

cables are in safe operating condition by visually inspecting the entire cable, observing the insulation, the integrity of splices, nicks and abrasions.

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

*Docket Number:* M-2016-009-C.

*Petitioner:* Marfork Mining Company, Inc., P.O. Box 457, Whitesville, West Virginia 25193.

*Mine:* Marsh Fork Mine, MSHA I.D. No. 46-08551, located in Raleigh County, West Virginia; Low Gap Refuse Disposal Facility, I.D. No. 1211WV40234-01.

*Regulation Affected:* 30 CFR 77.214(a) (Refuse piles; general).

*Modification Request:* The petitioner requests a modification of the existing standard to permit, as an alternative method, to backfill four abandoned mine openings associated with inactive Marsh Fork Mine, Cedar Grove coal seam portal area with coal refuse. The petitioner states that:

1. The portals are located at approximate Elevation 1630. We understand the four mine openings within the proposed refuse disposal facility footprint have been abandoned and have dry-stacked, concrete block stoppings. Each of the four openings has a 10±-inch outside diameter high density polyethylene (HDPE) pipe installed through the stopping; however, we understand the pipes have never discharged. The mine dips to the northwest and discharges from two separate sets of down dip openings at Elevation 1595± and Elevation 1601±. These openings should preclude the potential for the mine to flood to the portal area.

2. It is proposed to use coal refuse as a construction material to cover the openings and reclaim the highwall. The material excavated to create the “face-up” for the portal area is no longer available to backfill the openings and eliminate the highwall. Each of the four openings associated with the Marsh Fork Mine portal area will be back-stowed with soil and rock to the stopping. Existing canopies and loose debris will be removed prior to placing the backfill. Although flooding of the mine to the portal area is not expected due to the down dip openings, a redundant underdrain system consisting of durable rock cobbles and a perforated pipe wrapped with filter fabric will be installed at the base of the highwall along the entire portal area. Each of the existing mine entry pipes will be connected to the perforated pipe within the underdrain. The underdrain will be

extended to discharge into the refuse facility perimeter ditch. Additional soil and rock will be placed at the openings and along exposed coal seam to result in covering the seam with at least four feet of non-combustible material.

3. As described above, it is proposed that the construction of the Low Gap refuse disposal facility will backfill the portal entries and reclaim the highwall; however 30 CFR 77.214(a) generally states that refuse piles will not be located over abandoned openings. The apparent intent of this regulation is to limit the potential for a “blowout” of mine water and to limit the potential for combustion of the refuse and/or coal seam. The proposed backfill plan described in this petition addresses these concerns and provides a practical method of backfilling the openings with coal refuse that will provide an equivalent or greater measure of protection afforded by the existing standard. Since the mine has two gravity outlets as approximate Elevation 1595 and Elevation 1601 (*i.e.* lower than the sealed openings), there is no significant potential for the mine workings to flood and be subject to a blowout at the portal area location. However, as a precautionary measure, an internal drainage system is proposed to provide a controlled outlet in the unlikely event that any water accumulates in the portal area.

4. The proposed soil and rock backfill zone isolates the mine workings and coal seam from the proposed coal refuse fill minimizing any potential for a mine fire to spread to the refuse fill. Any exposed area of the Cedar Grove coal seam within the embankment footprint will be covered with at least four feet of soil and rock as the coal refuse backfill is placed. The coal refuse will be placed in a 2-foot (maximum) thick lifts. This requirement should preclude the potential for the refuse to spontaneously combust.

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

**Sheila McConnell,**

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

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**BILLING CODE 4520-43-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Proposed Extension of Existing Collection; Comment Request

**AGENCY:** Division of Federal Employees' Compensation, Office of Workers' Compensation Programs, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Death Gratuity Forms (CA-40, CA-41, and CA-42). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before June 13, 2016.

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-32331, Washington, DC 20210, telephone/fax (202) 354-9647, Email [Ferguson.Yoon@dol.gov](mailto:Ferguson.Yoon@dol.gov). Please use only one method of transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, was enacted on January 28, 2008. Section 1105 of P.L. 110-181 amended the Federal Employees' Compensation Act (FECA) creating a new 5 U.S.C. 8102a effective upon enactment. This section established a new FECA death gratuity benefit for eligible beneficiaries of federal employees and Non-Appropriated Fund Instrumentality (NAFI) employees who die from injuries incurred in connection

with service with an Armed Force in a contingency operation. 5 U.S.C. 8102a permits agencies to authorize retroactive payment of the death gratuity for employees who died on or after October 7, 2001, in service with an Armed Force in the theater of operations of Operation Enduring Freedom and Operation Iraqi Freedom. 5 U.S.C. 8102a also allows federal employees to vary the order of precedence of beneficiaries or to name alternate beneficiaries. Form CA-40 requests the information necessary from the employee to accomplish this variance. Form CA-41 provides the means for those named beneficiaries and possible recipients to file claims for those benefits and requests information from such claimants so that OWCP may determine their eligibility for payment. Furthermore, the statute and regulations require agencies to notify OWCP immediately upon the death of a covered employee. CA-42 provides the means to accomplish this notification and requests information necessary to administer any claim for benefits resulting from such a death. This

information collection is currently approved for use through August 31, 2016.

**II. Review Focus**

The Department of Labor is particularly interested in comments which:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- \* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* enhance the quality, utility and clarity of the information to be collected; and

- \* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submissions of responses.

**III. Current Actions**

The Department of Labor seeks extension of approval to collect this information in order to carry out its responsibility to meet the statutory requirements of the Federal Employees' Compensation Act. The information contained in these forms is used by the Division of Federal Employees' Compensation to determine entitlement to benefits under the Act, to verify dependent status, and to initiate, continue, adjust, or terminate benefits based on eligibility criteria.

*Type of Review:* Extension.

*Agency:* Office of Workers' Compensation Programs.

*Title:* Death Gratuity Forms.

*OMB Number:* 1240-0017.

*Agency Number:* CA-40, CA-41, and CA-42.

*Affected Public:* Individuals or household; Federal Government.

*Total Respondents:* 262.

*Total Responses:* 262.

Form	Time to complete (min)	Frequency of response	Number of respondents	Number of responses	Hours burden
CA-40 Individual Respondent .....	15	1	250	250	63
CA-41 Individual Respondent .....	15	1	6	6	2
CA-42 Agency Respondent .....	20	1	6	6	2
Totals .....	.....	.....	262	262	67

*Estimated Total Burden Hours:* 67.  
*Total Burden Cost (capital/startup):* \$0.  
*Total Burden Cost (operating/maintenance):* \$3.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 7, 2016.

**Yoon Ferguson,**

*Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.*

[FR Doc. 2016-08505 Filed 4-12-16; 8:45 am]

**BILLING CODE 4510-CH-P**

**NATIONAL SCIENCE FOUNDATION**

**Agency Information Collection Activities: Comment Request**

**AGENCY:** National Science Foundation.

**ACTION:** Notice; Submission for OMB Review; Comment Request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. This is the second notice for public comment; the first was published in the **Federal Register** at 80 FR 24288, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: <http://www.reginfo.gov/public/do/PRAMain>. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230, or by email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703-292-7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such