

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

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of conducting the required weekly examination to the deepest points of penetration in the mines 2 West Extension Section. The petitioner proposes to: (1) Flood the down dip portions of the 2 West Extension section to a maximum elevation of 1020. The flooding would occur naturally as water infiltrates into part of the mine; and (2) conduct examinations along the water's edge and adjust ventilation controls during the examinations to ensure proper ventilation is maintained, at intervals not to exceed 7 days, as the water rises and/or recedes in the 2 West Extension section. The petitioner states that: (1) The flood level in the 2 West Extension section will be controlled by pumping; (2) a mine dewatering system will be installed in the adjacent 2 Right section that is connected to 2 West Extension via an in-seam horizontal borehole with an 8-inch cased inside diameter located at approximately the 1005 elevation to provide water control to a minimum of 1005 foot elevation; (3) a maximum flood elevation will be controlled by monitoring the mine pool via water level sensors and during the required 30 CFR 75.364(a) weekly physical examination of the flood line or water's edge; (4) it is estimated that it takes approximately 300 days for the 2 West Extension section to flood, so if the proposed maximum flood elevation of 1020 feet is reached prior to completion of the dewatering facility, an in-pump station will be used to maintain the approved flood level; (5) flooding the section will provide a water seal for a considerable portion of the worked out area, which will eliminate the requirement to travel into the area for examinations; (6) the alternative to flooding the 2 West Extension section is to control the water by pumping which requires maintaining 6,000 +/- feet of electrical cable, 8 distribution boxes, motor controls, a submersible pump, and other associated electrical components; and (7) pumping the water out of 2 West Extension section would require personnel to travel over a mile from an active section and routed through worked out areas to the pump installation to conduct a pre-shift examination. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by such standard.

*Docket Number:* M-2007-008-M.

*Petitioner:* Phelps Dodge Tyrone, Inc., P.O. Drawer 571, Tyrone, New Mexico 88065.

*Mine:* Tyrone Mine, MSHA I.D. No. 29-00159, located in Grant County, New Mexico.

*Regulation Affected:* 30 CFR 56.14207 (Parking procedures for unattended equipment).

*Modification Request:* The petitioner requests a modification of the existing standard to permit wheel chocks to be placed in front and behind the wheel when the vehicle is parked instead of applying the mechanical parking brake. The petitioner states that the temperature drops below 32 degrees Fahrenheit during the colder months in Grant County. There exists a potential for the mechanical parking brakes to freeze and not release. If the brakes are not fully released prior to operating the vehicle, the effectiveness of the brake is reduced, eventually rendering the brake useless. The petitioner further states that the proposed alternative method would only apply to light vehicles parked on level ground during the winter months when the likelihood of the mechanical parking brake freezing is high. The petitioner asserts that application of the existing standard has the potential of compromising the safety of the miners during the colder months in New Mexico.

*Docket Number:* M-2007-009-M.

*Petitioner:* Unimin Corporation, 48 West Boscawen Street, Winchester, Virginia 22601.

*Mine:* Unimin Elco Plant, MSHA I.D. No. 11-01981, located in Alexander County, Illinois.

*Regulation Affected:* 30 CFR 56.13020 (Use of compressed air).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of a NIOSH-tested clothes cleaning booth process for cleaning miners' dust laden clothing. The petitioner states that: (1) Only the miners trained in the operation of the NIOSH-tested clothes cleaning booth process will be permitted to use the process; (2) the NIOSH-tested process uses controlled compressed air for the purpose of cleaning miners' dust laden clothing; (3) all miners entering the clothes cleaning booth will be required to wear full seal goggles for eye protection, ear plugs or muffs for hearing protection, and fit tested respirators with N100 filters for respiratory protection; (4) the NIOSH-tested clothes cleaning booth process will have a caution sign conspicuously posted indicating that use of half-face fit-tested respirators with N100 filters, hearing protection, and full seal eye

goggles are required before entering the booth. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard, and will provide a direct reduction in exposure to respirable crystalline silica dust. The petitioner has listed additional procedures in this petition that will be used when the proposed alternative method is implemented. Persons may review a complete description of the procedures and training requirements at the MSHA address listed in this notice.

*Docket Number:* M-2007-010-M.

*Petitioner:* St. Lawrence Zinc Company, LLC, 408 Sylvia Lake Road, Gouverneur, New York 13642.

*Mine:* St. Lawrence Zinc Mine, MSHA I.D. No. 30-00185, located in St. Lawrence County, New York.

*Regulation Affected:* 30 CFR 57.11052(d) (Refuge areas).

*Modification Request:* The petitioner requests a modification of the existing standard to permit refuge chambers in its underground mines to be exempt from the required waterlines being piped into the refuge chambers. The petitioner proposes to store 50 gallons of potable bottled spring water in the refuge chambers. The petitioner states that: (1) The bottled water would be stored and cycled out in accordance with the suppliers' two year shelf life; (2) the storage of 50 gallons of potable water in each refuge chamber would ensure that the miners have an ample supply of potable drinking water at all times in the refuge chamber, because in a mine disaster, waterlines, pumps, and electrical systems could fail. The petitioner asserts that modification of the existing standard would in no way diminish or lessen the measure of protection afforded by the standard for the miners.

Dated: October 12, 2007.

**Patricia W. Silvey,**

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

[FR Doc. E7-20650 Filed 10-18-07; 8:45 am]

**BILLING CODE 4510-43-P**

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## LEGAL SERVICES CORPORATION

### Sunshine Act Meetings of the Board of Directors and Four of the Board's Committees

**TIMES AND DATES:** The Legal Services Corporation Board of Directors and four of the Board's Committees will meet on October 26-27, 2007 in the order set forth in the following schedule, with each meeting commencing shortly after

adjournment of the immediately preceding meeting.

**PUBLIC OBSERVATION BY TELEPHONE:**

Members of the public that wish to listen to the open portions of the meetings live may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. Comments from the public may from time to time be solicited by the presiding Chairman.

**Call-In Directions for Open Sessions**

*Friday, October 26, 2007*

- Call toll-free number 1-877-416-4070;
- When prompted, enter the following numeric pass code: 8575458;
- When connected to the call, please "MUTE" your telephone immediately.

*Saturday, October 27, 2007*

- Call toll-free number 1-877-416-4704;
- When prompted, enter the following numeric pass code: 4594318;
- When connected to the call, please "MUTE" your telephone immediately.

**Meeting Schedule**

*Friday, October 26, 2007*

Time: 1:30 p.m.<sup>1</sup>

1. Provision for the Delivery of Legal Services Committee (Provisions Committee).
2. Board of Directors.<sup>2</sup>

*Saturday, October 28, 2007*

Time: 8:30 a.m.<sup>1</sup>

3. Annual Performance Reviews Committee (Performance Reviews Committee).
4. Operations & Regulations Committee.
5. Finance Committee.<sup>3</sup>
6. Board of Directors.

**LOCATION:** The Portland Regency Hotel, 20 Milk Street, Portland, Maine.

**STATUS OF MEETINGS:** Open, except as noted below.

Status:  
October 26–27, 2007 Board of Directors Meetings—Open, except that portions of the meetings of the Board of Directors may be closed to the public

<sup>1</sup> Please note that all times in this notice are Eastern Standard Time.

<sup>2</sup> The meeting of the Board of Directors will commence on Friday, October 26th and be continued and concluded on Saturday, October 27th.

<sup>3</sup> It is expected that the Finance Committee will recess for lunch and will reconvene at approximately 1:30 p.m. Depending on the length of the preceding meetings, however, it is possible that the Committee's meeting could begin earlier or later than 1:30 p.m.

pursuant to a vote of the Board of Directors to take up several agenda items in executive/closed sessions. At the closed session on October 26, 2007, the Board will interview finalists for the position of LSC Inspector General, and will consider and may act on the selection of the Inspector General.

At the closed session October 27, 2007, the Board will hear a staff report on the U.S. Government Accountability Office's draft report on LSC grants management, consider and may act on the General Counsel's report on potential and pending litigation involving LSC, consider and may act on *Resolution 2007-012*, which would authorize the LSC President to receive compensation from a non-LSC source, and be briefed regarding the former LSC program in American Samoa.<sup>4</sup> Verbatim written transcripts of the sessions will be made. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552(b)(6), (9)(B) and (10), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(e), (g) and (h), will not be available for public inspection. The transcript of any portions not falling within the cited provisions will be available for public inspection. A copy of the General Counsel's Certifications that the closings are authorized by law will be available upon request.

**MATTERS TO BE CONSIDERED:**

*Friday, October 26, 2007*

**Provision for the Delivery Of Legal Services Committee**

*Agenda*

Open Session

1. Approval of agenda.
2. Approval of the Committee's meeting minutes of July 27, 2007.
3. Staff Update on activities implementing the LSC Private Attorney Involvement Action Plan—Help Close the Justice Gap: Unleash the Power of Pro Bono.
4. Staff Update on Leadership Mentoring Pilot Program.
5. Panel Presentation on Recruitment and Retention in LSC programs Innovative Projects at Pine Tree Legal Assistance:

■ Hon. Frank M. Coffin Fellowship Program. *Presenters:* Charles Miller,

<sup>4</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

Managing Partner, Bernstein Shur, William Plouffe, Partner, Drummond Woodsum & MacMahon.

■ Medical-Legal Partnership for Children (MLPC). *Presenters:* Ellen Lawton, Executive Director, MLPC, Boston Medical Center, Lauren A. Smith, MD, MPH, Medical Director, MLPC, Boston Medical Center, Sara Meerse, KIDS LEGAL, Pine Tree Legal Assistance.

■ Pine Tree Legal Assistance (PTLA) Retention Incentive Leave. *Presenters:* Nan Heald, Executive Director, PTLA, Thomas Kelley, Litigation Director, PTLA, Juliet Holmes-Smith, Director, Family Unit, PTLA.

6. Public comment.
7. Consider and act on other business.
8. Consider and act on adjournment of meeting.

**Board of Directors**

*Agenda*

Open Session

1. Approval of agenda.
2. Consider and act on whether to authorize an Executive Session of the Board of Directors to take up the items listed below, under Closed Session, and under the Closed Session heading of the agenda for the Board's meeting of Saturday, October 27, 2007.

Closed Session

3. Interview and discuss finalists for the position of LSC Inspector General.
4. Consider and act on the selection of an LSC Inspector General.
5. Consider and act on any matters relating to the hiring of LSC Inspector General.
6. Consider and act on motion to adjourn meeting.

*Saturday, October 27, 2007*

**Performance Reviews Committee**

*Agenda*

Open Session

1. Approval of Agenda.
2. Consider and act on a process for evaluation of the LSC President.
3. Consider and act on other business.
4. Consider and act on adjournment of meeting.

**Operations and Regulations Committee**

*Agenda*

Open Session

1. Approval of agenda.
2. Approval of the minutes of the Committee's July 28, 2007 meeting.
3. Approval of the minutes of the Committee's September 11, 2007 meeting.

4. Consider and act on initiation of a rulemaking to adopt "lesser sanctions".
  - a. Staff report.
  - b. OIG comment.
  - c. Public comment.
5. Staff report on an LSC corporate compliance program.
6. Staff report on the continuity of operations plan.
7. Consider and act on locality pay issues.
8. Discussion of OIG Report on IPAs.
9. Consider and act on other business.
10. Other public comment.
11. Consider and act on adjournment of meeting.

#### Finance Committee

##### Agenda

##### Open Session

1. Approval of agenda.
2. Approval of the minutes of the Committee's meetings of July 28, 2007 and September 17, 2007.
3. Consider and act on FY 2007 budgetary adjustments.
  - Presentation by David Richardson.

- Comments by Victor M. Fortuno.
- 4. Presentation on LSC's Financial Reports for the Year Ending September 30, 2007.
  - Presentation by David Richardson.

5. Staff report on status of FY 2008 appropriations process.
  - Presentation by John Constance.
6. Consider and act on Resolution 2007-009, Temporary Operating Budget for FY 2008.
  - Presentation by David Richardson and Charles Jeffress.

7. Consider and act on Resolution 2007-010, Resolution Authorizing Basic Field Grants for FY 2008 Upon Passage of the FY 2008 Appropriations Bill.
  - Comments by Charles Jeffress.
8. Consider and act on Resolution 2007-008, the LSC FY 2009 Budget Request.
9. Staff report on financial statement standards.
  - Presentation by David Richardson.

- Comments by Dutch Merryman.
- 10. Consider and act on recommendation to the Board to establish an audit committee or assign audit committee functions to the Finance Committee.
  - Comments by Victor M. Fortuno, Charles Jeffress, Dutch Merryman.
- 11. Consider and act on proposed amendment to LSC Act regarding Level V of the Executive Schedule and proposed resolution concerning compensation for members of the Board.
  - Presentation by Charles Jeffress.

- Comments by John Constance.
- 12. Staff report on the selection of a new administrator for LSC's 403(b) savings plan.
  - Presentation by Charles Jeffress.
- 13. Consider and act on Resolution 2007-011, Increase in Maximum Salary Redirection Amount for FlexAmerica Health Care Reimbursement Fund.
  - Presentation by Charles Jeffress.
- 14. Consider and act on invitations to LSC meetings in January 2008 and September 2008.
  - Presentation by Charles Jeffress.
- 15. Consider and act on other business.
- 16. Public comment.
- 17. Consider and act on adjournment of meeting.

#### Board of Directors

##### Agenda

##### Open Session

1. Approval of agenda.
2. Approval of minutes of the Open Session of the Board's meeting of July 27, 2007.
3. Approval of minutes of the Executive Session of the Board's meeting of July 27, 2007.
4. Approval of minutes of the Open Session of the Board's meeting of July 28, 2007.
5. Approval of minutes of the Executive Session of the Board's meeting of July 28, 2008.
6. Approval of minutes of the Board's Telephonic meeting of September 11, 2007.
7. Chairman's Report.
8. Members' Reports.
9. President's Report.
10. Acting Inspector General's Report.
11. Consider and act on the report of the Committee on the Provision for the Delivery of Legal Services.
12. Consider and act on the report of the Finance Committee.
13. Consider and act on the report of the Operations & Regulations Committee.
14. Consider and act on the report of the Performance Reviews Committee.
15. Consider and act on proposed protocol for Board member access to corporate records.
16. Consider and act on Board follow-up on recommendations to the Board contained in the report issued by the GAO on LSC governance.
17. Consider and act on other business.
18. Public comment.

##### Closed Session

19. Staff report on the Government Accountability Office's (GAO) draft report on LSC grants management.

20. Consider and act on General Counsel's report on potential and pending litigation involving LSC.
21. Consider and act on Resolution #2007-012 authorizing receipt of non-LSC compensation by the President.
22. Briefing on former LSC program in American Samoa.
23. Consider and act on motion to adjourn meeting.

**CONTACT PERSON FOR INFORMATION:** Patricia D. Batie, Manager of Board Operations, at (202) 295-1500.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295-1500.

Dated: October 17, 2007.

**Victor M. Fortuno,**

*Vice President & General Counsel.*

[FR Doc. 07-5208 Filed 10-17-07; 1:55 pm]

**BILLING CODE 7050-01-P**

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Meeting

October 10, 2007.

**TIME AND DATE:** 10 a.m., Tuesday, October 23, 2007.

**PLACE:** The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument in the matters *Secretary of Labor v. Emerald Coal Resources, LP*, Docket No. PENN 2007-251-E, and *Secretary of Labor v. Cumberland Coal Resources, LP*, Docket No. PENN 2007-252-E. (Issues include whether the Administrative Law Judge erred in upholding the Secretary's decision to require that the operators' Emergency Response Plans (ERPs) contain provisions mandating that the operators provide purchase orders for rescue chambers.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen (202) 434-9950/(202) 708-9300