

**DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survivor's Form for Benefits Under the Black Lung Benefits Act**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before October 10, 2023.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Michelle Neary by telephone at 202–693–6312, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The CM–912 is used to gather information from a beneficiary's survivor to determine if the survivor is entitled to benefits or the continuation of benefits. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 8, 2023 (88 FR 29698).

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 the OMB approves it 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 OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–OWCP.

*Title of Collection:* Survivor's Form for Benefits under the Black Lung Benefits Act.

*OMB Control Number:* 1240–0027.

*Affected Public:* Individuals or households.

*Total Estimated Number of Respondents:* 1,067.

*Total Estimated Number of Responses:* 1,067.

*Total Estimated Annual Time Burden:* 142 hours.

*Total Estimated Annual Other Costs Burden:* \$707.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michelle Neary,**  
*Senior PRA Analyst.*

[FR Doc. 2023–19224 Filed 9–6–23; 8:45 am]

**BILLING CODE 4510–CK–P**

**DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Wage and Hour Division (WHD)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before October 10, 2023.

**ADDRESSES:** Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Michelle Neary by telephone at 202–693–6312, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Any person who owns or controls a facility or real property to be used for housing migrant agricultural workers cannot permit any such worker to occupy the housing unless a copy of a certificate of occupancy from the state, local, or federal agency that conducted the housing safety and health inspection is posted at the site of the facility or real property. The certificate attests that the facility or real property meets applicable safety and health standards. The housing provider must retain the original copy of the certificate for three years and make it available for inspection. Form WH–520 is the form used when the Department of Labor's Wage and Hour Division inspects and approves such housing. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 28, 2023 (88 FR 12700).

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 the OMB approves it 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 OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–WHD.

*Title of Collection:* Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act.

*OMB Control Number:* 1235–0006.

*Affected Public:* Farms.

*Total Estimated Number of*

*Respondents:* 10.

*Total Estimated Number of*

*Responses:* 10.

*Total Estimated Annual Time Burden:* 1.0 hours.

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

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michelle Neary,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2023–19225 Filed 9–6–23; 8:45 am]

**BILLING CODE 4510–27–P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petition 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 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 October 10, 2023.

**ADDRESSES:** You may submit comments identified by Docket No. MSHA–2023–0037 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2023–0037.

2. *Fax:* 202–693–9441.

3. *Email:* [petitioncomments@dol.gov](mailto: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](mailto: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–2023–018–C.

*Petitioner:* The Coteau Properties Company, 204 County Road 15, Beulah, North Dakota 58523.

*Mine:* Freedom Mine, MSHA ID No. 32–00595, located in Mercer County, North Dakota.

*Regulation Affected:* 30 CFR 77.1607(u) (Loading and haulage equipment; operation).

*Modification Request:* The petitioner requests a modification of 30 CFR 77.1607(u) to permit the use of an engine driven hydraulic power pack, Kubota Model D1105, to tow disabled haulage trucks in lieu of a solid tow bar and safety chain.

The petitioner states that:

(a) The petitioner has a previously granted petition for modification, docket number M–2018–013–C, to use a Lambardini Model 9LD 625–2 engine driven hydraulic power pack to tow disabled haulage trucks.

(b) The petitioner is now requesting to use a Kubota Model D1105, serial number 1GZ1802, engine driven hydraulic power pack due to mechanical issues with the Lambardini Model 9 LD 625–2 engine driven hydraulic power pack. The Kubota Model D1105, serial number 1GZ1802, engine driven hydraulic power pack will be used under the same terms and conditions listed in the previously granted petition.

The petitioner proposes the following alternative method:

(a) The proposed towing system shall only apply to vehicles with a “fail safe” braking system and emergency steering capabilities.

(b) The tow ropes used to tow a disabled vehicle shall be a minimum of 3<sup>5</sup>/<sub>8</sub>” Dyneema material, at least 50 feet in length, with an average breaking strength of 1,459,000 lbs., and maintained in good condition. Tow ropes shall be attached to both vehicles with tow balls or equivalent attachments. Connecting the towing ropes between vehicles shall be done when the vehicles are at a protected location and the engines are not running and both vehicles shall be blocked with wheel chocks prior to attaching or disconnecting nylon towing slings when the potential for rolling exists. Tow ropes shall be maintained and replaced as per manufacturer’s recommendations.

(c) Radio communications between the towed and the towing vehicles shall be maintained at all times when the vehicles are moving. The towed vehicle driver shall be able to see at least 10 feet in front of the vehicle. Towing speed shall not exceed 5 mph.

(d) The engine driven hydraulic power pack shall be adequately designed to supply the correct hydraulic pressure as recommended by the towed vehicle manufacturer.

(e) The power pack shall be securely mounted to the towed vehicle as to not impede the operation of the vehicle or pose safety hazards such as a broken hydraulic line or exhaust fumes that may enter the operator’s compartment. The power pack shall not impede the ability to exit the vehicle quickly.

(f) The power pack shall operate at all times when the vehicle is being towed to maintain normal braking and steering functions. The power pack shall be examined prior to each use by a