

Drilled Coalbed Methane Wells with Horizontal Branches in Coal Seams: Breached Surface Articulated Horizontal Borehole (SAHB) Mine Through Plan: (1) Breached SAHB's will be ventilated in accordance with all State and Federal regulations; (2) legs that are open after mining through may have an effective plug installed into the coal rib to prevent an excess of methane into the mined area. An effective plug is any material that impedes the flow of methane and water. Typically, a hydraulic packer is used to plug the hole but cement or grout may be substituted. The hole is plugged when typical face ventilation will not suffice and the potential for methane accumulation exists, usually occurring immediately after cut through; (3) typically, open legs are breached several times during development mining, which allows the segmented hole to be ventilated and eliminates methane storage capacity; (4) should a situation occur where a breached leg continues to produce methane and cannot be ventilated, the hole will be water infused again. Water infusion will take place underground using mine water at standard operating pressure. The hole will remain infused until it is determined that it may be safely bled off and ventilated or it is breached during secondary mining; and (5) when the trunk line of a SAHB has not been severed, a negative pressure surface pump connected to the SAHB may be used to ventilate the hole. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

*Docket Number:* M-2009-006-C.

*Petitioner:* Spartan Mining Company, P.O. Box 1120, Holden, West Virginia 25625.

*Mine:* Road Fork No. 51 Mine, MSHA I.D. No. 46-01544, located in Wyoming County, West Virginia.

*Regulation Affected:* 30 CFR 75.1700 (Oil and gas wells).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance when: (1) Mining within 75 feet of a horizontal wellbore; (2) when initially mining through a horizontal wellbore; and (3) when subsequently mining through horizontal wellbores, using the specific procedures listed in this petition for modification. The petitioner states that; (1) no person shall be permitted in the area of the mine-through operation except those actually engaged in the operation, company personnel, personnel from MSHA, and personnel from the

appropriate West Virginia agency; (2) the mine-through operation shall be under the direct supervision of a certified official; and (3) prior to mining through the first lateral wellbore of a coalbed methane well and a well which has already had at least one lateral wellbore mined through, Spartan will verify that any water that is present will be bailed from the vertical section of the wellbore, as close to the coal seam elevation as practical, using normal bailing equipment; and (4) the surface wellhead will be maintained opened to bring the vertical section of the wellbore to outside atmosphere pressure. A complete description of the procedures the petitioner will use in implementing its modification can be reviewed at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

*Docket Number:* M-2009-007-C.

*Petitioner:* Black Butte Coal Company, P.O. Box 98, Point of Rocks, Wyoming 82942.

*Mine:* Black Butte and Leucite Hills Mines, MSHA I.D. No. 48-01180, located in Sweetwater County, Wyoming.

*Regulation Affected:* 30 CFR 77.1304(a) (Blasting agents; special provisions).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the use of commercially recycled petroleum-based lubrication oil that is commercially mixed with unused No. 2 fuel oil to create a blasting agent. The petitioner states that the mixed oil is purchased in batches of approximately 8,000 to 10,000 gallons and is not mixed with ammonium nitrate prill until the Ammonium Nitrate-Fuel Oil (ANFO) components are placed in a blasting hole. The petitioner asserts that the proposed alternative method would at all times guarantee no less than the same measure of protection afforded by the existing standard.

**Patricia W. Silvey,**

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

[FR Doc. E9-11674 Filed 5-19-09; 8:45 am]

**BILLING CODE 4510-43-P**

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting of the Board of Directors

**TIME AND DATE:** The Board of Directors of the Legal Services Corporation will

meet on May 26, 2009 via conference call. The meeting will begin at 11 a.m. (EDT), and continue until conclusion of the Board's agenda.

**LOCATION:** 3333 K Street, NW., Washington, DC 20007, 3rd Floor Conference Room.

**STATUS OF MEETING:** Open. Directors will participate by telephone conference in such a manner as to enable interested members of the public to hear and identify all persons participating in the meeting. Members of the public may observe the meeting by joining participating staff at the location indicated above.

**MATTERS TO BE CONSIDERED:** 1. Approval of the agenda.

2. Consider and act on Board of Directors' response to the Inspector General's Semiannual Report to Congress for the period of October 1, 2008 through March 31, 2009.

3. Consider and act on other business.

4. Public comment.

### CONTACT PERSON FOR INFORMATION:

Katherine Ward, Executive Assistant to the Vice President for Legal Affairs, 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 Katherine Ward, at (202) 295-1500.

Dated: May 15, 2009.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. E9-11916 Filed 5-18-09; 4:15 pm]

**BILLING CODE 7050-01-P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Sunshine Act; Notice of Matter To Be Deleted From the Agenda of a Previously Announced Agency Meeting

**TIME AND DATE:** 11:15 a.m., Thursday, May 21, 2009.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

**STATUS:** Closed.

**MATTER TO BE DELETED:** 3. Personnel (1). Closed pursuant to some or all of the following: Exemptions (2) and (6).

**FOR FURTHER INFORMATION CONTACT:**  
Mary Rupp, Secretary of the Board,  
Telephone: 703-518-6304.

**Mary Rupp,**

*Board Secretary.*

[FR Doc. E9-11843 Filed 5-18-09; 11:15 am]

**BILLING CODE P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2008-0154]**

### **Criteria for Identifying Materials Licensees for the U.S. Nuclear Regulatory Commission's Agency Action Review Meeting**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is announcing the completion and availability of the new criteria for identifying nuclear materials licensees for discussion at the Agency Action Review Meeting (AARM). The new criteria may be found in SECY-08-0135 in the Agencywide Documents Access and Management System (ADAMS) Accession Number: (ML082480564) or in the supplementary information below.

**ADDRESSES:** A copy of SECY-08-0135 is available for inspection and/or copying for a fee in the NRC Public Document Room (PDR), 11555 Rockville Pike, Rockville, Maryland. Publicly available documents related to this notice are available electronically through the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/reading-rm/adams.html>. From this site, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:**  
Duane White, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6272, e-mail: [Duane.White@nrc.gov](mailto:Duane.White@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In 2002, NRC developed a process for providing information on significant nuclear materials issues and adverse licensee performance. This process was

provided in SECY-02-0216, "Proposed Process for Providing Information on Significant Nuclear Materials Issues and Adverse Licensee Performance," dated December 11, 2002 (ADAMS Accession Number: ML022410435). As part of this process, criteria were developed to identify nuclear material licensees with significant performance problems that will be discussed at the AARM. These criteria may be found in Table 1 of SECY-02-0216.

The AARM is an agency meeting that allows senior NRC managers (1) to review agency actions resulting from the performance of nuclear reactor licensees for those nuclear power plants with significant performance problems as determined by the reactor oversight process (ROP) action matrix, (2) to review results of the staff's assessment of ROP effectiveness, (3) to review industry performance trends, and (4) to review agency actions concerning fuel cycle facilities and other nuclear materials licensees (including Agreement State licensees) with significant performance problems.

In 2008, the NRC staff developed new criteria to be used in identifying nuclear material licensees with significant performance problems that will be discussed at the AARM. The agency will continue to identify nuclear material licensees with significant performance problems based on operating performance, inspection results, and judgment of the severity of the safety performance problems. However, the new criteria provide additional clarity and incorporate NRC's current policy and procedures. The criteria were submitted to the Commission for information in SECY-08-0135.

#### **Discussion**

##### *New Criteria for Identifying Nuclear Materials Licensees for the AARM*

The new criteria for identifying nuclear materials licensees for discussion at the AARM are as follows:

(1) *Strategic Plan*—Licensee has an event that results in the failure to meet a strategic outcome for safety and security in the NRC strategic plan (NUREG-1614); or

(2) *Significant Issue or Event*—Licensee has an issue or event that results in: (a) An Abnormal Occurrence Report to Congress (per NRC Management Directive 8.1), or (b) a severity level I or II violation, as described in the NRC Enforcement Policy (including equivalent violations dispositioned by Alternative Dispute Resolution), or (c) a level III or higher International Nuclear Event Scale Report to the International Atomic

Energy Agency (per NRC Management Directive 5.12), and there are unique or unusual aspects of the licensee's performance that warrant additional NRC oversight (e.g., a significant event, which requires an incident investigation team (IIT) or augmented inspection team (AIT)); or

(3) *Performance Trend*—Licensee has multiple and/or repetitive significant program issues identified over more than one inspection or inspection period, and the issues resulted in a severity level I, II, or III violation, as described in the NRC Enforcement Policy (including equivalent violations dispositioned by Alternative Dispute Resolutions (ADR)), and there are unique or unusual aspects of the licensee's performance that warrant additional NRC oversight (e.g., oversight panel formed for order implementation).

You can find NRC's strategic plan (NUREG-1614) and the referenced management directives and enforcement policy on NRC's public document collections Web page at <http://www.nrc.gov/reading-rm/doc-collections/>.

##### *Public Comments on the Proposed Criteria*

The proposed criteria for identifying nuclear materials licensees with significant performance issues were published on March 17, 2008 (73 FR 14278). The comment period ended on May 1, 2008. The NRC received one public comment on the proposed criteria. This commenter indicated that it supported the proposed criteria and requested clarification or modification as to why category 3 "Performance Trend" of the criteria explicitly references NRC's ADR as an element of the enforcement process but, category 2 "Significant Issues" does not reference ADR. Also, the commenter indicated, for clarity, that the title of criterion 2 should be changed to "Significant Issue or Event" to reflect NRC's intent to include both issues and events. In response to these comments, the proposed criteria were revised by changing the title for category 2 to "Significant Issue or Event" and adding a reference to ADR in category 2 of the criteria.

Dated at Rockville, Maryland, this 12th day of May 2009.

**James G. Luehman,**

*Deputy Director, Division of Materials Safety and State Agreements.*

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