

## Protection of Privileged or Confidential Information

### Freedom of Information Act

BOEM will protect privileged or confidential information that you submit as required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly mark it and request that BOEM treat it as confidential. BOEM will not disclose such information, subject to the requirements of FOIA. Please label privileged or confidential information, "Contains Confidential Information," and consider submitting such information as a separate attachment.

However, BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such information. Additionally, BOEM will not treat as confidential: (1) The legal title of the nominating entity (for example, the name of your company); or (2) the geographic location of nominated facilities and the types of those facilities. Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

### National Historic Preservation Act (16 U.S.C. 470w-3(a))

BOEM is required, after consultation with the Secretary, to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities should designate information that falls under Section 304 of NHPA as confidential.

Dated: May 10, 2012.

**Tommy P. Beaudreau,**  
Director, Bureau of Ocean Energy  
Management.

[FR Doc. 2012-12485 Filed 5-22-12; 8:45 am]

BILLING CODE 4310-MR-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on May 16, 2012, a proposed Consent Decree in *United States et al. v. Questar Gas Management Co.*, Civil Action No. 2:08-cv-00167-TS-PMW, was lodged with the United States District Court for the District of Utah.

In this action the United States seeks civil penalties and injunctive relief for alleged violations of the Clean Air Act ("CAA"), 42 U.S.C. 7401 *et seq.*, at five compressor stations Questar Gas Management Co., now known as QEP Field Services Co. ("QEPFS") owns and operates in Uintah County, Utah. Specifically, the United States alleges that QEPFS constructed, modified, and operated the compressor stations in northeastern Utah without complying with: (a) The National Emissions Standards for Hazardous Air Pollutants applicable to oil and natural gas production facilities, 40 CFR part 63, Subpart HH and Subpart ZZZZ; (b) the pre-construction Prevention of Significant Deterioration program, set forth at 42 U.S.C. 7470-7492 and 40 CFR 52.21; and (c) the post-construction federal operating permits program set forth at Title V of the CAA, 42 U.S.C. 7661-7661f and 40 CFR part 71. The proposed consent decree would require QEPFS to pay a civil penalty of \$3,650,000, pay \$350,000 to a Tribal Clean Air Trust Fund, and perform other specified injunctive relief.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, and either emailed to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States et al. v. Questar Gas Management Co.*, Civil Action No. 2:08-cv-00167-TS-PMW, and D.J. Ref. No. 90-5-2-1-08432.

During the public comment period, the settlement agreement may be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the settlement agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or emailing a request to "Consent Decree Copy" ([EESCDCopy.enrd@usdoj.gov](mailto:EESCDCopy.enrd@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$11.00 (\$.25 per page) payable to the U.S. Treasury or, if by email or fax, forward a check in that

amount to the Consent Decree Library at the address given above.

**Robert Brook,**

Assistant Chief, Environmental Enforcement  
Section, Environment and Natural Resources  
Division.

[FR Doc. 2012-12476 Filed 5-22-12; 8:45 am]

BILLING CODE 4410-15-P

## 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 June 22, 2012.

**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 or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: George F. Triebisch, Director, Office of Standards, Regulations and Variances. Persons delivering documents 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.

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.

**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-2012-074-C.

*Petitioner:* Brooks Run Mining Company, 208 Business Street, Beckley, West Virginia 25801.

*Mine:* Marianna No. 1 Mine, MSHA I.D. No. 46-09391, located in Wyoming County, West Virginia.

*Regulation Affected:* 30 CFR 75.1914(a) (Maintenance of diesel-powered equipment).

*Modification Request:* The petitioner requests a modification of the existing standard for the Marianna No. 1 Mine for duration of the approved slope development plan. The petitioner states that:

(1) Development of a slope from the surface to the Pocahontas No. 3 coal seam is currently in process at its Marianna No. 1 Mine operation. A proposed change to the existing approved slope plan has been reviewed by MSHA. This proposal entails making two 90-degree turns in the projection of the slope as identified in drawing No. 1 attached to the petition.

(2) Benefits of this change would include eliminating the necessity for developing vertical shafts through old works of the Sewell coal seam, a task that involves drilling and developing the shaft into a pillar block identified as left from the previous mining. Additionally, the current proposal allows for the construction of a shaft with elevator access and portal facilities, constituting a significant and permanent safety benefit.

(3) This proposed change would require the installation of two belt drives, one located at each of the turns. These drives and associated control units would have to be permissible under the current standard. Time allowances for acquisition of the necessary permissible motors currently prohibit the execution of this proposal due to the development schedule and the need to obtain a coinciding projection approval from MSHA before committing to the new projection.

(4) To alleviate the conflict noted above and facilitate approval and implementation of the alternative plan and its associated safety benefits, insofar, as it requires that permissible equipment be employed in the slope and that the drives and associated control units be permissible, the petitioner proposes to:

(a) Install each nonpermissible drive on a separate air-split as shown in drawing No. 2 attached to the petition.

(b) Install methane monitors at the locations identified in drawing No. 2 attached to the petition (mirror image for second turn would apply). The monitors will be set to alarm both visually and audibly upon detection of methane concentration of 0.8 percent or more. If an alarm occurs, all power will be removed from the slope until ventilation adjustments are made and the methane concentration is below 0.5 percent.

To examine or obtain a copy of the petition and drawings, contact MSHA using the information in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The petitioner asserts that the proposed alternative method would achieve the results of the existing standard insofar as it requires that permissible equipment be employed in the slope and requires that the drives and associated control units be permissible.

*Docket Number:* M-2012-075-C.

*Petitioner:* Mountain Coal Company, LLC, P.O. Box 591, 5174 Highway 133, Somerset, Colorado 81434.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests that Stipulation #1 of the Proposed Decision and Order for its previous petition for modification, docket number M-95-184-C, be amended. The petitioner states that:

(1) Stipulation #1 limits the nonpermissible low-voltage or battery-powered electronic testing and

diagnostic equipment to laptop computers, oscilloscopes, vibration analysis machines, insulation testers (meggers), and cable fault detectors (impulse generators and detectors).

(2) Since the Proposed Decision and Order was granted, additional and more technologically advanced low-voltage and/or battery-powered electronic testing and diagnostic equipment has been developed. Such equipment can and has been safely used in or by the last open crosscut in underground coal mines, thereby enhancing the safety of the miners.

(3) With the advance of this proven and effective technology, the petitioner proposes to amend Stipulation #1 of its previous petition to include point temperature probes; infrared temperature devices and recorders; insulation testers (meggers); voltage, current, and power measurement devices; ultrasonic measuring devices; electronic component testers and electronic tachometers in addition to the currently approved equipment.

The petitioner asserts that with the existing terms and conditions of the petition for modification, the use of additional nonpermissible electronic testing and diagnostic equipment will at all times guarantee no less than the same measure of protection afforded by the existing standard.

*Docket Number:* M-2012-076-C.

*Petitioner:* Mountain Coal Company, LLC, P.O. Box 591, 5174 Highway 133, Somerset, Colorado 81434.

*Mine:* West Elk Mine, MSHA I.D. No. 05-03672, located in Gunnison County, Colorado.

*Regulation Affected:* 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility); Previously 30 CFR 75.1002-1(a) (Location of other electric equipment; requirements for permissibility).

*Modification Request:* The petitioner requests that Stipulation #1 of the Proposed Decision and Order for its previous petition for modification, docket number M-97-148-C, be amended. The petitioner states that:

(1) Stipulation #1 limits the nonpermissible low-voltage or battery-powered electronic testing and diagnostic equipment to laptop computers, oscilloscopes, vibration analysis machines, insulation testers (meggers), and cable fault detectors (impulse generators and detectors).

(2) Since the Proposed Decision and Order was granted, additional and more technologically advanced low-voltage and/or battery-powered electronic testing and diagnostic equipment has been developed. Such equipment can

and has been safely used within 150 feet of pillar workings in underground coal mines, thereby enhancing the safety of the miners.

(3) With the advance of this proven and effective technology, the petitioner proposes to amend Stipulation #1 of its previous petition to include point temperature probes; infrared temperature devices and recorders; insulation testers (meggers); voltage, current, and power measurement devices; ultrasonic measuring devices; electronic component testers and electronic tachometers in addition to the currently approved equipment.

The petitioner asserts that with the existing terms and conditions of the petition for modification, the use of additional nonpermissible electronic testing and diagnostic equipment will at all times guarantee no less than the same measure of protection afforded by the existing standard.

*Docket Number:* M-2012-077-C.

*Petitioner:* CEI Anthracite, 603 South Church Street, Hazelton, Pennsylvania 18201.

*Mine:* CEI Anthracite Mine, MSHA I.D. No. 36-08598, located in Luzerne County, Pennsylvania.

*Regulation Affected:* 30 CFR 77.308 (Structures housing other facilities; use of partitions).

*Modification Request:* The petitioner requests a modification of the existing standard to eliminate the use of explosion-proof enclosures for their thermal dryer units. The petitioner states that:

(1) Anthracite dust has consistently proven to be non-explosive and to have low volatility.

(2) The indirect heat thermal dryer provides protection by eliminating the risk of explosion.

(3) The thermal dryer is equipped with safety devices that automatically shut the heat source off while allowing airflow to continue, effectively cooling the entire system.

(4) All of these devices are monitored prior to start up each day and controls are calibrated every month to assure correct reading by sensors.

(5) Given the sensitivity of these safety devices, greater protection would be provided than if an explosion-proof enclosure is used.

(6) The Carmen Dryer was originally installed in January 1996. In 1997, the question of an enclosure was raised and it was decided at that point that an enclosure was not necessary.

(7) In 2006, the petitioner purchased the assets of Lang Filter Media (previous owner) and continued operating until the present. This system has never malfunctioned or presented any safety

issues, and has operated through MSHA inspections during the past 14 years without any risk of explosion.

(8) The petitioner has always kept the safety of the employees at the forefront and will continue to do so. There is no likelihood of an explosion based on research provided.

The petitioner further states that this plant has run over 200,000 tons of material since its construction. Safety is the first consideration, and the petitioner believes that this regulation is inappropriate for their system.

*Docket Number:* M-2012-078-C.

*Petitioner:* Mountaintop Anthracite Inc., 1550 Crestwood Drive, Mountaintop, Pennsylvania 18707.

*Mine:* Mountaintop Anthracite Inc. Mine, MSHA I.D. No. 36-09445, located in Luzerne County, Pennsylvania.

*Regulation Affected:* 30 CFR 77.307 (Thermal dryer; location and installation; general).

*Modification Request:* The petitioner requests a modification of the existing standard to eliminate the use of explosion-proof enclosures for their thermal dryer units. The petitioner states that:

(1) The indirect heat thermal dryer (manufactured by Carmen Industries) used in the dryer process provides protection with the equipped safety features and controls on the dryer unit. The biggest feature eliminates the risk of explosion by automatically shutting off the heat sources while allowing airflow to continue, effectively cooling the entire system.

(2) All of the controls are checked each day at start up and monitored throughout the day. The controls are calibrated monthly ensuring that the sensors are representing accurate readings.

The petitioner further states that anthracite dust is considered non-explosive and, given the sensitivity of the safety devices and the close monitoring of the controls, protection of the dryer process meets and potentially exceeds that of an explosion-proof enclosure.

*Docket Number:* M-2012-079-C.

*Petitioner:* CEI Anthracite, 603 South Church Street, Hazelton, Pennsylvania 18201.

*Mine:* CEI Anthracite Mine, MSHA I.D. No. 36-08598, located in Luzerne County, Pennsylvania.

*Regulation Affected:* 30 CFR 77.307 (Thermal dryer; location and installation; general).

*Modification Request:* The petitioner requests a modification of the existing standard to eliminate the use of explosion-proof enclosures for their

thermal dryer units. The petitioner states that:

(1) The indirect heat thermal dryer provides protection by eliminating the risk of explosion.

(2) The thermal dryer is equipped with safety devices that automatically shut the heat source off while allowing airflow to continue, effectively cooling the entire system.

(3) All of these devices are monitored prior to start up each day, and controls are calibrated every month to assure correct reading by sensors.

(4) Given the sensitivity of the safety devices, greater protection would be provided than if an explosion-proof enclosure is used.

(5) The Carmen Dryer was originally installed in January 1996. In 1997, the question of an enclosure was raised and it was decided at that point that an enclosure was not necessary.

(6) In 2006, the petitioner purchased the assets of Lang Filter Media (previous owner) and continued operating until present. This system has never malfunctioned or presented any safety issues and has operated through MSHA inspections during the past 14 years without any violation referring to risk of explosion.

(7) The petitioner has always kept the safety of the employees at the forefront and will continue to do so. There is no likelihood of an explosion based on research provided.

The petitioner further states that this plant has run over 200,000 tons of material since its construction. Safety is the first consideration, and the petitioner believes that this regulation is inappropriate for their system.

*Docket Number:* M-2012-080-C.

*Petitioner:* Mountaintop Anthracite Inc., 1550 Crestwood Drive, Mountaintop, Pennsylvania 18707.

*Mine:* Mountaintop Anthracite Inc. Mine, MSHA I.D. No. 36-09445, located in Luzerne County, Pennsylvania.

*Regulation Affected:* 30 CFR 77.308 (Thermal dryer; location and installation; general).

*Modification Request:* The petitioner requests a modification of the existing standard to eliminate the use of explosion-proof enclosures for their thermal dryer units. The petitioner states that:

(1) The indirect heat thermal dryer (manufactured by Carmen Industries) used in the dryer process provides protection with the equipped safety features and controls on the dryer unit. The biggest feature eliminates the risk of explosion by automatically shutting off the heat sources while allowing airflow to continue, effectively cooling the entire system.

(2) All of the controls are checked each day at start up and monitored throughout the day. The controls are calibrated monthly ensuring that the sensors are representing accurate readings.

The petitioner further states that anthracite dust is considered non-explosive and, given the sensitivity of these safety devices and the close monitoring of the controls, protection of the dryer process meets and potentially exceeds the protection provided by an explosion-proof enclosure.

Dated: May 17, 2012.

**George F. Triebsch,**

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

[FR Doc. 2012-12417 Filed 5-22-12; 8:45 am]

**BILLING CODE 4510-43-P**

## **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

### **Records Schedules; Availability and Request for Comments**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before June 22, 2012. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the

appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740-6001.

Email: [request.schedule@nara.gov](mailto:request.schedule@nara.gov).

FAX: 301-837-3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:**

Margaret Hawkins, Director, National Records Management Program (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

Telephone: 301-837-1799. Email:

[request.schedule@nara.gov](mailto:request.schedule@nara.gov).

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their

administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

### **Schedules Pending**

1. Department of Defense, Office of the Under Secretary of Defense Personnel and Readiness, (N1-330-10-3, 1 item, 1 temporary item). Records of outpatient medical and dental care of all service members, including summaries of inpatient care. Records that support compensation claims are retained permanently in Department of Veteran Affairs claims files.

2. Department of Health and Human Services, Administration on Aging (N1-439-11-1, 5 items, 4 temporary items). Records documenting a discontinued program created to provide a long-term health insurance program, such as correspondence, working papers, and administrative records. Proposed for permanent retention are final reports and appendices produced to recommend suspending the program.

3. Department of Health and Human Services, Centers for Medicare & Medicaid Services (N1-440-9-4, 4 items, 3 temporary items). Master files of electronic systems containing prescription drug coverage information including individual enrollment information, prescription drug cost and claims, and payment rate records. Proposed as permanent are outputs containing summary of annual prescription approvals and expenditure data.

4. Department of Health and Human Services, Centers for Medicare & Medicaid Services (N1-440-9-15, 1