

Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 11, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-14596 Filed 6-16-10; 8:45 am]

**BILLING CODE 7020-02-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-2008-001-M.  
**FR Notice:** 73 FR 47981 (August 15, 2008).

**Petitioner:** EP Minerals, LLC, 2630 Graham Blvd., Vale Oregon 97918.

**Mine:** Clark Mill, MSHA I.D. No. 26-00677, located in Storey County,

Nevada; Colado Plant, MSHA I.D. No. 26-00680, located in Pershing County, Nevada; and Celatom Mill, MSHA I.D. No. 35-03236, located in Malheur County, Oregon.

**Regulation Affected:** 30 CFR 56.20001 (Intoxicating beverages and narcotics).

- **Docket Number:** M-2009-045-C.  
**FR Notice:** 74 FR 67924 (December 21, 2009).

**Petitioner:** Newtown Energy, Inc., P.O. Box 189, Comfort, West Virginia 25049.

**Mine:** Eagle Mine, MSHA I.D. No. 46-08759 and Coalburg No. 2 Mine, MSHA I.D. No. 46-09231, located in Kanawha County, West Virginia; and Coalburg No. 1 Mine, MSHA I.D. No. 46-08993, located in Boone County, West Virginia.

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

- **Docket Number:** M-2009-046-C.

**FR Notice:** 74 FR 67924 (December 21, 2009).

**Petitioner:** FKZ Coal Inc., P.O. Box 62, Locust Gap, Pennsylvania 17840.

**Mine:** No. 1 Slope Mine, MSHA I.D. No. 36-08637, located in Northumberland County, Pennsylvania.

**Regulation Affected:** 30 CFR 75.1400 (Hoisting equipment; general).

- **Docket Number:** M-2009-047-C.

**FR Notice:** 74 FR 67924 (December 21, 2009).

**Petitioner:** Nufac Mining Company, Inc., P.O. Box 1085, Beckley, West Virginia.

**Mine:** Buckeye Mine, MSHA I.D. No. 46-08769, located in McDowell County, West Virginia.

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

- **Docket Number:** M-2009-048-C.

**FR Notice:** 74 FR 67924 (December 21, 2009).

**Petitioner:** Pay Car Mining, Inc., P.O. Box 1085, Beckley, West Virginia 25801.

**Mine:** No. 58 Mine, MSHA I.D. No. 46-08884, located in McDowell County, West Virginia.

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

- **Docket Number:** M-2009-051-C.

**FR Notice:** 75 FR 3257 (January 20, 2010).

**Petitioner:** Rockhouse Creek Development, LLC, 210 Larry Joe Harless Drive, P.O. Box 1389, Gilbert, West Virginia 25621.

**Mine:** No. 3A Mine, MSHA I.D. No. 46-09279, located in Mingo County, West Virginia.

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

- **Docket Number:** M-2009-059-C.

**FR Notice:** 75 FR 3254 (January 20, 2010).

**Petitioner:** McClane Canyon Mining, LLC, P.O. Box 98, Loma, Colorado 81524.

*Mine:* McClane Canyon Mine, MSHA I.D. No. 05-03013, located in Garfield County, Colorado.

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

• *Docket Number:* M-2009-060-C.

*FR Notice:* 75 FR 3254 (January 20, 2010).

*Petitioner:* Brooks Run Mining Company, LLC, 25 Little Birch Road, Sutton, West Virginia 26601.

*Mine:* Saylor Mine, MSHA I.D. No. 46-09126, located in Braxton County, West Virginia, and Poplar Ridge Deep Mine, MSHA I.D. No. 46-08885, located in Webster County, West Virginia.

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

Dated: June 11, 2010.

**Patricia W. Silvey,**

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

[FR Doc. 2010-14591 Filed 6-16-10; 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 (MSHA), 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 July 19, 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.

2. *Facsimile:* 1-202-693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, 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 22209-3939, 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 Numbers:* M-2010-024-C, M-2010-025-C, M-2010-026-C, M-2010-027-C, and M-2010-028-C.

*Petitioners:* Panther Mining, LLC, Mine #1, MSHA I.D. No. 15-18198, located in Harlan County, Kentucky (Docket No. M-2010-024-C); North Fork Coal Corp., Mine #5, MSHA I.D. No. 15-18732 (Docket No. M-2010-025-C) and Mine #4, MSHA I.D. No. 15-18340 (Docket No. M-2010-026-C), located in Letcher County, Kentucky; and Stillhouse Mining, LLC, Mine #1, MSHA I.D. No. 15-17165 (Docket No. M-2010-027-C) and Mine #2, MSHA I.D. No. 15-18869 (Docket No. M-2010-028-C), located in Harlan County, Kentucky.

*Regulation Affected:* 30 CFR 75.507-1(a) (Electric equipment other than

power-connection points; outby the last open crosscut; return air; permissibility requirements).

*Modification Request:* The petitioners requests a modification of the existing standard to permit an increase in the maximum length of trailing cables supplying power to permissible pumps at the above referenced mines. The petitioner states that: (1) This petition will apply only to trailing cables supplying three-phase, 480-volt power for permissible pumps; (2) the maximum length of the 480-volt power for permissible power will be 4000 feet; (3) all circuit breakers used to protect trailing cables exceeding the pump approval length or Table 9 of 30 CFR part 18 will have an instantaneous trip unit calibrated to trip at 70 percent of phase-to-phase short-circuit current. The trip setting of these circuit breakers will be sealed or locked, and these circuit breakers will have permanent, legible labels. Each label will identify the circuit breaker as being suitable for protecting the trailing cables. This label will be maintained legible. In instances where a 70 percent instantaneous set point will not allow a pump to start due to motor inrush, a thermal magnetic breaker will be furnished. The thermal rating of the circuit breaker will be no greater than 70 percent of the available short-circuit current and the instantaneous setting will be adjusted one setting above the motor inrush trip point. This setting will also be sealed or locked; (4) replacement instantaneous trip units, used to protect pump trailing cables exceeding required lengths of cables will be calibrated to trip at 70 percent of the available phase-to-phase short-circuit current and this setting will be sealed or locked; (5) permanent warning labels shall be installed and maintained on the covers 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; (6) all pump installations with cable lengths that are specified in Table 9 will have short-circuit surveys conducted and items 1-5 will be implemented. A copy of each pump short-circuit survey will be available at the mine site for inspection; (7) the alternative method will not be implemented until miners who have been designated to examine the integrity of seals or locks, verify the short-circuit setting, and proper procedures for examining trailing cables for defects and damage have received the element of trailing herein; (8) within sixty (60) days after this petition is granted, proposed revisions for their approved 30 CFR Part