

**ADDRESSES:** You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

**Electronic Submissions:** Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA–2019–0049. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

**Written/Paper Submissions:** Submit written/paper submissions in the following way:

- **Mail/Hand Delivery:** Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

MSHA establishes standards and regulations for diesel-powered equipment in underground coal mines

that provide additional important protection for coal miners who work on and around diesel-powered equipment. The standards are designed to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter. The standards in sections 72.510(a) & (b), and 72.520(a) & (b) contain information collection requirements for underground coal mine operators.

Section 72.510(a) requires underground coal mine operators to provide annual training to all miners who may be exposed to diesel emissions. The training must include: Health risks associated with exposure to diesel particulate matter; methods used in the mine to control diesel particulate concentrations; identification of the personnel responsible for maintaining those controls; and actions miners must take to ensure that controls operate as intended. Under Section 72.510(b) underground coal mine operators are required to keep a record of the training for one year.

Section 72.520(a) and (b) requires underground coal mine operators to maintain an inventory of diesel powered equipment units together with a list of information about any unit's emission control or filtration system. The list must be updated within 7 calendar days of any change.

**II. Desired Focus of Comments**

MSHA is soliciting comments concerning the proposed information collection related to Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines). MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

Background documents related to this information collection request are

available at <https://regulations.gov> and in DOL–MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice from the previous collection of information.

**III. Current Actions**

This information collection request concerns provisions for Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines). MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

**Type of Review:** Extension, without change, of a currently approved collection.

**Agency:** Mine Safety and Health Administration.

**OMB Number:** 1219–0124.

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

**Number of Respondents:** 164.

**Frequency:** On occasion.

**Number of Responses:** 55,980.

**Annual Burden Hours:** 710 hours.

**Annual Respondent or Recordkeeper Cost:** \$24.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

**Sheila McConnell,**  
*Certifying Officer.*

[FR Doc. 2020–01340 Filed 1–24–20; 8:45 am]

**BILLING CODE 4510–43–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 petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 26, 2020.

**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 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:**

Sheila McConnell, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), [McConnell.Sheila.A@dol.gov](mailto:McConnell.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 (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. 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 for filing petitions for modification.

## II. Petitions for Modification

*Docket Number:* M-2019-058-C.

*Petitioner:* Peabody Midwest Mining, LLC, 7100 Eagle Crest Blvd., Evansville, IN 47715.

*Mine:* Francisco Underground Pit, MSHA I.D. No. 12-02295, located in Gibson County, IN.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.500(d), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in or inby the last open crosscut.

The petitioner states that:

- (a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection with long-term health benefits.

- (b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)*. February 2020 will be the last opportunity to order the Airstream components.

- (c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

- (d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEx). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

- (1) The operator is petitioning to use the *Versaflo™ TR-800 Intrinsically Safe PAPR* in or inby the last open crosscut.

- (2) The equipment must be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results must be recorded weekly and may be expunged after one year.

- (3) The operator will comply with 30 CFR 75.323.

- (4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

- (5) Qualified miners will receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

- (6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be

approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

- (7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-059-C.

*Petitioner:* Peabody Midwest Mining, LLC, 7100 Eagle Crest Blvd., Evansville, IN 47715.

*Mine:* Francisco Underground Pit, MSHA I.D. No. 12-02295, located in Gibson County, IN.

*Regulation Affected:* 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.507-1(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in return airways.

The petitioner states that:

- (a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection with long-term health benefits.

- (b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)*. February 2020 will be the last opportunity to order the Airstream components.

- (c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

- (d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEx). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the *Versaflo™ TR-800 Intrinsically Safe PAPP* in return airways.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

(4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

(5) Qualified miners will receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-060-C.

*Petitioner:* Peabody Midwest Mining, LLC, 7100 Eagle Crest Blvd., Evansville, IN 47715.

*Mine:* Francisco Underground Pit, MSHA I.D. No. 12-02295, located in Gibson County, IN.

*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, 30 CFR 75.1002(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal

mine dust, a protection with long-term health benefits.

(b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)*. February 2020 will be the last opportunity to order the Airstream components.

(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEx). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the *Versaflo™ TR-800 Intrinsically Safe PAPR* within 150 feet of pillar workings and longwall faces.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

(4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

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(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-061-C.

*Petitioner:* Peabody Gateway North Mining, LLC, 7100 Eagle Crest Boulevard, Suite 100, Evansville, IN 47715-8152.

*Mine:* Gateway North Mine, MSHA I.D. No. 11-03235, located in Randolph County, IL.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.500(d), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in or inby the last open crosscut.

The petitioner states that:

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(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEx). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the *Versaflo™ TR-800 Intrinsically Safe PAPR* in or inby the last open crosscut.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

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*Docket Number:* M–2019–062–C.

*Petitioner:* Peabody Gateway North Mining, LLC, 7100 Eagle Crest Boulevard, Suite 100, Evansville, IN 47715–8152.

*Mine:* Gateway North Mine, MSHA I.D. No. 11–03235, located in Randolph County, IL.

*Regulation Affected:* 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.507–1(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR–800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in return airways.

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

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above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-064-C.

*Petitioner:* Peabody Southeast Mining, LLC, 654 Camp Creek Portal Rd., Oakman, AL 35579.

*Mine:* Shoal Creek Mine, MSHA I.D. No. 01-02901, located in Walker County, AL.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.500(d), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in or inby the last open crosscut.

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*Docket Number:* M-2019-065-C.

*Petitioner:* Peabody Southeast Mining, LLC, 654 Camp Creek Portal Rd., Oakman, AL 35579.

*Mine:* Shoal Creek Mine, MSHA I.D. No. 01-02901, located in Walker County, AL.

*Regulation Affected:* 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.507-1(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in return airways.

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(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as

intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEX). It is not MSHA-approved and 3M is not currently pursuing approval.

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(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-066-C.

*Petitioner:* Peabody Southeast Mining, LLC, 654 Camp Creek Portal Rd., Oakman, AL 35579.

*Mine:* Shoal Creek Mine, MSHA I.D. No. 01-02901, located in Walker County, AL.

*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, 30 CFR 75.1002(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The

operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection with long-term health benefits.

(b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)*. February 2020 will be the last opportunity to order the Airstream components.

(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEX). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the *Versaflo™ TR-800 Intrinsically Safe PAPR* within 150 feet of pillar workings and longwall faces.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

(4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

(5) Qualified miners will receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be

made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-067-C.

*Petitioner:* Peabody Twentymile Mining, LLC, 29515 Route County Road #27, Oak Creek, CO 80467.

*Mine:* Foidel Creek Mine, MSHA I.D. No. 05-03836, located in Routt County, CO.

*Regulation Affected:* 30 CFR 75.500(d) (Permissible electric equipment).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.500(d), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in or inby the last open crosscut.

The petitioner states that:

(a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection with long-term health benefits.

(b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)*. February 2020 will be the last opportunity to order the Airstream components.

(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The *Versaflo™ TR-800 Intrinsically Safe PAPR* qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEX). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the *Versaflo™ TR-800 Intrinsically Safe PAPR* in or inby the last open crosscut.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

(4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

(5) Qualified miners will receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-068-C.

*Petitioner:* Peabody Twentymile Mining, LLC, 29515 Route County Road #27, Oak Creek, CO 80467.

*Mine:* Foidel Creek Mine, MSHA I.D. No. 05-03836, located in Routt County, CO.

*Regulation Affected:* 30 CFR 75.507-1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.507-1(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)* in return airways.

The petitioner states that:

(a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection with long-term health benefits.

(b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the *Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR)*. February 2020 will be the last opportunity to order the Airstream components.

(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The Versaflo™ TR-800 Intrinsically Safe PAPR qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEX). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the Versaflo™ TR-800 Intrinsically Safe PAPR in return airways.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

(4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

(5) Qualified miners will receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

*Docket Number:* M-2019-069-C.

*Petitioner:* Peabody Twentymile Mining, LLC, 29515 Route County Road #27, Oak Creek, CO 80467.

*Mine:* Foidel Creek Mine, MSHA I.D. No. 05-03836, located in Routt County, CO.

*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, 30 CFR 75.1002(a), as it relates to the use of an alternative method of respirable dust protection at the Francisco Underground Pit mine. The operator is petitioning to use a battery powered respirable protection unit called a Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR) within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(a) Peabody currently uses the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection with long-term health benefits.

(b) 3M is discontinuing the Airstream helmet by June 1, 2020 due to disruption in their component supply but it will offer the Versaflo™ TR-800 Intrinsically Safe Powered Air Purifying Respirator (PAPR). February 2020 will be the last opportunity to order the Airstream components.

(c) There are currently no replacement 3M PAPRs that meet the MSHA standard for permissibility.

(d) The Versaflo™ TR-800 Intrinsically Safe PAPR qualifies as intrinsically safe in the US, Canada, and countries that accept the International Electrotechnical Commissions System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEX). It is not MSHA-approved and 3M is not currently pursuing approval.

The petitioner proposes the following alternative method:

(1) The operator is petitioning to use the Versaflo™ TR-800 Intrinsically Safe PAPR within 150 feet of pillar workings and longwall faces.

(2) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512-2 and examination results will be recorded weekly and may be expunged after one year.

(3) The operator will comply with 30 CFR 75.323.

(4) A qualified person under 30 CFR 75.151 will monitor for methane as is required in the mine.

(5) Qualified miners will receive training regarding the information in the Decision and Order before using equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(6) Within 60 days of the Decision and Order becoming finalized, the operator will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training and when the

revisions are conducted, the MSHA Certificate of Training (Form 5000-23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

(7) The operator is responsible for all people, including contractors, using the above equipment. The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

**Sheila McConnell,**

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

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## DEPARTMENT OF LABOR

### Wage and Hour Division

#### Agency Information Collection Activities; Comment Request; Information Collection—Housing Occupancy Certificates Under the Migrant and Seasonal Agricultural Worker Protection Act

**AGENCY:** Wage and Hour Division, 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). 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 Wage and Hour Division is soliciting comments concerning its proposal to extend Office of Management and Budget (OMB) approval of the Information Collection: Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 27, 2020.