009.

**Patricia W. Silvey,**

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

[FR Doc. E9–28849 Filed 12–2–09; 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 January 4, 2010.

**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](mailto: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](mailto: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–2009–037–C.

*Petitioner:* The Signal Peak Energy, LLC, 100 Portal Drive, Roundup, Montana 59072.

*Mine:* Bull Mountain #1 Mine, MSHA I. D No. 24–01950, located in Musselshell County, Montana.

*Regulation Affected:* 30 CFR 75.1909(b)(6) (Nonpermissible, diesel-powered equipment; design and performance requirements).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of the Getman Roadbuilder, Model RDG–1504S, with six (6) wheels, without front brakes as it was originally designed. The existing standard requires that all self-propelled non-permissible diesel-powered equipment must have service brakes that act on each wheel of the vehicle and be designed such that a failure of any single component, except the brake actuation pedal or other similar actuation device, must not result in a complete loss of service braking capability. The petitioner states that: (1) This rule does not address equipment with more than four (4) wheels, specifically the Getman Roadbuilder, Model RDG–1504S, with six (6) wheels; (2) this machine has dual brake systems on the four (4) rear wheels, and is designed to prevent loss of braking due to a single component failure; (3) seventy-four percent of the machines total weight is over the four (4) rear wheels. With this weight distribution, brakes on the rear of the machine are sufficient to safely stop the machine; (4) grader operators will be trained to lower the moldboard to provide additional stopping capability in emergency situations, to recognize the appropriate speeds to use on different roadway conditions, and to limit the maximum speed to 10 miles per hour. Maintaining this maximum speed will be accomplished through physically blocking out higher gear ratios. Other mechanical means, such as installation of smaller diameter tires, which accomplish this speed governing, may also be used when working with different roadway conditions and different slopes. This training will be documented on an approved 5000–23 form. The petitioner asserts that granting this petition will prevent the diminution of safety caused by application of the existing standard to this particular equipment, and will at all times provide an equal or superior