

occurs, in accordance with the identified regulations.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218-0247.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on April 30, 2016. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 27, 2016 (81 FR 4672).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218-0247.

The OMB is particularly interested in comments that:

- 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 submission of responses.

*Agency:* DOL-OSHA.

*Title of Collection:* Occupational Safety and Health State Plans.

*OMB Control Number:* 1218-0247.

*Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Respondents:* 28.

*Total Estimated Number of Responses:* 1,309.

*Total Estimated Annual Time Burden:* 11,519 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: April 21, 2016.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2016-09751 Filed 4-26-16; 8:45 am]

**BILLING CODE 4510-26-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 Title 30 of the Code of Federal Regulations 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.

**DATES:** All comments on the petitions must be received by the MSHA's Office of Standards, Regulations, and Variances on or before May 27, 2016.

**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, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. 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-2016-001-M.

*Petitioner:* The Doe Run Company, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222-1000.

*Mines:* Buick Mine/Mill, MSHA I.D. No. 23-00457 and Viburnum No. 35 (Casteel Mine), MSHA I.D. No. 23-01800, located in Iron County, Missouri; Sweetwater Mine/Mill, MSHA I.D. No. 23-00458, Fletcher Mine/Mill, MSHA I.D. No. 23-00409, and Brushy Creek Mine/Mill, MSHA I.D. No. 23-00499, located in Reynolds County, Missouri; and Viburnum No. 29 Mine, MSHA I.D. No. 23-00495, located in Washington County, Missouri.

*Regulation Affected:* 30 CFR 57.11050 (Escapeways and refuges).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance with respect to escapeways. The petitioner states that:

(1) The Doe Run Company operates six underground lead mines near Viburnum, Missouri. The Buick Mine is

currently considered “inactive” by MSHA but mining is occurring within the boundaries of the mine. The mines consist of both development and production headings. Activities include drilling, blasting, scaling, loading, and hauling of ore.

(2) All of Doe Run’s mines access the elevation where the ore bodies are located by means of shafts. The ore body is accessed horizontally from such shafts. Each mine has two escapeways from what would be considered the lowest levels of each mine.

(3) Provision of two escapeways from each working area will be difficult, burdensome and unnecessarily costly. It will involve, in part, mining areas where there is no ore present and it will consume extensive periods of time. There are numerous areas at issue and abatement may involve millions of dollars of expense in certain areas.

(4) As an alternative to compliance to the existing standard 30 CFR 57.11050, the petitioner proposes the following:

(a) All active mining headings or development headings with more than 1000 feet of single access drift in the roadway leading to it will have a Designated Point of Safety (DPOS) within 1000 feet of every working heading.

(b) In cases where the mining area opens up to multiple drifts in by the 1000 feet of single access, the DPOS will be placed in by the last point of single access but not necessarily within 1000 feet of all working faces.

(c) Portable escape hoist shafts and roadways to other mines “inby” the 1000 feet of single access will eliminate the need for a DPOS.

(d) The DPOS for each work area that does not have two escapeways from the work area will comply with requirements for refuge alternatives in 30 CFR part 7, specifically as follows:

(i) Prefabricated self-contained units, including the structural breathable air, air monitoring, and harmful gas removal components of the unit will be approved under 30 CFR part 7.

(ii) Refuge alternatives will provide at least 15 square feet of floor space per person and 30 to 60 cubic feet of volume per person. The airlock can be included in the space and volume if waste is disposed outside the refuge alternative.

(iii) The operator will protect the refuge alternative and contents from damage during transportation, installation, and storage.

(iv) A refuge alternative will be removed from service if examination reveals damage that interferes with the functioning of the refuge alternative or any component.

(a) If a refuge alternative is removed from service, the operator will withdraw all persons from the area serviced by the refuge alternative, except those persons referred to in § 104(c) of the Mine Act.

(b) Refuge alternative components removed from service will be replaced or be repaired for return to service in accordance with the manufacturer’s specifications.

(v) At all times, the site and area around the refuge alternative will be kept clear of machinery, materials, and obstructions that could interfere with the deployment or use of the refuge alternative.

(vi) Each refuge alternative will be conspicuously identified with a sign or marker as follows:

(a) A sign or marker made of a reflective material with the word “Refuge” will be posted conspicuously at each refuge alternative.

(b) Directional signs made of a reflective material will be posted leading to each refuge alternative location.

(vii) During the use of the refuge alternative, the atmosphere within the refuge alternative will be monitored. Changers or adjustments will be made to reduce the concentration of carbon dioxide to 1 percent or less and excursions not exceeding 2.5 percent; and to reduce the concentration of carbon monoxide to 25 ppm or less. Oxygen will be maintained at 18.5 to 23 percent.

(viii) Refuge alternatives will contain a fire extinguisher that:

(a) Meets the requirements for portable fire extinguishers used in underground coal mines under this part;

(b) Is appropriate for extinguishing fires involving the chemical used for harmful gas removal; and

(c) Uses of low-toxicity extinguishing agent that does not produce a hazardous by-product when activated.

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.

**Sheila McConnell,**

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

[FR Doc. 2016-09797 Filed 4-26-16; 8:45 am]

**BILLING CODE 4520-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification of Application of Existing Mandatory Safety Standards

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