

**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 August 4, 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 2349, 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 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

We 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:**

Lawrence D. Reynolds, Office of Standards, Regulations, and Variances at 202-693-9449 (Voice), [reynolds.lawrence@dol.gov](mailto:reynolds.lawrence@dol.gov) (E-mail), or 202-693-9441 (Telefax), or contact 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. 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-2008-031-C.

*Petitioner:* Blue Diamond Coal Company, P.O. Box 47, Slemp, Kentucky 41763.

*Mine:* Mine #75, MSHA I.D. No. 15-17478, located in Perry County, Kentucky.

*Regulation Affected:* 30 CFR 75.364(b)(2) (Weekly examination).

*Modification Request:* The petitioner requests a modification of the existing standard to permit check points (examination points) to be established in seven locations of the Parallel Twin Pines Intake Mains due to poor roof conditions that prevent foot travel. The petitioner proposes to establish examination points at certain points to evaluate airflow entering the Parallel Twin Pines Intake Mines and exiting the Parallel Twin Pines Intake Mains. The petitioner also proposes to establish ventilation check points between certain breaks of the Parallel Twin Pines Intake Mains. The petitioner states that due to adverse roof conditions and distance from active works it is impractical to expose personnel to traveling this area. The petitioner further states that no lesser degree of safety is ensured by traveling to both ends of the mains and verifying the adequate air volume and quality at the noted evaluation points and check points. 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-2008-032-C.

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

*Mine:* No. 65 Mine, MSHA I.D. No. 46-09020, located in Wyoming 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 eliminated for nozzles on deluge-type water spray systems. The petitioner proposes to conduct weekly inspections and functional tests of its complete deluge-type water spray system. The petitioner states that in view of the frequent inspections and functional testing of the system, the dust covers are not necessary because the nozzles can be maintained in an unclogged condition through weekly use, and 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 by the existing standard.

**Jack Powasnik,**

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

[FR Doc. E8-15054 Filed 7-2-08; 8:45 am]

**BILLING CODE 4510-43-P**

**NATIONAL COUNCIL ON DISABILITY****Sunshine Act Meetings**

**TYPE:** Quarterly Meeting.

**DATES AND TIMES:**

July 14, 2008, 8:30 a.m.-4 p.m.;  
July 15, 2008, 8:30 a.m.-5 p.m.;  
July 16, 2008, 8:30 a.m.-4:15 p.m.

**LOCATION:** Renaissance Seattle Hotel, 515 Madison Street, Seattle, WA.

**STATUS:**

July 14, 2008, 8:30 a.m.-4 p.m.—Open;  
July 14, 2008, 4 p.m.-5 p.m.—Closed Executive Session;  
July 15, 2008, 8:30 a.m.-5 p.m.—Open;  
July 16, 2008, 8:30 a.m.-4:15 p.m.—Open.

**AGENDA:** Public Comment Sessions; Emergency Preparedness Panel; Air Carrier Access Act Panel; Discussions on the Americans with Disabilities Act Amendments Act of 2008, and Employment; Reports from the Chairperson, Council Members, and the Executive Director; Unfinished Business; New Business; Announcements; Adjournment.

**SUNSHINE ACT MEETING CONTACT:** Mark S. Quigley, Director of External Affairs, NCD, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax)

**AGENCY MISSION:** NCD is an independent federal agency and is composed of 15 members appointed by the President, by and with the advice and consent of the Senate. NCD provides advice to the President, Congress, and executive branch agencies promoting policies, programs, practices, and procedures that (A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and (B) to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

**ACCOMMODATIONS:** Those needing reasonable accommodations should notify NCD immediately.

**LANGUAGE TRANSLATION:** In accordance with E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency, those people with disabilities who are limited English proficient and seek translation services for this meeting should notify NCD immediately.

Dated: June 26, 2008.

**Michael C. Collins,**  
Executive Director.

[FR Doc. 08-1407 Filed 6-30-08; 12:45 pm]

**BILLING CODE 6820-MA-P**

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting; Agenda

**TIME AND DATE:** 9:30 a.m., Tuesday, July 8, 2008

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** The one item is open to the public.

#### MATTER TO BE CONSIDERED:

8021 *Highway Accident Report*—Motorcoach Override of Elevated Exit Ramp, Interstate 75, Atlanta, Georgia, March 2, 2007 (HWY-07-MH-015).

**NEWS MEDIA CONTACT:** Telephone: (202) 314-6100.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314-6305 by Thursday, July 3, 2008.

The public may view the meeting via a live or archived Webcast by accessing a link under "News & Events" on the NTSB home page at <http://www.nts.gov>.

**FOR FURTHER INFORMATION CONTACT:** Vicky D'Onofrio, (202) 314-6410.

Dated: Monday, June 30, 2008.

**Candi R. Bing,**

*Federal Register Liaison Officer.*

[FR Doc. E8-15248 Filed 7-2-08; 8:45 am]

**BILLING CODE 7533-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-33820]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of Byproduct Materials License No. 13-26640-01, for Unrestricted Release of a Facility in Evansville, IN

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

#### FOR FURTHER INFORMATION CONTACT:

Peter J. Lee, PhD, CHP, Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9870; fax number: (630) 515-1259; or by e-mail at [Peter.Lee@nrc.gov](mailto:Peter.Lee@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Byproduct Materials License No. 13-26640-01. The license is held by the Covance Clinical Research Unit, Inc. (the Licensee), now located at 617 Oakley Street, Evansville, Indiana. Issuance of the amendment would authorize release of the Licensee's facility, located at 800 St. Mary's Drive, Evansville, Indiana (the Facility) for unrestricted use. The Licensee requested this action in NRC FORM 313 dated February 1, 2008. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the *Federal Register*.

##### II. Environmental Assessment

###### Identification of Proposed Action

The proposed action would approve the Licensee's February 1, 2008 request,

resulting in release of the Facility for unrestricted use. License No. 13-26640-01 was issued on August 16, 1995, pursuant to 10 CFR Part 35, and has been amended periodically since that time. The license authorizes the use of by-product materials (carbon-14 and hydrogen-3) in human research studies.

###### Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility and seeks the unrestricted use of its Facility.

###### Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3 and carbon-14, and that use of these materials at the Facility ceased in early January 2008. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee completed final status surveys at the Facility on January 22, 2008. The final status survey report was attached to the Licensee's amendment request dated February 1, 2008. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 using release criteria for building surfaces based on NUREG-1556, Volume 7, "Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope Including Gas Chromatographs and X-Ray Fluorescence Analyzers—Final Report," Appendix Q, "Radiation Safety Survey Topics." These release criteria are the same as the radionuclide-specific dose-based release criteria, described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these values and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic