

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the collection of this information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information that is collected; and
- Minimize the burden of the collection of information on those asked 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.

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 also will become a matter of public record.

Signed in Washington, DC, this 21st day of March, 2005.

Cathy Kazanowski,

*Chief, Division of Management Systems,
Bureau of Labor Statistics.*

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DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Attestations by Employers Using Alien Crewmembers for Longshore Activities at Locations in the State of Alaska

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. Currently, the Employment and Training Administration, Office of National Programs, Division of Foreign Labor Certification, is soliciting comments concerning the proposed extension to the collection of information on the Attestation by Employers Using Alien Crewmembers for Longshore Activities at Locations in the State of Alaska. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 31, 2005.

ADDRESSES: Send comments and questions regarding the collection of information on Form ETA 9033, Attestations by Employers Using Alien Crewmembers for Longshore Activities at Locations in the State of Alaska, should be directed to William L. Carlson, Chief, Division of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4318, Washington, DC 20210, (202) 693-3010 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The information collection is required due to amendments to Section 258 of the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*) The amendments created a prevailing practice exception to the general prohibition on the performance of longshore work by alien crewmembers at locations in the State of Alaska. Under the prevailing practice exception, before any employer may use alien crewmembers to perform longshore activities at locations in the State of Alaska, it must submit an attestation to ETA containing the elements prescribed by the INA.

The INA further requires that the Department make available for public examination in Washington, DC, a list of employers which have filed attestations, and for each such employer, a copy of the employer's attestation and accompanying documentation it has received.

In order for the Department to meet its statutory responsibilities under the INA, there is a need for an extension of an existing collection of information pertaining to employers' seeking to use alien crewmembers to perform

longshore activities at locations in the State of Alaska.

Because the prevailing practice exception remains in the Statute, ETA is requesting a one-hour marker as a place holder for this collection of information. ETA has not received any attestations under the prevailing practice exception within the last three years. An information collection request will be submitted to increase the burden should activities recommence.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed information collection 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 collections techniques or other forms of information, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension of a currently approved collection without change.

Agency: Employment and Training Administration.

Title: Attestations by Employers Using Alien Crewmembers for Longshore Activities at Locations in the State of Alaska.

OMB Number: 1205-0352.

Agency Number: ETA 9033A.

Affected Public: Businesses or other for-profit.

Total Respondents: 100.

Estimate Total Annual Burden Hours: 300.

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 ICR; they will also become a matter of public record.

Dated: March 21, 2005.

John R. Beverly,

Administrator, Office of National Programs.

[FR Doc. E5-1379 Filed 3-28-05; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Webster County Coal, LLC

[Docket No. M-2005-013-C]

Webster County Coal, LLC, 1586 Balls Hill Road, Nebo, Kentucky 42441 has filed a petition to modify the application of 30 CFR 75.1101-1(b) (Deluge-type water spray systems) to its Dotiki Mine (MSHA I.D. No. 15-02132) located in Hopkins County, Kentucky. The petitioner requests a modification of the existing standard to eliminate the use of blow-off dust covers for the nozzles of a deluge-type water spray system. The petitioner proposes to train a person in the testing procedures specific to the deluge-type water spray fire suppression systems used at each belt drive to once a week conduct a visual examination of each deluge-type water spray fire suppression system; a functional test of the deluge-type water spray fire suppression systems by actuating the system and observing its performance; and finally, to record the results of the examination and functional test in a book maintained on the surface that would be made available to the authorized representative of the Secretary. The results of the examination and functional test will be retained at the mine for one year. The petitioner states that if any malfunction or clogged nozzle is detected as a result of the weekly examination or functional test, corrections will be made immediately. The petitioner further states that the procedure used to perform the functional test will be posted at or near each belt drive that uses a deluge-type water spray fire suppression system. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

2. Peabody Energy

[Docket No. M-2005-014-C]

Peabody Energy, 202 Laidley Tower, P.O. Box 1233, Charleston, West

Virginia 25324-1233 has filed a petition to modify the application of 30 CFR 75.901 (Protection of low- and medium-voltage three-phase circuits used underground) to its Highland Mine (MSHA I.D. No. 15-02709) located in Union County, Kentucky. The petitioner proposes to use a 480-volt, three-phase diesel-powered electric generator to move equipment in the mine. The petitioner has listed in this petition for modification specific procedures that would be followed when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

3. Kennecott Energy Company

[Docket No. M-2005-015-C]

Kennecott Energy Company, 505 South Gillette Avenue, P.O. Box 3009, Gillette, Wyoming 82717-3009 has filed a petition to modify the application of 30 CFR 77.802 (Protection of high-voltage circuits; neutral grounding resistors; disconnecting devices) to its Cordero-Rojo Mine (MSHA I.D. No. 48-00992) and Jacobs Ranch Mine (I.D. No. 48-00997) located in Campbell County, Wyoming; Antelope Mine (I.D. No. 48-01337) located in Converse County, Wyoming; Spring Creek Mine (I.D. No. 24-01457) located in Bighorn County, Montana; and Colowyo Coal Mine (I.D. No. 05-02962) located in Moffat County, Colorado. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for continued use of high-voltage diesel-powered electric generators. The petitioner proposes to use a high-voltage portable diesel-powered electric generator to move and/or operate electrical equipment for temporary non-production functions such as, but not limited to, shovel relocations, maintenance outages, building services during power outages for the safety of the miners and the mine. The petitioner states that when using the generator to power mobile equipment, only one piece of equipment will be powered, and in certain conditions, the generator may be used to supply power to pump substations. The petitioner has listed in this petition for modification specific terms and conditions that would be followed when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. Kennecott Energy Company

[Docket No. M-2005-016-C]

Kennecott Energy Company, 505 South Gillette Avenue, P.O. Box 3009, Gillette, Wyoming 82717-3009 has filed a petition to modify the application of 30 CFR 77.811 (Movement of portable substations and transformers) to its Cordero-Rojo Mine (MSHA I.D. No. 48-00992) and Jacobs Ranch Mine (I.D. No. 48-00997) located in Campbell County, Wyoming; Antelope Mine (I.D. No. 48-01337) located in Converse County, Wyoming; Spring Creek Mine (I.D. No. 24-01457) located in Bighorn County, Montana; and Colowyo Coal Mine (I.D. No. 05-02962) located in Moffat County, Colorado. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for prohibiting movement of energized transformers that are a part of a diesel-powered electric generator. The petitioner proposes to use a portable high-voltage diesel-powered electric generator to move and/or operate electrical equipment for temporary non-production functions such as, but not limited to, shovel relocations, maintenance outages, building services during power outages for the safety of the miners and the mine. The petitioner states that when using the generator to power mobile equipment, only one piece of equipment will be powered, and in certain conditions, the generator may be used to supply power to pump substations. The petitioner also states that the transformers are an integral part of, and trailer mounted with, the portable diesel-powered electric generator and can be safely moved as a part of the system. The petitioner has listed in this petition for modification specific terms and conditions that would be followed when the proposed alternative method is implemented. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Ohio Valley Coal Company (The)

[Docket No. M-2005-017-C]

The Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, Ohio 43902 has filed a petition to modify the application of 30 CFR 75.350(b)(5) (Belt air course ventilation) to its Powhatan No. 6 Mine (MSHA I.D. No. 33-01159) located in Belmont County, Ohio. Due to deteriorating roof conditions in the Main North which extends from the junction of A-West Submain to the Portal of Hope, delivery and installation of supplemental supports will expose miners to hazardous conditions. The petitioner