

Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until October 7, 2019.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Juliet Drake, Deputy Assistant Director, Executive Office for United States Trustees, 441 G Street NW, Suite 6150, Washington DC 20530, [Juliet.Drake@usdoj.gov](mailto:Juliet.Drake@usdoj.gov), (202) 307-3698.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the United States Trustee Program, 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

#### Overview of This Information Collection

1. *Type of Information Collection:* Extension, without change, of a currently approved collection.
2. *The Title of the Form/Collection:* Application for Approval as a Nonprofit Budget and Credit Counseling Agency (Application).
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the United States Trustee Program.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Nonprofit agencies that wish to offer credit counseling services pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), Public Law 109-8, 119 Stat. 23, 37, 38 (April 20, 2005), and codified at 11 U.S.C. 109(h) and 111, and Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by United States Trustees, 78 FR 16,138 (March 14, 2013) (Rule).

The BAPCPA requires any individual who wishes to file for bankruptcy to obtain credit counseling, within 180 days before filing for bankruptcy relief, from a nonprofit budget and credit counseling agency that has been approved by the United States Trustee. The Application collects information from such agencies in order to ensure compliance with the law and the Rule.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 86 respondents will complete the Application; initial applicants will complete the Application in approximately ten (10) hours, while renewal applicants will complete the Application in approximately four (4) hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 362 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: August 2, 2019.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2019-16873 Filed 8-6-19; 8:45 am]

**BILLING CODE 4410-40-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

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

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** 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 petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 6, 2019.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Email:* [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 a copy of the petition 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:** Roslyn Fontaine, Deputy Director, Office of Standards, Regulations, and Variances at 202-693-9475 (voice), [Fontaine.Roslyn@dol.gov](mailto:Fontaine.Roslyn@dol.gov) (email), or 202-693-9441 (fax). [These are not toll-free numbers.]

**SUPPLEMENTARY INFORMATION:** 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.

#### 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 (Secretary) 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–2019–002–M.

*Petitioner:* Graymont (PA) Inc., 375 Graymont Road, Bellefonte, Pennsylvania 16823.

*Mine:* Graymont (PA) Inc. Pleasant Gap, MSHA I.D. 36–06468, located in Centre County, Pennsylvania.

*Regulation Affected:* 30 CFR 57.14105 (Procedures during repairs or maintenance).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance during its automated and robotic bagging operations. The petitioner proposes a Category Three PLC Interlock energy-control method (PLC Interlock) as a means of compliance with existing energy-control and lockout/tagout methods.

The petitioner states that:

(1) The petitioner uses automated and robotic bagging systems at the mine. The bagging systems are equipped with area guarding that includes a PLC Interlock.

(2) With the automated and robotic bagging systems, miners need to perform routine operational tasks such as: Removing broken bags from the hydrate spout, emptying bag falls on the discharge conveyor, fixing pallet alignment on the pallet infeed, adjusting slip sheets on the pallet, replacing empty or torn bags on the robot, removing film from the stretch hood machine, removing overweight bags from the open mouth packer, removing bags at the flattener if reset is tripped, and cleaning sensors in order to ensure good operating function of the equipment. These tasks are routine, low risk, very limited in duration, and performed by miners trained on the equipment.

(3) To perform such tasks, miners are required to open the door and enter the area beyond the physical guarding (Operating Area), necessitating energy control procedures.

(4) Isolating power from the control computers upwards of 15–20 times per shift to perform routine non-maintenance tasks will cause computer and mechanical failures that would result in increased non-routine maintenance tasks that pose greater risk to miners. Only control power shutdowns will uphold the level of safety inherent in complete source power shutdown and will further

maintain the lifespan and integrity of the equipment. This would have the effect of reducing required maintenance and making the equipment safer, which enhances miner safety.

(5) The PLC Interlock method does not cut full source power to the area and equipment surrounding the Operating Area. The equipment adjacent to the Operating Area does have electricity flow, with power cables still carrying power to the system as a whole, even though control power to the Operating Area where the miners work is cut off.

The petitioner proposes the following terms and conditions:

(a) To control energy related to this system, once a worker enters the Operating Area, the PLC Interlock system would engage and the electronic Category Three interlocks within the door completely cut control power to the area in order to ensure there would not be any unexpected reenergization or movement of the equipment being accessed.

(b) The PLC Interlock method also includes lockable mechanisms on all applicable doors whereby a miner can lock the interlock with a traditional lockout/tagout padlock, such that the lock(s) can only be removed by the miner who installed them or by other authorized personnel.

(c) Suitable notices are posted at the power switch and signed by the miner assigned the tasks.

(d) Only upon completion of the tasks, the miner would remove the lock, unlock the gate, close the gate, leave the Operating Area, walk to the control panel, reset the system, and restart operation by reenergizing the control system while ensuring no miners are exposed to an unexpected release of energy or any associated potential hazards. PLC Interlock devices are designed so that the safety-related parts of the control system do not have a single fault that could lead to loss of safety function. The PLC Interlock devices are designed with redundancy to ensure that a failure within the device will not allow operation of the machine. Additionally, miners are not exposed to any live electrical conductors when they work beyond the guarding.

(e) Component failures are protected via redundant and fail-safe design, and the computer program is not controlling the system when the interlocks are not met. Program errors, power surges, or magnetic field interference could not cause the equipment to operate because every time an operator stops the system, the computer program must be reset and re-started.

The petitioner asserts that the proposed alternative method will

provide no less than the same measure of protection afforded the miners under the existing standard.

*Docket Number:* M–2019–003–M.

*Petitioner:* Graymont (PA) Inc., 375 Graymont Road, Bellefonte, Pennsylvania 16823.

*Mine:* Graymont (PA) Inc. Pleasant Gap, MSHA I.D. 36–06468, located in Centre County, Pennsylvania.

*Regulation Affected:* 30 CFR 57.12016 (Work on electrically-powered equipment).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance during its automated and robotic bagging operations. The petitioner proposes a Category Three PLC Interlock energy-control method (PLC Interlock) as a means of compliance with existing energy-control and lockout/tagout methods.

The petitioner states that:

(1) The petitioner uses automated and robotic bagging systems at the mine. The bagging systems are equipped with area guarding that includes a PLC Interlock.

(2) With the automated and robotic bagging systems, miners need to perform routine operational tasks such as: Removing broken bags from the hydrate spout, emptying bag falls on the discharge conveyor, fixing pallet alignment on the pallet infeed, adjusting slip sheets on the pallet, replacing empty or torn bags on the robot, removing film from the stretch hood machine, removing overweight bags from the open mouth packer, removing bags at the flattener if reset is tripped, and cleaning sensors in order to ensure good operating function of the equipment. These tasks are routine, low risk, very limited in duration, and performed by miners trained on the equipment.

(3) To perform such tasks, miners are required to open the door and enter the area beyond the physical guarding (Operating Area), necessitating energy control procedures.

(4) Isolating power from the control computers upwards of 15–20 times per shift to perform routine non-maintenance tasks will cause computer and mechanical failures that would result in increased non-routine maintenance tasks that pose greater risk to miners. Only control power shutdowns will uphold the level of safety inherent in complete source power shutdown and will further maintain the lifespan and integrity of the equipment. This would have the effect of reducing required maintenance and making the equipment safer, which enhances miner safety.

(5) The PLC Interlock method does not cut full source power to the area and equipment surrounding the Operating Area. The equipment adjacent to the Operating Area does have electricity flow, with power cables still carrying power to the system as a whole, even though control power to the Operating Area where the miners work is cut off.

The petitioner proposes the following terms and conditions:

(a) To control energy related to this system, once a worker enters the Operating Area, the PLC Interlock system would engage and the electronic Category Three interlocks within the door completely cut control power to the area in order to ensure there would not be any unexpected reenergization or movement of the equipment being accessed.

(b) The PLC Interlock method also includes lockable mechanisms on all applicable doors whereby a miner can lock the interlock with a traditional lockout/tagout padlock, such that the lock(s) can only be removed by the miner who installed them or by other authorized personnel.

(c) Suitable notices are posted at the power switch and signed by the miner assigned the tasks.

(d) Only upon completion of the tasks, the miner would remove the lock, unlock the gate, close the gate, leave the Operating Area, walk to the control panel, reset the system, and restart operation by reenergizing the control system while ensuring no miners are exposed to an unexpected release of energy or any associated potential hazards. PLC Interlock devices are designed so that the safety-related parts of the control system do not have a single fault that could lead to loss of safety function. The PLC Interlock devices are designed with redundancy to ensure that a failure within the device will not allow operation of the machine. Additionally, miners are not exposed to any live electrical conductors when they work beyond the guarding.

(e) Component failures are protected via redundant and fail-safe design, and the computer program is not controlling the system when the interlocks are not met. Program errors, power surges, or magnetic field interference could not cause the equipment to operate because every time an operator stops the system, the computer program must be reset and re-started.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

*Docket Number:* M-2019-004-M.

*Petitioner:* Solvay Chemicals, Inc., P.O. Box 1167, 400 County Road 85, Green River, WY 82935.

*Mine:* Solvay Chemicals, Inc. Mine, MSHA I.D. 48-01295, located in Sweetwater County, WY.

*Regulation Affected:* 30 CFR 57.22305 (Approved equipment (III mines)).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance for the respiratory protection of miners. The petitioner proposes to use non-MSHA approved, intrinsically safe battery-powered air purifying respirators (PAPR) to protect miners from potential exposure to respirable dust and ammonia gas during normal mining conditions in or in by the last open crosscut and where methane may be present.

The petitioner states that:

(1) The operator may use the following battery-powered PAPR units to provide respiratory protection for personnel, subject to the conditions of this petition:

- Sundström SR 500 EX
- Dräger X-plore 8000
- 3M TR-800 Versaflo

The petitioner proposes the following terms and conditions:

(a) The batteries for the PAPRs will be charged outby the last open crosscut when not in operation.

(b) Affected miners will be trained in the proper use and care of the PAPR units in accordance with manufacturers' instructions.

(c) If methane is detected in concentrations of 1.0 percent or more, procedures in accordance with 30 CFR 57.22234 will be followed.

The petitioner asserts that the proposed alternative method will provide no less than the same measure of protection afforded the miners under the existing standard.

*Docket Number:* M-2019-05-M.

*Petitioner:* Nevada Gold Mines, LLC, 1655 Mountain City Highway, Elko, Nevada 89801.

*Mine:* Genesis Mine, MSHA I.D. 26-00062, 26 Miles on SR766, North of Carlin, Carlin, Nevada 89822, located in Eureka County, Nevada.

South Area Mine, MSHA I.D. 26-00500, 6 Miles on SR766, North of Carlin, Carlin, Nevada, located in Eureka County, Nevada.

*Regulation Affected:* 30 CFR 56.6309(b) (Fuel oil requirements for ANFO).

*Modification Request:* The petitioner requests a modification of the existing standard to allow the use of recycled used waste oil blended with diesel fuel

(blended oil) to prepare ammonium nitrate fuel oil (ANFO).

The petitioner states that:

(1) On July 1, 2019, petitioner assumed the operation of multiple gold mines in Nevada, including Goldstrike Mine, Genesis Mine and South Area Mine.

(2) Blended oil has been approved for use to prepare ANFO at petitioner's Goldstrike Mine, pursuant to MSHA's Amended Decision and Order of December 1, 1998, reinstated by Decision and Order of November 4, 2011, granting modification of the application of 30 CFR 56.6309(b) at Goldstrike Mine (Goldstrike Modification Order). The petitioner states that it seeks only to use the blended oil that has already been recycled and tested at Goldstrike Mine according to the conditions set out in the Goldstrike Modification Order in its ANFO blasting agents, and use the blended oil prepared and approved for use at Goldstrike Mine in ANFO mixtures at petitioner's Genesis Mine and South Area Mine.

(3) The Genesis Mine and South Area Mine are open-pit gold mines that consist of series of sediment hosted Carlin-style gold deposits. The Genesis Mine is adjacent to the Goldstrike Mine. The principle blasting method to be applied at both mines involves the use of ANFO loaded in pre-drilled blast holes, similar to the blasting methods at Goldstrike Mine. The petitioner states that it intends to ignite approximately 1,000 blast holes per month at each mine.

The petitioner proposes the following terms and conditions:

(a) The ANFO blasting agents the petitioner seeks to load in its blast holes at Genesis Mine and South Area Mine will consist of blended oil prepared at Goldstrike Mine according to the conditions set forth in the Goldstrike Modification Order, combined with ammonium nitrate.

(b) The ammonium nitrate to be combined with the blended oil to create ANFO will be stored separate and apart from the blended oil in three 100-ton silos in a locked and secured compound in the same vicinity at Goldstrike Mine. Only authorized blasting personnel will have access to the blended oil and ammonium nitrate storage facilities.

(c) The blended oil and ammonium nitrate will be transported from Goldstrike Mine to the respective blast sties at Genesis Mine and South Area Mine in separate containers and will be combined at each mine only as part of the actual process of loading the blast holes. The same certified blasting personnel operating at Goldstrike Mine

will perform blasting operations at Genesis Mine and South Area Mine.

(d) The ANFO will not be used in confined spaces or underground blasting operations. The ANFO will be used only at Genesis Mine and South Area Mine, and not be sold or transported to other mine properties.

(e) The petitioner will maintain a daily "load" and "shot" report detailing all holes loaded and shots fired which contain the ANFO.

(f) Emulsions (heavy ANFO) will not be used with the recycled oil unless the emulsion manufacturer certifies compatibility of the product with the oil.

(g) Misfires/hangfires which are reasonably suspected to have been caused by the blended oil will be reported to the MSHA District Manager in a timely manner.

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. 2019-16840 Filed 8-6-19; 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**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** 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 MSHA's Office of Standards, Regulations, and Variances on or before September 6, 2019.

**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 petition 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:** Sheila McConnell, Office of Standards, Regulations, and Variances at 202-693-9440 (Voice), [mccconnell.sheila.a@dol.gov](mailto:mccconnell.sheila.a@dol.gov) (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers.]

**SUPPLEMENTARY INFORMATION:** 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.

**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-2019-025-C.

*Petitioner:* Blue Diamond Coal Company, One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219.

*Mines:* No. 88 Mine, MSHA I.D. No. 15-19400, located in Knott County, Kentucky.

*Regulation Affected:* 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use

of battery-powered nonpermissible surveying equipment including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and data loggers, within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(1) To comply with requirements for mine ventilation maps and mine maps in 30 CFR 75.372, 75.1002(a), and 75.1200, use of the most practical and accurate surveying equipment is necessary. It is necessary to determine the exact location and extent of mine workings to ensure the safety of miners in active mines and to protect miners in future mines which may mine in close proximity to the active mines.

(2) Application of the existing standard would result in a diminution of safety to miners. Underground mining by its nature, size, and complexity of mine plans requires that accurate and precise measurements be completed in a prompt and efficient manner.

As an alternative to the existing standard, the petitioner proposes the following:

(a) The operator may use the following total stations and theodolites and similar low-voltage battery-operated total stations and theodolites if they have an ingress protection (IP) rating of 66 or greater within 150 feet of pillar workings or longwall faces subject to this petition:

- TopCon GTS 233 W
- TopCon GPT 3003 LW
- TopCon GTS 223
- TopCon GTS 243 NW

(b) The nonpermissible electronic surveying equipment is low-voltage or battery-powered nonpermissible total stations and theodolites. All nonpermissible electronic total stations and theodolites will have an IP 66 or greater rating.

(c) The operator will maintain a logbook for electronic surveying equipment with the equipment, or in the location where mine record books are kept, or in the location where the surveying record books are kept. The logbook will contain the date of manufacture and/or purchase of each particular piece of electronic surveying equipment. The logbook will be made available to MSHA on request.

(d) All nonpermissible electronic surveying equipment to be used within 150 feet of pillar workings or longwall faces will be examined by the person who operates the equipment prior to taking the equipment underground to ensure the equipment is being maintained in a safe operating