

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Petitions for Modification of Application of Existing Mandatory Safety Standards**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**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 submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified 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 December 9, 2011.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* (202) 693-9441.

3. *Regular Mail:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: Roslyn B. Fontaine, Acting 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: Roslyn B. Fontaine, Acting 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's 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)

(Email), or (202) 693-9441 (Facsimile). [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 of Labor 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 Number:* M-2011-010-M.

*Petitioner:* ISP Minerals, Inc., 1101 Opal Court, Suite 315, Hagerstown, Maryland 21740.

*Mines:* Annapolis Mine, MSHA I.D. No. 23-00288, #1 Hillcrest Drive, Annapolis, Missouri 63620, located in Iron County, Missouri; Charmian Mine, MSHA I.D. No. 36-03460, 1455 Old Waynesboro Road, Blue Ridge Summit, Pennsylvania 17214, located in Adams County, Pennsylvania; Kremlin Mine, MSHA I.D. No. 47-00148, 248 Kremlin Road, Pembine, Wisconsin 54156, located in Marinette County, Wisconsin. *Regulation Affected:* 30 CFR 56.13020 (Use of compressed air).

*Modification Request:* The three mines are open pit surface mines that extract nonmetallic crushed stones. The petitioner requests a modification of the existing standard to permit the use of a clothes cleaning process that uses regulated compressed air for cleaning miners' dust-laden clothing. The petitioner states that:

(1) The alternative method provides a direct reduction of a miners' exposure to respirable crystalline dust, thus reducing their health risk while providing no less than the same measure of protection provided by the existing standard.

(2) The proposed alternative method has been jointly developed with and successfully tested by the National Institute for Occupational Safety and Health (NIOSH).

(3) The proposed clothes cleaning process uses a regulated, compressed air nozzle manifold to blow dust from a

worker's clothing. This activity is performed in an enclosed booth which captures the dust and vents it directly to the atmosphere. Since the booth is under negative pressure, with air moving downward away from the worker's breathing zone, no dust escapes to contaminate the work environment or other workers.

To ensure that the proposed modification will guarantee no less than the same measure of protection afforded the miners under the existing standard, the petitioner proposes to:

(1) Ensure that only miners trained in the operation of the clothes cleaning booth will be permitted to use the booth to clean their clothes. Miners not trained to use the booth will have access to HEPA vacuum equipment to clean their clothes.

(2) The petitioner will incorporate the NIOSH Clothes Cleaning Process Instruction Manual into their MSHA Part 46 Training Plan and train affected miners in the process.

(3) Miners entering the booth will examine valves and nozzles for damage or malfunction and will close the door fully before opening the air valve. Any defects will be repaired prior to the booth being used.

(4) Miners entering the booth will wear full-seal goggles for eye protection, ear plugs or muffs for hearing protection, and half-mask fit-tested respirators with N-100 filters for respiratory protection. A sign will be conspicuously posted requiring the above personal protective equipment when the booth is entered.

(5) Air flow through the booth will be sufficient to maintain negative pressure during use of the cleaning system to prevent contamination of the environment outside the booth. Air flow will be in a downward direction, thereby moving contaminants away from the miner's breathing zone.

(6) Air pressure through the spray manifold will be limited to 30 pounds per square inch or less. (Compressed air at up to 30 pounds per square inch is allowed by the Occupational Safety and Health Administration for cleaning purposes). A lock box with a single-plant-manager controlled key will be used to prevent regulator tampering.

(7) The air spray manifold will consist of a 1½-inch schedule 40 steel pipe that has a failure pressure of 1,300 pounds per square inch, is capped at the base, and is actuated by an electrically controlled ball valve at the top.

(8) The air spray manifold will contain 26 nozzles at 30 pounds per square inch gauge.

(9) The uppermost spray of the spray manifold will be located not more than 56 inches from the floor.

(10) Side deflectors will be used to eliminate the possibility of incidental contact with the air nozzles during the clothes cleaning process.

(11) The petitioner will conduct periodic maintenance checks of the booth in accordance with the recommendations contained in the NIOSH Clothes Cleaning Process Instruction Manual.

(12) The air receiver tank supplying air to the manifold system will be of sufficient volume to permit no less than 20 seconds of continuous cleaning time.

(13) An appropriate hazard warning sign will be posted on the booth to state, at a minimum, "Compressed Air" and "Respirable Silica Dust".

(14) Minimum performance criteria for the local exhaust ventilation system servicing the booth will be maintained at all times. Provisions will be established by the Petitioner to remove the booth from service if volumetric airflow falls below 80 percent of original design capacity and/or booth negative pressure falls below 0.1 inch water gauge.

The petitioner asserts that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

*Docket Number:* M-2011-011-M.

*Petitioner:* ISP Granule Products, LLC, 1101 Opal Court, Suite 315, Hagerstown, Maryland 21740.

*Mine:* Ione Mine, MSHA I.D. No. 04-05533, 1900 Highway 104, Ione, California 95640, located in Amador County, California.

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

*Modification Request:* The mine is an open pit surface mine that extracts nonmetallic crushed stone. The petitioner requests a modification of the existing standard to permit the use of a clothes cleaning process that uses regulated compressed air for cleaning miners' dust-laden clothing. The petitioner states that:

(1) The alternative method provides a direct reduction of a miners' exposure to respirable crystalline dust, thus reducing their health risk while providing no less than the same measure of protection provided by the existing standard.

(2) The proposed alternative method has been jointly developed with and successfully tested by the National Institute for Occupational Safety and Health (NIOSH).

(3) The proposed clothes cleaning process uses a regulated, compressed air

nozzle manifold to blow dust from a worker's clothing. This activity is performed in an enclosed booth which captures the dust and vents it directly to the atmosphere. Since the booth is under negative pressure, with air moving downward away from the worker's breathing zone, no dust escapes to contaminate the work environment or other workers.

To ensure that the proposed modification will guarantee no less than the same measure of protection afforded the miners under the existing standard, the petitioner proposes to:

(1) Ensure that only miners trained in the operation of the clothes cleaning booth will be permitted to use the booth to clean their clothes. Miners not trained to use the booth will have access to HEPA vacuum equipment to clean their clothes.

(2) The petitioner will incorporate the NIOSH Clothes Cleaning Process Instruction Manual into their MSHA Part 46 Training Plan and train affected miners in the process.

(3) Miners entering the booth will examine valves and nozzles for damage or malfunction and will close the door fully before opening the air valve. Any defects will be repaired prior to the booth being used.

(4) Miners entering the booth will wear full-seal goggles for eye protection, ear plugs or muffs for hearing protection, and half-mask fit-tested respirators with N-100 filters for respiratory protection. A sign will be conspicuously posted requiring the above personal protective equipment when the booth is entered.

(5) Air flow through the booth will be sufficient to maintain negative pressure during use of the cleaning system to prevent contamination of the environment outside the booth. Air flow will be in a downward direction, thereby moving contaminants away from the miner's breathing zone.

(6) Air pressure through the spray manifold will be limited to 30 pounds per square inch or less. (Compressed air at up to 30 pounds per square inch is allowed by the Occupational Safety and Health Administration for cleaning purposes). A lock box with a single, plant-manager-controlled key will be used to prevent regulator tampering.

(7) The air spray manifold will consist of a 1½-inch schedule 40 steel pipe that has a failure pressure of 1,300 pounds per square inch, is capped at the base, and is actuated by an electrically controlled ball valve at the top.

(8) The air spray manifold will contain 26 nozzles at 30 pounds per square inch gauge.

(9) The uppermost spray of the spray manifold will be located not more than 56 inches from the floor.

(10) Side deflectors will be used to eliminate the possibility of incidental contact with the air nozzles during the clothes cleaning process.

(11) The petitioner will conduct periodic maintenance checks of the booth in accordance with the recommendations contained in the NIOSH Clothes Cleaning Process Instruction Manual.

(12) The air receiver tank supplying air to the manifold system will be of sufficient volume to permit no less than 20 seconds of continuous cleaning time.

(13) An appropriate hazard warning sign will be posted on the booth to state, at a minimum, "Compressed Air" and "Respirable Silica Dust".

(14) Minimum performance criteria for the local exhaust ventilation system servicing the booth will be maintained at all times. Provisions will be established by the Petitioner to remove the booth from service if volumetric airflow falls below 80 percent of original design capacity and/or booth negative pressure falls below 0.1 inch water gauge.

The petitioner asserts that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

*Docket Number:* M-2011-037-C.

*Petitioner:* Affinity Coal Company, LLC, 111 Affinity Complex Road, Sophia, West Virginia 25921.

*Mine:* Affinity Mine, MSHA I.D. No. 46-08878, 111 Affinity Complex Road, Sophia, West Virginia 25921, located in Raleigh County, West Virginia.

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

*Modification Request:* The petitioner requests a modification of the existing standard to eliminate the use of blow-off dust covers for the spray nozzles of a deluge-type water spray system installed at belt-conveyor drives in an underground coal mine. The petitioner states that:

(1) As an alternative to using the blow-off dust covers, a person trained in the testing procedures specific to the deluge-type water spray fire suppression systems used at each belt drive will once each week:

(a) Conduct a visual examination of each of the deluge-type water spray fire suppression systems.

(b) Conduct a functional test of the deluge-type water spray fire suppression systems by actuating the system and watching its performance.

(c) Record the results of the examination and functional test in a

book maintained on the surface. The record will be made available to the MSHA representative and retained at the mine for one year.

(2) Any malfunction or clogged nozzle detected will be corrected immediately.

(3) 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 alternative method will provide at all times a measure of protection for the miners equal to or greater than that of the existing standard.

Dated: November 4, 2011.

**Patricia W. Silvey,**  
*Certifying Officer.*

[FR Doc. 2011-29010 Filed 11-8-11; 8:45 am]

**BILLING CODE 4510-43-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 11-114]

### NASA Advisory Council; Science Committee Planetary Protection Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Protection Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

**DATES:** Monday, November 28, 2011, 9:15 a.m. to 5p.m., and Tuesday, November 29, 2011, 9:15 a.m. to 1p.m., Local Time.

**ADDRESSES:** The Kurt H. Debus Conference Center, Juno and Jupiter Rooms, Kennedy Space Center Visitor Complex, SR 405, Kennedy Space Center, FL 32899.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-4452, fax (202) 358-4118, or [mnorris@nasa.gov](mailto:mnorris@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. This meeting will also be available

telephonically and by WebEx. Any interested person may call the USA toll free conference call number 1-(888) 282-0433, or the USA toll and international conference call number 1-(517) 308-9220, pass code PPS, to participate in this meeting by telephone. The WebEx link is <http://tinyurl.com/3zo5v3r>. The agenda for the meeting includes the following topics:

- Mars Missions: Status and Plans.
- Technology Needs for Returning Planetary Samples to Earth.
- Agency Planetary Protection Integration/Coordination Activities.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register. To expedite admittance, attendees may submit their name and affiliation by November 18, 2011, to Marian Norris via email at [mnorris@nasa.gov](mailto:mnorris@nasa.gov) or by telephone at (202) 358-4452. Attendees are requested to park in Lot 4 or 5 at the Visitor Complex. Do not go to the ticket booth. Proceed directly to the Main Entrance turnstiles, which open at 9 a.m., and notify the gate agent at the turnstiles that you are attending the NAC meeting. The meeting attendees will be permitted entry through the turnstiles and magnetometers for the NAC meeting at the Debus Center.

November 3, 2011.

**P. Diane Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration and Space Administration.*

[FR Doc. 2011-28955 Filed 11-8-11; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL LABOR RELATIONS BOARD

### Order Contingently Delegating Authority to the General Counsel

**AGENCY:** National Labor Relations Board.

**Authority:** Sections 3, 4, 6, and 10 of the National Labor Relations Act, 29 U.S.C. Sec. 3, 4, 6, and 10.

**ACTION:** Notice.

**SUMMARY:** The National Labor Relations Board has issued an Order contingently delegating to the General Counsel full authority over court litigation matters that otherwise would require Board authorization and full authority to certify the results of any secret ballot election conducted under the National Emergency provisions of the Labor Management Relations Act, sections 206-210, 29 U.S.C. 176-180. These

delegations shall become effective during any time at which the Board has fewer than three Members and shall cease to be effective whenever the Board has at least three Members.

**DATES:** This Order is effective November 3, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Lester A. Heltzer, Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Washington, DC 20570, (202) 273-1067 (this is not a toll-free number), 1-(866) 315-6572 (TTY/TDD).

**SUPPLEMENTARY INFORMATION:** The National Labor Relations Board anticipates that in the near future it may, for a temporary period, have fewer than three Members of its full complement of five Members.<sup>1</sup> The Board also recognizes that it has a continuing responsibility to fulfill its statutory obligations in the most effective and efficient manner possible. To assure that the Agency will be able to meet its obligations to the public to the greatest extent possible, the Board has decided to temporarily delegate to the General Counsel full authority on all court litigation matters that would otherwise require Board authorization, and full authority to certify the results of any secret ballot election conducted under the National Emergency provisions of the Labor Management Relations Act, sections 206-210, 29 U.S.C. 176-180. This delegation shall be effective during any time at which the Board has fewer than three Members and is made under the authority granted to the Board under sections 3, 4, 6, and 10 of the National Labor Relations Act.

Accordingly, the Board delegates to the General Counsel full and final authority and responsibility on behalf of the Board to initiate and prosecute injunction proceedings under section 10(j) or section 10(e) and (f) of the Act, contempt proceedings pertaining to the enforcement of or compliance with any order of the Board, and any other court litigation that would otherwise require Board authorization; and to institute and conduct appeals to the Supreme Court by writ of error or on petition for certiorari. The Board also delegates to the General Counsel full and final authority and responsibility on behalf of the Board to certify to the Attorney General the results of any secret ballot elections held among employees on the question of whether they wish to accept the final offer of settlement made by their employer pursuant to section 209(b) of the Labor Management

<sup>1</sup> The Board now has three Members, one of whom, Member Becker, is in recess appointment which will expire at the sine die adjournment of the current session of Congress.