

(12) After a well has been intersected and the working place determined safe, continue mining in by the well at a distance sufficient to permit adequate ventilation around the area of the wellbore.

(13) No person will be permitted in the area of the cut-through operation except those actually engaged in the mining operation, mine management, representative of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(14) A certified official will directly supervise the cut-through operation and only the certified official in charge will issue instructions concerning the cut-through operation.

(15) Locate non-sparking (brass) tools on the working section in the event they are needed to expose and examine cased wells.

(16) Alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. Repeat this warning for all shifts until the well has been mined through. Mining may be conducted in other working sections during the intersection of the well.

(17) The responsible person required in 30 CFR 75.1501 will be responsible for well intersection emergencies. The responsible person will review the well intersection procedures prior to any planned intersection.

Within 60 days after this petition becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the DM.

Within 30 days after this petition becomes final, the petitioner will submit proposed revisions for its approved mine emergency evacuation and firefighting plan required in 30 CFR 75.1501. The petitioner will revise the plans to include the hazards and evacuation procedures to be used for well intersections. All underground miners will be trained in this revised plan within 30 days of the DM's approval of the revised evacuation plan. Such training may be done in a weekly safety meeting or other type of appropriate setting.

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

*Docket Number:* M-2013-051-C.

*Petitioner:* Jim Walter Resources, Inc., 3000 Riverchase Galleria, Suite 1700, Birmingham, Alabama 35244.

*Mines:* No. 4 Mine, MSHA I.D. No. 01-01247 and No. 7 Mine, MSHA I.D. No. 01-01401, located in Tuscaloosa County, Alabama.

*Regulation Affected:* 30 CFR 75.1506(a)(3) (Refuge alternatives).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the continued use of its currently deployed refuge alternatives chambers in the No. 4 and No. 7 Mines past December 31, 2013, provided that they are refurbished or replaced as soon as practicable thereafter.

The petitioner asserts that: (1) Compliance with the standard's current December 31, 2013, deadline (to the possible) will result in a diminution of safety to miners; and (2) allowing the use of its currently deployed units will at all times in the foreseeable future guarantee no less than the same measure of protection afforded the miners by the standard. The petitioner states that:

(1) MineARC refuge chambers are currently in use at the No. 4 and No. 7 Mines.

(2) The MineARC refuge chamber is the only commercially available refuge model to incorporate both a powerless carbon dioxide/carbon monoxide (CO<sub>2</sub>/CO) scrubber as well as an intrinsically safe air conditioning system (refrigerant R744) housed within the same constructed unit.

(3) The use of MineARC refuge chambers at No. 4 and No. 7 Mines has been continuously approved in the Mines' Emergency Response Plans (ERPs) since February 2009.

(4) The MineARC refuge chambers are currently undergoing 30 CFR Part 7 approval.

(5) MineARC's efforts to obtain Part 7 approval have been in good faith and delays in receiving Part 7 approval are common throughout the industry as reflected by the current absence of approved chambers.

(6) In addition to the pending 30 CFR Part 7 approval process, the MineARC refuge chambers in use at the No. 4 and No. 7 Mines must be refurbished to comply with the directives of MSHA's Program Policy Letter No. P11-V-17.

(7) On April 4, 2013, MineARC informed the petitioner that MineARC will be unable to refurbish or replace all of the petitioners units prior to December 31, 2013, for the petitioner to comply with 30 CFR 75.1506(a)(3) and/or the requirements of MSHA's Program Policy Letter No. P11-V-17.

(8) Replacing the currently deployed MineARC refuge chambers by December 31, 2013, with non-air conditioned, MSHA-approved refuge chambers is not feasible and/or would place the miners at significant and greater risk in any emergency.

(9) The only way to guarantee no less than the same measure of safety to the

miners as afforded by the standard prior to December 31, 2013, is for MSHA to approve continued deployment of its MineARC refuge chambers until their replacement with like units and/or refurbishment of current units as soon as practicable.

(10) Without instant granting of this petition, it will be impossible to submit the currently deployed MineARC chambers for approval by the District Manager in its ERPs under 30 CFR 75.1507 for January 2014 and later use.

(11) Granting of this petition will in no way limit the authority of the District Manager to require appropriate measures in Jim Walter Resources' ERPs to assure timely replacement of its current MineARC chambers with fully-compliant refurbished units.

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.

Dated: November 19, 2013.

**George F. Triebisch,**  
*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 2013-28121 Filed 11-22-13; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2010-0025]

#### Thy Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard; Extension of the Office of Management and Budget's (OMB) Approval of the Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Hydrostatic Testing provision of the Portable Fire Extinguishers Standard for General Industry (29 CFR 1910.157(f)(16)).

**DATES:** Comments must be submitted (postmarked, sent, or received) by January 24, 2014.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0025, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and the OSHA docket number for the Information Collection Request (ICR) (OSHA-2010-0025). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** Todd Owen or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2222.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the

Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The collections of information contained in the Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard are necessary to reduce workers' risk of death or serious injury by ensuring that portable fire extinguishers are in safe operating condition. The following paragraphs describe who uses the information in the testing certification record, as well as how they use it.

##### *Test Records (§ 1910.157(f)(16))*

Paragraph (f)(16) requires employers to develop and maintain a certification record of hydrostatic testing of portable fire extinguishers. The certification record must include the date of inspection, the signature of the person who performed the test, and the serial number (or other identifier) of the fire extinguisher that was tested.

##### *Disclosure of Test Certification Records*

The certification record must be available to the Assistant Secretary or his/her representative upon request. The certification record provides assurance to employers, workers, and OSHA compliance officers that the fire extinguishers have been hydrostatically tested in accord with and at the intervals specified in § 1910.157(f)(16), thereby ensuring that they will operate properly in the event workers need to use them. Additionally, these records provide the most efficient means for the compliance officers to determine that an employer is complying with the hydrostatic testing provision.

##### **II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and cost) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

##### **III. Proposed Actions**

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard for General Industry (29 CFR 1910.157(f)(16)). OSHA is proposing to increase the burden hours in its currently approved information collection request from 124,084 burden hours to 125,986 burden hours (a total increase of 1,902 hours). This increase is due to updated data showing an increase in the number of firms affected by the Standard. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

*Type of Review:* Extension of a currently approved collection.

*Title:* The Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard (29 CFR 1910.157(f)(16)).

*OMB Control Number:* 1218-0218.

*Affected Public:* Business or other for-profits.

*Number of Responses:* 9,205,000.

*Frequency of Responses:* On occasion.

*Average Time per Response:* Ranges from one minute (.02 hour) to maintain the certification records to 33 minutes (.55 hour) to test an extinguisher, and generate and maintain the certification record.

*Estimated Total Burden Hours:* 125,986 hours.

*Estimated Cost (Operation and Maintenance):* \$16,952,542.

##### **IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions**

You may submit comments in response to this document as follows: (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other

material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2010–0025). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link.

Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on November 19, 2013.

### David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–28074 Filed 11–22–13; 8:45 am]

BILLING CODE 4510–26–P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2010–0038]

#### Rigging Equipment for Material Handling; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend the OMB approval of the information collection requirements contained in paragraphs (b)(1), (b)(6)(i), (b)(6)(ii), (c)(15)(ii), (e)(1)(i), (ii), and (iii) and (f)(2) of the Standard on Rigging Equipment for Material Handling (29 CFR 1926.251). These paragraphs require affixing identification tags or markings on rigging equipment, developing and maintaining inspection records, and retaining proof-testing certificates.

**DATES:** Comments must be submitted (postmarked, sent, or received) by January 24, 2014.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2010–0038, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (Docket No. OSHA 2010–0038). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>.

[www.regulations.gov](http://www.regulations.gov). For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

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#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

##### I. Background

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Paragraph (b)(1) requires that alloy steel chains have permanently affixed durable identification tags stating size, grade, rated capacity and sling