

**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. Phelps Dodge Sierrita, Inc.**

[Docket No. M-2006-002-M]

Phelps Dodge Sierrita, Inc., 6200 W. Duval Mine Road, Green Valley, Arizona 85614 has filed a petition to modify the application of 30 CFR 56.6309 (Fuel oil requirements for ANFO) to its Sierrita Mine (MSHA I.D. No. 02-00144) located in Pima County, Arizona. The petitioner proposes to use recycled waste oil blended with diesel fuel to produce ammonium nitrate-fuel oil for use as a blasting agent. The petitioner has listed specific procedures in this petition for modification 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.

**2. Bridger Coal Company**

[Docket No. M-2006-008-C]

Bridger Coal Company, P.O. Box 68, Point of Rocks, Wyoming 82942 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements) to its Bridger Underground Mine (MSHA I.D. No. 48-01646) located in Sweetwater County, Wyoming. The petitioner requests a modification of the existing standard to permit the use of diesel-powered graders that are equipped with service brakes on the four (4) rear wheels only, and limit the speed of the grader to a maximum speed of 10 mph by permanently blocking out gear(s) or any gear ratio(s) that provide higher speeds for both forward and reverse. The petitioner proposes to train the grader operators to recognize appropriate levels of speed consistent with roadway conditions and slopes, to lower the moldboard (grader blade) to provide additional stopping capability in emergencies, and to recognize the transmission gear blocking device and its proper application and requirements. The petitioner states that use of the grader will be in compliance with all other applicable requirements of 30 CFR parts 75 and 77. The petitioner asserts that the proposed alternative method

would provide at least the same measure of protection as the existing standard.

**Request for Comments**

Persons interested in these petitions are encouraged to submit comments via e-mail: [zzMSHA-Comments@dol.gov](mailto:zzMSHA-Comments@dol.gov); Fax: (202) 693-9441; or Regular Mail/Hand Delivery/Courier: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before May 5, 2006. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 30th day of March 2006.

**Robert F. Stone,**

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

[FR Doc. E6-4939 Filed 4-4-06; 8:45 am]

**BILLING CODE 4510-43-P**

**PEACE CORPS****Proposed Agency Information Colleciton Activities: PC-425-1, Fellows/USA Program Improvement Survey**

**AGENCY:** Peace Corps.

**ACTION:** Notice of submission for OMB Review, comment request.

**SUMMARY:** The Peace Corps Fellows/USA program is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* the Peace Corps is required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of revision of a collection of information and to allow 30 days for public comment in response to the notice. This notice solicits comments on the Fellows/USA Program Improvement Survey.

**DATES:** Comments must be submitted on or before May 5, 2006.

**ADDRESSES:** Comments should be mailed to Mr. Benjamin Helwig, Fellows/USA Programs, Peace Corps, 1111 20th Street, NW., Room 2150, Washington, DC 20526. Mr. Helwig can be contacted by telephone at 202-692-1438 or 800-424-8580 ext. 1438 or e-mail at [bhelwig@peacecorps.gov](mailto:bhelwig@peacecorps.gov). E-mail comments must be made in text and not in attachments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Benjamin Helwig, Fellows/USA

Program, Peace Corps, 1111 20th Street, NW., Room 2150, Washington, DC 20526. Mr. Helwig can be contacted by telephone at 202-692-1438 or 800-424-8580 ext 1438 or e-mail at [bhelwig@peacecorps.gov](mailto:bhelwig@peacecorps.gov). E-mail comments must be made in text and not in attachments.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the Peace Corps Fellows/USA program is seeking comments on the Fellows/USA Inquirer's Survey prior to its submission for on OMB control number. The purpose of this notice is to solicit public comments on whether: (1) The proposed collection of information is necessary for the proper performance of the Peace Corps Fellows/USA program, including whether information will have practical use; (2) the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used is accurate; (3) there are ways to enhance the quality, utility, and clarity of the information to be collected; and (4) there are ways to minimize the burden of collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of technology. A copy of the proposed information collection form can be obtained from Mr. Benjamin Helwig, Fellows/USA Program, Peace Corps, 1111 20th Street, NW., Room 2150, Washington, DC 20526. Mr. Helwig can be contacted by telephone at 202-692-1438 or 800-424-8580 ext. 1438 or e-mail at [bhelwig@peacecorps.gov](mailto:bhelwig@peacecorps.gov). Comments on the form should be addressed to the attention of Mr. Helwig and should be received on or before May 5, 2006.

*OMB Control Number:* N/A.

*Title:* Fellows/USA Program Improvement Survey.

*Need and Uses:* This form is intended to receive feedback only from Returned Peace Corps Volunteers (RPCVs) who have previously contacted the Fellows/USA Office at Peace Corps for information on the Fellows/USA program but have not enrolled in the program to date. Response is voluntary. The information gathered is needed and will be used internally to improve the program and make Fellows/USA more responsive to the educational needs of RPCVs.

*Type of Review:* New Collection.

*Respondents:* Returned Peace Corps Volunteers who have previously contacted the Fellows/USA Office at Peace Corps for information on the Fellows/USA program but have not enrolled in the program to date.

*Respondents Obligation to Reply:*

Voluntary.

*Burden on the Public:*

- a. *Annual reporting burden:* 80 hours.
- b. *Annual record keeping burden:* 0 hours.
- c. *Estimated average burden per response:* 8 minutes.
- d. *Frequency of response:* One time.
- e. *Estimated number of likely respondents:* 600.
- f. *Estimated costs to respondents:* 0.

This notice issued in Washington, DC, on March 28, 2006.

**Al Miller,**

Chief, Administrative Services Division.

[FR Doc. 06-3244 Filed 4-4-06; 8:45 am]

BILLING CODE 6051-01-M

**POSTAL RATE COMMISSION****[Docket No. MC2006-3; Order No. 1458]****Negotiated Service Agreement****AGENCY:** Postal Rate Commission.**ACTION:** Notice and order.

**SUMMARY:** This document informs the public that the Postal Service and Washington Mutual Bank (WMB) are seeking Commission approval of an agreement they have reached involving discounted First-Class Mail rates for certain WMB solicitation mail. The document describes the agreement, identifies certain preliminary decisions, and addresses procedural steps, including key deadlines.

**DATES:** 1. *April 21, 2006:* Deadline for intervention. 2. *April 25, 2006:* Reserved for prehearing conference.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, general counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:****Procedural History**

Capital One Services, Inc. Negotiated Service Agreement, 67 FR 61355 (September 30, 2002).

Negotiated Service Agreement Final Rule, 69 FR 7574 (February 18, 2004).

On March 29, 2006, the United States Postal Service filed a request seeking a recommended decision from the Postal Rate Commission approving a Negotiated Service Agreement (NSA) with Washington Mutual Bank.<sup>1</sup> The

<sup>1</sup> Request of the United States Postal Service for a Recommended Decision on Classifications, Rates and Fees to Implement a Baseline Negotiated Service Agreement with Washington Mutual Bank, March 29, 2006 (Request).

NSA is proffered as a new baseline NSA. The Request, which includes six attachments, was filed pursuant to chapter 36 of the Postal Reorganization Act, 39 U.S.C. 3601 *et seq.*<sup>2</sup>

The Postal Service has identified Washington Mutual Bank (WMB), along with itself, as parties to the NSA. This identification serves as notice of intervention by WMB. It also indicates that WMB shall be considered a co-proponent, procedurally and substantively, of the Postal Service's Request during the Commission's review of the NSA. Rule 191(b) [39 CFR 3001.191b]. An appropriate notice of appearance by Washington Mutual Bank, March 29, 2006, also has been filed.

In support of the Request, the Postal Service has filed Direct Testimony of Ali Ayub on Behalf of the United States Postal Service, March 29, 2006 (USPS-T-1). WMB has separately filed Direct Testimony of Michael Rapaport on Behalf of Washington Mutual Bank, March 29, 2006 (WMB-T-1). Witness Ayub has reviewed the testimony of witness Rapaport on behalf of the Postal Service and, in accordance with rule 192(b) [39 CFR 3001.192b], states that such testimony may be relied upon in presentation of the Postal Service's direct case.<sup>3</sup>

The Postal Service submitted several contemporaneous related filings with its Request. The Postal Service has filed a proposal for limitation of issues in this docket.<sup>4</sup> The proposal identifies issues that the Postal Service contends are well established and need not be relitigated. It proposes limiting issues unique to the Washington Mutual Bank NSA, specifically citing the financial impact of the agreement upon the Postal Service and the fairness and equity issues in regard to other users of the mail and competitors of the parties to the agreement.

The Postal Service has filed a request to establish settlement procedures.<sup>5</sup> The Postal Service believes that there is a

<sup>2</sup> Attachments A and B to the Request contain proposed changes to the Domestic Mail Classification Schedule and the associated rate schedules; Attachment C is a certification required by Commission rule 193(i) specifying that the cost statements and supporting data submitted by the Postal Service, which purport to reflect the books of the Postal Service, accurately set forth the results shown by such books; Attachment D is an index of Postal Service testimony; Attachment E is a compliance statement addressing satisfaction of various filing requirements; and Attachment F is a copy of the Negotiated Service Agreement.

<sup>3</sup> USPS-T-1 at 2.

<sup>4</sup> United States Postal Service Proposal for Limitation of Issues, March 29, 2006.

<sup>5</sup> Motion of the United States Postal Service for Establishment of Settlement Procedures, March 29, 2006.

distinct possibility of settlement as the substance of the agreement concerns the availability of declining block rates, which are now a well established feature of NSAs. The Postal Service further asserts that the new features of the agreement consist of risk mitigation safeguards.

The Postal Service believes that it has met the specific filing requirements set forth in rules 193 and 195 [39 CFR 3001.193, 3001.195]. It has filed a motion requesting that if the Commission concludes that the submitted materials and incorporations are not sufficient, that those requirements be waived.<sup>6</sup>

The Postal Service's Request, the accompanying testimonies of witnesses Ayub (USPS-T-1) and Rapaport (WMB-T-1), and other related material are available for inspection at the Commission's docket section during regular business hours. They also can be accessed electronically, via the Internet, on the Commission's Web site (<http://www.prc.gov>).

*I. The WMB NSA*

The Postal Service proposes to enter into a three-year NSA with WMB. It asserts that although the WMB NSA is similar in structure to the Capital One NSA, Docket No. MC2002-2, in that it contains an address correction element and a declining block rate volume discount element, it is unique in that the economic value of the agreement derives primarily from the gain in contribution derived from the declining block rate discount element.

The declining block rate volume discount element provides WMB with per-piece discounts on those portions of its First-Class Mail that exceed specified volume thresholds. The initial volume threshold, which must be exceeded to receive any discount, is 450 million pieces. The discounts range from 2.0 cents to 5.0 cents depending on the block volume.

The address correction element provides WMB, at certain levels of volume, with electronic address corrections without fee for properly endorsed First-Class Mail solicitations. WMB will receive the services associated with Change Service Requested, Option 2, which include forwarding. In return, WMB agrees to forgo physical return of undeliverable mail, which otherwise is provided under the existing service features of First-Class Mail for mail that cannot be

<sup>6</sup> Statement of the United States Postal Service Concerning Compliance with Filing Requirements and Conditional Motion for Waiver, March 29, 2006 (Request for Waiver).