

water if it is approved by the District Manager and contains the required certification by a registered professional engineer, a certification by the owner, and a permit.

D. Annual Status Report and Certification

If the District Manager has determined that a refuse pile can present a hazard, 30 CFR 77.215–2(c) requires that the following information is reported every 12 months: topographic map, whether the refuse pile is burning, measures taken to prevent impounded water, the scale of the refuse pile, and stability.

30 CFR 77.216–4 requires that the submission of a report to the District Manager every 12 months, including a certification by a registered professional engineer. Reports required under 30 CFR 77.216–4(a) contain, among other things, changes in the geometry of the impounding structure for the reporting period; data showing the minimum, maximum and present depth of the impoundment; the storage capacity of the impounding structure; and the volume of the impounded water, sediment, or slurry for the reporting period. The report is not required if a registered professional engineer certifies that there have been no changes in the impoundment.

E. Permanent Identification Marker Posting

30 CFR 77.215–1 requires permanent identification markers at least six feet high to be used to show the refuse pile identification information.

30 CFR 77.216–1 requires permanent identification markers at least six feet high to be used to show the impoundment identification information.

F. Weekly Inspections and Instrumentation Monitoring

30 CFR 77.216–3(a) requires all impoundments to be examined for appearances of structural weakness and other hazardous conditions and all instruments be monitored at intervals not exceeding seven days. All inspections must be performed by a qualified person designated by the owner or operator of the impoundment.

30 CFR 77.216–3(b) requires that, in case of a potentially hazardous condition, actions to be taken to eliminate the condition, notify the District Manager, notify and prepare to evacuate all coal miners if necessary, and direct a qualified person to monitor all instruments and examine the structure at least once every eight hours.

30 CFR 77.216–3(c) requires results of examination and instrumentation

monitoring to be promptly recorded, available at the mine for inspection by a MSHA inspector. 30 CFR 77.216–3(d) requires the records include a report of the action taken to abate hazardous condition and be promptly signed or countersigned by the mine foreman or other designated person.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Refuse Piles and Impoundment Structures. 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.

The information collection request will be available on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on www.regulations.gov and www.reginfo.gov.

The public may also examine publicly available documents at DOL–MSHA, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

III. Current Actions

This information collection request concerns provisions for Refuse Piles and Impoundment Structures. 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: 1219–0015.

Affected Public: Business or other for-profit.

Number of Annual Respondents: 907.

Frequency: On occasion.

Number of Annual Responses: 22,533.

Annual Burden Hours: 55,933 hours.

Annual Respondent or Recordkeeper Cost: \$1,55,051.

Comments submitted in response to this notice will be summarized 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>.

Song-ae Aromie Noe,

Certifying Officer, Mine Safety and Health Administration.

[FR Doc. 2023–17621 Filed 8–15–23; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[[OMB Control No. 1219–0127]]

Proposed Extension of Information Collection; Certification and Qualification To Examine, Test, Operate Hoists and Perform Other Duties

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. 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. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Certification and Qualification to Examine, Test, Operate Hoists and Perform Other Duties.

DATES: All comments must be received on or before October 16, 2023.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below. Please note that late, untimely filed comments will not be considered.

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number MSHA–2023–0043.

- *Mail/Hand Delivery:* DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor’s COVID–19 policy. Special health precautions may be required.

- MSHA will post all comments 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: S. Aromie Noe, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at 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) Public Law 95–164 as amended, 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (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(a), authorizes the Secretary of Labor (Secretary) 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.

30 CFR 75.100 and 77.100 defines a certified person as a person who has been certified as a mine foreman (mine manager), an assistant mine foreman (section foreman), or a preshift examiner (mine examiner). The certified persons are qualified to perform duties under 30 CFR 75 and 77, such as examining for hazardous conditions, testing for methane and oxygen deficiency, conducting tests of air flow, performing electrical work, repairing energized surface high-voltage lines, and performing the duties of hoisting engineer. In addition to experience in coal mines, the certified person is

required to make the required examinations and tests, including being qualified to test for methane and for oxygen deficiency.

30 CFR 75.155 outlines the requirements necessary to be qualified as a hoisting engineer to operate a steam-driven hoist or electrically driven hoist in underground coal mines if the person has at least one year experience as an engineer in a steam-driven or electrically driven hoisting plant and is qualified by the State in which the mine is located as a steam-hoisting engineer.

30 CFR 77.105 outlines the requirements necessary to be qualified as a hoistman to a hoist at a slope or shaft sinking operation in surface coal mines if the person has at least one year of experience operating a hoist plant or maintaining hoist equipment and is qualified by any State as a hoistman or its equivalency.

Under 30 CFR 75.160, 75.161, 77.107, and 77.107–1, the mine operator must have an approved training plan developed to train and retrain the qualified and certified persons to effectively perform their tasks.

30 CFR 75.159 and 30 CFR 77.106 require coal mine operators to maintain a list of persons who are certified and qualified to perform duties. This information collection is necessary to ensure that only persons who are properly trained and sufficiently experienced are permitted to perform these duties. Although MSHA does not specify a format for the recordkeeping, it normally consists of the names of the certified and qualified persons listed in two columns on a sheet of paper. One column is for certified persons and the other is for qualified persons.

These regulations recognize State certification and qualification programs. However, where State programs are not available, MSHA may certify and qualify miners to carry out certain functions prescribed in the Mine Act. Under this program, MSHA will qualify or certify individuals if these individuals meet the requirements for qualification or certification, fulfill any applicable retraining requirements, and remain employed at the same mine or by the same independent contractor.

Applications for MSHA qualification or certification are submitted to the MSHA Qualification and Certification Unit in Denver, Colorado. MSHA Form 5000–41, Safety & Health Activity Certification or Hoisting Engineer Qualification Request, provides the coal mining industry with a standardized reporting format that expedites the certification and qualification process while ensuring compliance with the regulations. MSHA uses the information

collected through this form to determine if applicants satisfy the requirements to obtain the certification or qualification. Persons must meet certain minimum experience requirements depending on the type of certification or qualification sought.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the information collection related to Certification and Qualification to Examine, Test, Operate Hoists and Perform Other Duties. 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.

The information collection request will be available on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on www.regulations.gov and www.reginfo.gov.

The public may also examine publicly available documents at DOL–MSHA, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist’s desk on the 4th floor via the East elevator. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor’s COVID–19 policy. Special health precautions may be required.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This information collection request concerns provisions for Certification and Qualification to Examine, Test, Operate Hoists and Perform Other

Duties. 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: 1219–0127.

Affected Public: Business or other for-profit.

Number of Annual Respondents: 990.

Frequency: On occasion.

Number of Annual Responses: 3,980.

Annual Burden Hours: 334 hours.

Annual Respondent or Recordkeeper Cost: \$3.00.

MSHA Forms: MSHA Form 5000–41, Safety and Health Activity Certification or Hoisting Engineers Qualification Request Form.

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>.

Song-ae Aromie Noe,

Certifying Officer, Mine Safety and Health Administration.

[FR Doc. 2023–17625 Filed 8–15–23; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition 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 a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA’s Office of Standards, Regulations, and Variances on or before September 15, 2023.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2023–0041 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2023–0041.

2. *Fax:* 202–693–9441.

3. *Email:* petitioncomments@dol.gov.

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards,

Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, 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. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor’s COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), Petitionsformodification@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 (CFR) 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. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2023–011–C.

Petitioner: Peabody Twentymile Coal Mining, LLC, 29515 Routt County Road 27, Oak Creek, Colorado 80467.

Mine: Foidel Creek Mine, MSHA ID No. 05–03836, located in Routt County, Colorado.

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

Modification Request: The petitioner requests a modification of 30 CFR 75.500(d) to permit the use of Versaflo

TR–800 and CleanSpace EX powered respirators, nonpermissible battery powered air-purifying respirators (PAPR) on the longwall face or within 150 feet of pillar workings.

The petitioner states that:

(a) The mine utilizes the continuous mining method.

(b) Petitioner uses the 3M Airstream PAPR under an existing decision and order to provide additional protection for its miners against exposure to respirable coal mine dust on the long wall faces.

(c) 3M discontinued the Airstream PAPR June 1, 2020, due to disruption in their component supply.

(d) Currently, there is no PAPRs that meets MSHA’s permissibility requirements. The 3M Versaflo TR–800 PAPR is available, but it is not permissible, and 3M is currently not pursuing approval.

(e) The Versaflo TR–800 motor/blower and battery qualify as intrinsically safe in the U.S., Canada, and countries that accept the International Electrotechnical Commission System for Certification to Standards Relating to Equipment for Use in Explosive Atmosphere (IECEx). The Versaflo TR–800 motor/blower is UL-certified with an intrinsically safe (IS) rating of Division 1: IS Class I, II, III; Division 1 (includes Division 2) Groups C, D, E, F, G; T4, under the most current standard (UL 60079, 6* Edition, 2013). It is also ATEX-certified with an intrinsically safe (IS) rating of “ia.” The Versaflo TR–800 is also rated and marked with Ex ia, I Ma, Ex ia IIB T4 Ga, Ex ia IIIC 135°C Da, – 20 °C < Ta < +55°C, under the current standard (IEC 60079).

(f) The CleanSpace EX PAPR is not currently approved as permissible by MSHA and CleanSpace is pursuing approval.

(g) The CleanSpace EX PAPR is certified by TestSafe Australia (TSA) according to the IEC 60079–0:2011 (General Requirements) and IEC 60079–11:2011 (Intrinsic Safety) standards. The certificate, issued to PAFtec Australia Pty Ltd (PAFtec), allows PAFtec to mark the device as “Ex ib IIB T4 Gb” and “Ex ia I Ma.” Therefore, the CleanSpace EX has been determined to be intrinsically safe under IECEx and other international standards.

(h) In 2017, the National Institute for Occupational Safety and Health (NIOSH) published “An Evaluation of the Relative Safety of U.S. Mining Explosion-Protected Equipment Approval Requirements versus those of International Standards” in which NIOSH determined that electrical and electronic equipment which meets two-fault intrinsic safety as defined in the