

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, Director, 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 (Mine Act) 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 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-2024-008-C.

*Petitioner:* Fossil Rock Resources, LLC, 5125 N Cottonwood Road, Orangeville, UT 84537.

*Mine:* Fossil Rock Mine, MSHA ID No. 42-01211, located in Emery County, Utah.

*Regulation Affected:* 30 CFR 75.1909(b)(6).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.1909(b)(6), to utilize alternative methods of compliance to permit the use of a road grader without front brakes.

The petitioner states that:

(a) Fossil Rock Mine may use the following model of grader or a similar model: Getman, Model 1504-C.

(b) The Getman graders were the subject of a previously granted petition for modification at the Skyline Mine No. 3 and Dugout Canyon Mine (M-1999-073-C).

(c) The Getman graders will be available for inspection at Skyline Mine No. 3.

(d) Service brakes on each wheel of the vehicle are designed such that failure of any single component, except the brake actuation pedal or other similar actuation device, must not result in a complete loss of service braking capability.

(e) The mine uses rubber-tired diesel equipment to transport personnel and supplies down the slope and into the mine. The Getman graders will be used to maintain the roadways traveled by the rubber-tired equipment. The coal seam is relatively flat in the areas that have been mined. At the time of the investigation by MSHA, Fossil Rock will provide a map which shows elevations to the extent possible.

(f) The Getman graders have a dual brake system on the four rear wheels and are designed to prevent loss of braking due to a single component failure. Each of the brake systems features an accumulator pressure gauge and a low-pressure warning light. The graders also have a spring applied, hydraulic release wet disc park and supplemental brake, transmission neutralizer, and test button for park brake testing. The independent braking systems are designed to operate even when oil, air, electrical or transmission pressure fails. These systems provide independent braking systems in lieu of brakes on the front wheels of the grader.

The petitioner proposes the following alternative method:

(a) Road grader operators shall limit the speed of the diesel graders to 10 miles per hour (mph) in either direction. This shall be accomplished by the following:

(1) Permanently blocking out the gear(s) or any gear ratio(s) that provide higher speeds. The device shall limit the vehicle speed in both forward and reverse; and

(2) Using transmission(s) and differential(s) geared in accordance with the equipment manufacturer which limits the maximum speed to 10 mph.

(b) Road grader operators will be trained on the provisions of this Petition for Modification and this training will be documented on a 5000-23 form. Training will include, but not be limited to the following:

(1) The braking limitations of the road grader.

(2) The speed of the road grader is limited to 10 mph or less.

(3) The fourth gear is not available.

(4) As the angle of a road or slope increases, speed should be reduced by operating at a lower gear.

(5) As an alternate means to control the speed of the road grader, the moldboard can be lowered to the mine floor.

(6) Within 60 days after the Proposed Decision and Order is granted by MSHA, the Petitioner shall submit proposed revisions for its approved 30 CFR part 48 training plan. These proposed revisions shall specify initial and refresher training regarding the conditions specified in the Petition.

Fossil Rock Mine has no designated miner's representative.

The Petitioner asserts that the alternative method proposed in the Petition will at all times guarantee no less than the same measure of protection afforded by 30 CFR 75.1909(b)(6).

**Signed:** Aromie Noe,

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

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**BILLING CODE 4520-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2007-0043]

### TUV SUD America, Inc.: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on August 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1911; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov). OSHA's web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpc/nrtl/index.html>).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition for TUV SUD America Inc. (TUVAM). TUVAM's expansion covers the addition of five test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This

appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

TUVAM submitted an application, dated September 30, 2021 (OSHA-2007-0043-0057), to expand their recognition to include five additional test standards to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVAM's expansion application in the **Federal Register** on April 17, 2024 (89 FR 27456). The agency requested comments by May 2, 2024, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to

grant expansion of TUVAM's NRTL scope of recognition.

To review copies of all public documents pertaining to TUVAM's application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor at (202) 693-2350. Docket No. OSHA-2007-0043 contains all materials in the record concerning TUVAM's recognition. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 for assistance in locating docket submissions.

**II. Final Decision and Order**

OSHA staff examined TUVAM's expansion application and examined other pertinent information. Based on its review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant TUVAM's expanded scope of recognition. OSHA limits the expansion of TUVAM's recognition to include the testing and certification of products for demonstration of conformance to the test standards shown below in Table 1.

**TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION**

Test standard	Test standard title
UL 50E .....	Safety Enclosures for Electrical Equipment, Environmental Considerations.
UL 3100 .....	Automated Mobile Platforms (AMPs).
UL 60335-2-29 .....	Household and Similar Electrical Appliances: Particular Requirements for Battery Chargers.
UL 61010-2-201 .....	Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2-201: Particular Requirements for Control Equipment.
UL 60950-22 .....	Information Technology Equipment Safety—Part 22: Equipment to be Installed Outdoors.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, OSHA may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA

Instruction CPL 01-00-004, Chapter 2, Section VIII), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

**A. Conditions**

Recognition is contingent on continued compliance with 29 CFR 1910.7, including but not limited to, abiding by the following conditions of recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in

its operations as a NRTL, and provide details of the change(s);

2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM as a NRTL, subject to the limitations and conditions specified above.

**III. Authority and Signature**

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational

Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC.

**James S. Frederick,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2024–16874 Filed 7–31–24; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2010–0007]

#### Nationally Recognized Testing Laboratories; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Program Regulation for Nationally Recognized Testing Laboratories (the Regulation).

**DATES:** Comments must be submitted (postmarked, sent, or received) by September 30, 2024.

**ADDRESSES:**

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and OSHA

docket number (OSHA–2010–0007) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments see the “Public participation” heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:**

Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor. Telephone (202) 693–2222.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (i.e. employer) burden conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements a number of standards issued by OSHA contain requirements that specify employers use only equipment, products, or material tested or approved by a Nationally Recognized Testing Laboratory (NRTL). These requirements ensure that employers use safe and efficacious equipment, products, or materials in complying

with the standards. Accordingly, OSHA promulgated the Program Regulation for Nationally Recognized Testing Laboratories, 29 CFR 1910.7 (the Regulation). The Regulation specifies procedures that organizations must follow to apply for, and to maintain, OSHA's recognition to test and certify equipment, products, or material for safe use in the workplace.

#### II. Special Issues for Comment

OSHA has particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on organizations that must comply, for example, by using automated or other technological information collection and transmission techniques.

#### III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Definition and Requirements for a Nationally Recognized Testing Laboratory. The agency is requesting an adjustment increased in burden hours from 1,572 to 1,588, a total increase of 16 hours. This increase is due to an increase in the number of audits conducted each year from 47 to 48. Also, the total capital cost increased from \$757,440 to \$767,736.

The agency will summarize the comments submitted in response to this Notice and will include this summary in the request to OMB to extend the approval of these information collection requirements.

*Type of Review:* Extension of a currently approved collection.

*Title:* Definition and Requirements of a Nationally Recognized Testing Laboratory.

*OMB Control Number:* 1218–0147.

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

*Number of Respondents:* 24.

*Frequency of Recordkeeping:* On occasion.

*Total Responses:* 148.

*Average Time per Response:* Varies.

*Estimated Total Burden Hours:* 1,588.

*Estimated Cost (Operation and Maintenance):* \$767,736.