

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Records of Results of Examinations of Self-Rescuers****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before June 11, 2001.

**ADDRESSES:** Send comments to Brenda C. Teaster, Acting Chief, Records Management Division 4015 Wilson Boulevard, Room 709a, Arlington, VA 22203-1984.

Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to [bteaster@msha.gov](mailto:bteaster@msha.gov), along with an original printed copy. Ms. Teaster can be reached at (703) 235-1470 (voice), or (703) 235-1564 (facsimile).

**FOR FURTHER INFORMATION CONTACT:**

Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Teaster can be reached at [bteaster@msha.gov](mailto:bteaster@msha.gov) (Internet E-mail), (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

**SUPPLEMENTARY INFORMATION:****I. Background**

The Self-Rescue devices are subjected to harsh in-mine conditions that may result in damage to the device which could cause the device to malfunction or provide less than adequate protection. The 90-day examination of the device is necessary in order to provide for early detection of potential problems that would otherwise go undetected. Requiring the mine operator to certify the examination was made and

to record any identified defects gives credibility to the program and decreases the likelihood of a person being required to use a device that may not function as designed. In addition, this information is useful in determining how durable a device may be when subjected to the harsh conditions that are encountered during in-mine use. This allows for early detection of design problems that may require the manufacturer to make changes to a device in order to assure the device will continue to function as designed and provide adequate protection in the event of an emergency.

**II. Desired Focus**

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (<http://www.msha.gov>) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act Submissions (<http://www.msha.gov/regspwork.htm>)", or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

**III. Current Actions**

In 1997, a large number of problems were identified with SCSR devices that indicated either the 90-day examinations were not being conducted, or defective devices were not being removed from service. As a result of these problems, MSHA issued a Program Information Bulletin reminding the industry of the standard requiring the 90-day examination and certification

of the self-rescuer devices, and requiring devices that fail the 90-day examination to be removed from service. In addition, MSHA increased the inspection effort to include quarterly evaluation of the mine operators records as well as a physical examination of a representative number of self-rescue devices. However, due to the large number of devices in use in the mining industry, (approximately 50,000 devices) it is essential that mine operators continue to certify that the 90-day examination was conducted on each device, and record the results for devices that failed the 90-day examination. Although MSHA has increased the enforcement effort, the large number of devices in use in the mining industry make it impractical for MSHA to be able to examine each of the devices quarterly.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Records of Results of Examinations of Self-Rescuers.

*OMB Number:* 1219-0044.

*Recordkeeping:* One Year.

*Affected Public:* Business or other for-profit.

*Cite/Reference/Form/etc:* 30 CFR 75.1714-3.

*Total Respondents:* 887.

*Frequency:* Quarterly.

*Total Responses:* 3,648.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 1,776 hours.

*Estimated Total Burden Cost:* \$0.

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintaining):* 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 3, 2001.

**Brenda C. Teaster,**

*Acting Chief, Records Management Division.*

[FR Doc. 01-8919 Filed 4-10-01; 8:45 am]

**BILLING CODE 4510-43-M**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Operations Under Water****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce

paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before June 11, 2001.

**ADDRESSES:** Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to [bteaster@msha.gov](mailto:bteaster@msha.gov), along with an original printed copy. Ms. Teaster can be reached at (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** The proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (<http://www.msha.gov>) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act submission (<http://www.msha.gov/regspwork.htm>)", or by contacting Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Mrs. Teaster can be reached at [bteaster@msha.gov](mailto:bteaster@msha.gov) (Internet E-mail, (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title 30, CFR 75.1716, 75.1716-1 and 75.1716-3 require operators of underground coal mines to notify MSHA of proposed mining under bodies

of water and to obtain a permit to mine under a body of water if, in the judgment of the Secretary, it is sufficiently large to constitute a hazard to miners. This is a statutory provision contained in section 317(r) of the Federal Mine Safety and Health Act of 1977. The regulation is necessary to prevent the inundation of underground coal mines with water which has the potential of drowning miners.

The coal mine operator submits an application for the permit to the District Manager in whose district the mine is located. Applications contain the name and address of the mine; projected mining and ground support plans; a mine map showing the location of the river, stream, lake or other body of water and its relation to the location of all working places; a profile map showing the type of strata and the distance in elevation between the coal bed and the water involved.

##### II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Operations Under Water. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

##### III. Current Action

Section 317(r) of the Federal Mine Safety and Health Act of 1977 requires that when a mine operator mines coal from a mine that requires construction, operation, and maintenance of tunnels under any river, stream, lake or other body of water that could potentially pose a hazard to miners, such operator is required to obtain a permit from the Secretary, which shall include such terms and conditions as deemed appropriate to protect the safety of miners working or passing through such tunnels from cave-ins and other hazards. This section of the Act is enforced through application 30 CFR 75.1716, which requires the underground mine operators to notify MSHA prior to mining under any body of water (30 CFR 75.1716-1) and to submit a permit application to mine under a body of water (30 CFR 75.1716-3) for the MSHA District Manager's approval prior to mining under the body of water. MSHA is obligated to respond in writing to the notice (30 CFR 75.1716-2) and to the permit application (30 CFR 75.1716-4). MSHA routinely receives the notice and the permit application as a single correspondence due to the annual review of the mine ventilation plan map one year mining projections [30 CFR 75.371(b)(14)] and the annual submittal of a certified mine map, which is required to show the locations of mines above and below and bodies of water above the active mine [30 CFR 75.1200-(I and j) and 30 CFR 75.1203]. The annual review of these maps provide early detection of potential inundation hazards and as a result reduce or eliminate the need for a separate notice under 30 CFR 75.1716-1.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Operations Under Water.

*OMB Number:* 1219-0020.

*Affected Public:* Business or other for-profit.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden
75.1716 .....	Included in 75.1716-3 ..	Occasional .....	Included in 75.1716-3 ..	5	Included in 75.1716-3.
75.1716.1 .....	Included in 75.1716-3 ..	.....	Included in 75.1716-3 ..	5	Included in 75.1716-3.
75.1716.3 .....	10 new or revised notices/permit appls..	On occasion .....	10 .....	5	50 hours.
Totals .....	10 .....	On occasion .....	10 .....	5	50 hours.

*Estimated Total Burden Cost:* \$2,727.  
*Total Burden Cost (capital/startup):*  
 \$0.

*Total Burden Cost (operating/  
 maintaining):* \$150.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 3, 2001.

**Brenda C. Teaster,**

*Acting Chief, Records Management Division.*

[FR Doc. 01-8920 Filed 4-10-01; 8:45 am]

BILLING CODE 4510-43-M

## **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

### **Federal Council On The Arts and The Humanities, Arts and Artifacts Indemnity Panel, Advisory Committee; Notice of Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, NW., Washington, DC 20506, in Room 714, from 9:00 a.m. to 5:00 p.m., on Monday, May 7, 2001.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after July 1, 2001.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemption (4) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Laura S. Nelson, 1100 Pennsylvania Avenue, NW.,

Washington, DC 20506, or call 202/606-8322.

**Laura S. Nelson,**

*Advisory Committee Management Officer.*

[FR Doc. 01-8925 Filed 4-10-01; 8:45 am]

BILLING CODE 7036-01-M

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-32660; License No. 45-  
24851-02; EA-98-213]**

### **In the Matter of Moisture Protection Systems Analysts, Inc. Washington, D.C.; Order Imposing Civil Monetary Penalty**

#### **I**

Moisture Protection Systems Analysts, Inc. (the Licensee or MPSA), 1350 Beverly Road, Suite 223, McLean, Virginia 22101, formerly was the holder of Byproduct Materials License No. 45-24851-02 (the license), which was issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on January 30, 1992. The license authorized MPSA to possess byproduct material, i.e., a Siemens Model R-50 portable roofing gauge that contains a nominal 40 millicuries (mCi) of Americium-241, for use in measuring moisture density of roof surfaces in accordance with the conditions specified in the license. On February 3, 1997, the NRC attempted to inspect MPSA's facilities at 1350 Beverly Road, Suite 223, McLean, Virginia, 22101, the address listed on MPSA's license. At that time, the inspector learned that MPSA had vacated the premises in December, 1996, without prior notice to the NRC. The inspector was provided with a forwarding address for MPSA of 8111 12th Street, N.W., Washington, D.C., 20017-2402. NRC representatives subsequently made numerous unsuccessful attempts to contact MPSA by telephone and to inspect the premises at the forwarding address. On February 27 1997, the NRC issued an Order Suspending License (Effective Immediately) to MPSA based upon non-payment of annual fees required pursuant to 10 CFR 171.16. The Order was reissued on May 15, 1997.

#### **II**

On April 30, 1998, the NRC issued a "Notice of Violation and Proposed Imposition of Civil Penalty—\$5,500, Notification of Consideration of the Imposition of Daily Civil Penalties, and Order Modifying Order Suspending License (Effective Immediately) and

Order Revoking License (Notice)," to MPSA. The Notice described a violation of NRC requirements identified as a result of the NRC's review of the circumstances associated with attempts to perform an inspection of MPSA's material, facilities, and records. The Notice stated the nature of the violation, the provision of the NRC's requirements that MPSA had violated, and the amount of the civil penalty proposed for the violation.

MPSA has not responded to the Notice, nor has it complied with the requirements of the Order that it maintain the licensed material in safe storage, immediately notify the NRC of its current business location and the status of the licensed material, test the sealed source for leak tightness, and transfer the licensed material to an authorized recipient within 30 days of the date of the Order. The NRC has made numerous additional attempts to contact MPSA, including issuing two subpoenas to Mr. Virgil J. Hood, Sr., Radiation Safety Officer and President of MPSA and Mr. Virgil J. Hood, Jr., Vice President of MPSA, compelling their appearance for interviews at NRC headquarters on September 16, 1998, and December 3, 1999. The President and Vice President failed to appear for these interviews, and have been unresponsive to repeated attempts to discuss licensed activities associated with MPSA.

#### **III**

After consideration of MPSA's unresponsiveness, the NRC staff has determined that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed.

#### **IV**

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

MPSA pay a civil penalty in the amount of \$5,500 within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time of making the payment, MPSA shall submit a statement indicating when and by what method payment was made, to the Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

#### **V**

MPSA may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will