

15. What are the advantages, disadvantages, and relative costs of using DPM filters capable of reducing DPM concentrations by at least 75 percent or by an average of 95 percent or to a level that does not exceed an average concentration of 0.12 milligrams per cubic meter (mg/m<sup>3</sup>) of air when diluted by 100 percent of the MSHA Part 7 approved ventilation rate for that diesel engine? How often do the filters need to be replaced?

16. What sensors (e.g. ammonia, nitrogen oxide (NO), nitrogen dioxide (NO<sub>2</sub>)) are built into the after-treatment devices used on the diesel-powered equipment?

17. Are integrated engine and exhaust after-treatment systems used to control DPM and gaseous emissions in the mining industry? If so, please describe the costs associated with acquiring and maintaining integrated systems, and the reduction in DPM emissions produced.

18. What are the advantages, disadvantages, and relative costs of requiring that all light-duty diesel-powered equipment be equipped with high-efficiency DPM filters?

As discussed above, on June 29, 2004, EPA adopted Tier 4 diesel engine standards. These standards are performance-based and technology-neutral in the sense that manufacturers are responsible for determining which emissions control technologies will be needed to meet the requirements. Engine manufacturers will produce new engines with advanced emissions control technologies to comply with Tier 4 emissions standards. Exhaust emissions from these engines are expected to decrease by more than 90 percent.

19. In the mining industry, are operators replacing the engines on existing equipment with Tier 4i (interim) or Tier 4 engines? If so, please specify the type of equipment (make and model) and engine size and tier. Please indicate how much it costs to replace the engine (parts and labor).

20. What types of diesel equipment purchased new for use in the mining industry is powered by Tier 4i or Tier 4 engines? What types of diesel-powered equipment, purchased used for use in the mining industry, are powered by Tier 3, Tier 4i or Tier 4 engines?

21. Are Tier 4i or Tier 4 engines used in underground mines equipped with diesel particulate filter (DPF) systems (e.g., advanced diesel engines with integrated after-treatment systems)? Please provide specific examples.

22. How long have Tier 4i or Tier 4 engines been in use in the mining industry and what additional cost is

associated with maintaining equipment equipped with these engines?

23. What percentage of underground coal mines' total diesel equipment inventory is equipped with Tier 4i or Tier 4 engines?

#### *D. Monitoring MNM Miners' Exposures to DPM*

Under the existing standards, MSHA uses total carbon (TC) measurements as a surrogate for DPM when determining MNM miners' DPM exposures.

24. MSHA requests information on alternative surrogates, other than TC, to estimate a miner's DPM exposure. What is the surrogate's limit of detection and what are potential interferences in a mine environment?

25. What are the advantages, disadvantages, and relative costs for using the alternative surrogate to determine a MNM miner's exposure to DPM? Please be specific and include the rationale for your response.

26. MSHA requests information on advances in sampling and analytical technology and other methods for measuring a MNM miner's DPM exposure that may allow for a reduced exposure limit.

#### *E. MNM Miners' Personal Exposure Limit (PEL)*

MSHA analyzed its sampling data from 2006 (when the final PEL was published) to 2015, and found that the average exposures of MNM miners decreased by 57 percent from 253<sub>TC</sub> to 109<sub>TC</sub> µg/m<sup>3</sup> in MNM mines. Further analysis of the data revealed that approximately 63 percent of the mines sampled had average exposures below 100<sub>TC</sub> µg/m<sup>3</sup> in 2015 and 75 percent of the mines sampled have average exposures below 122<sub>TC</sub> µg/m<sup>3</sup>. Overall, 50 percent of the mines sampled have average exposures between 48<sub>TC</sub> and 122<sub>TC</sub> µg/m<sup>3</sup>. For operators who have had success in reducing exposures below the existing standard, please describe the best practices that you have used to reduce controls. MSHA intends to share this information with the underground metal and nonmetal mining community.

27. What existing controls were most effective in reducing exposures since 2006? Are these controls available and applicable to all MNM mines?

28. Based on MSHA's data, MNM miners' average exposures are well below the existing standard of 160<sub>TC</sub> µg/m<sup>3</sup>. What are the technological challenges and relative costs of reducing the DPM exposure limit?

#### *F. Other Information*

Please provide any other data or information that may be useful to MSHA in evaluating miners' exposures to harmful diesel exhaust emissions, including the effectiveness of existing control mechanisms for reducing harmful diesel emissions and limiting miners' exposures to harmful diesel exhaust emissions.

**Authority:** 30 U.S.C. 811, 813(h).

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2016-13219 Filed 6-7-16; 8:45 am]

**BILLING CODE 4520-43-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2016-0335]

RIN 1625-AA00

#### **Safety Zone; Ohio River Mile 42.5 to 43.0, Chester, West Virginia**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone for all water extending 300 feet from the left descending bank into the Ohio River from mile 42.5 to mile 43.0. This proposed rule would be needed to protect personnel, vessels, and the marine environment from potential hazards created by a land based fireworks display. Entry of vessels or persons into this zone would be prohibited unless specifically authorized by the Captain of the Port Pittsburgh (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 20, 2016.

**ADDRESSES:** You may submit comments identified by docket number USCG-2016-0335 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh,

U.S. Coast Guard; telephone 412-221-0807, email [Jennifer.L.Haggins@uscg.mil](mailto:Jennifer.L.Haggins@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 § Section  
 U.S.C. United States Code

#### II. Background, Purpose, and Legal Basis

On April 6, 2016, the Chester Volunteer Fire Department notified the Coast Guard that it will be conducting a fireworks display from 9:30 p.m. to 11:00 p.m. on July 4, 2016. The fireworks will be launched from land in the vicinity of Ohio River mile 42.5 to mile 43.0 along the left descending bank. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

#### III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 9:30 p.m. to 11:00 p.m. on July 4, 2016. The safety zone would cover the waters extending 300 feet from the left descending bank into the Ohio River from mile 42.5 to mile 43.0. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

#### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the

importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, and duration, of the safety zone and the low traffic nature of this area. The safety zone would close a small portion of the Ohio River for less than two hours. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow other waterway users to seek permission to enter the zone. Requests to transit the safety zone area would be considered on a case-by-case basis.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV. A. above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that

question or complain about this proposed rule or any policy or action of the Coast Guard.

##### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

##### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

##### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this

action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting less than two hours that would prohibit entry into the safety zone. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.1D. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov>

and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T08–0335 to read as follows:

##### § 165.T08–0335 Safety Zone; Ohio River Mile 42.5 to Mile 43.0, Chester, WV.

(a) *Location.* The following area is a safety zone: All waters extending 300 feet from the left descending bank into the Ohio River from mile 42.5 to mile 43.0.

(b) *Definitions.* As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Pittsburgh (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in § 165.23 of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative at 412–221–0807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9:30 p.m. to 11:00 p.m. on July 4, 2016.

(e) *Informational Broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the dates and times of enforcement.

Dated: May 12, 2016.

**P.C. Burkett,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Pittsburgh.*

[FR Doc. 2016–13586 Filed 6–7–16; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF EDUCATION

#### 34 CFR Chapter I

[Docket ID ED–2016–OS–0002]

**RIN 1875–AA11**

#### Secretary's Proposed Supplemental Priority for Discretionary Grant Programs

**AGENCY:** Department of Education.

**ACTION:** Proposed priority.

**SUMMARY:** The Secretary proposes an additional priority for use in any appropriate grant program for fiscal year (FY) 2016 and future years. The Secretary proposes to add this priority to the existing supplemental priorities and definitions for discretionary grant programs that were published in 2014. This priority reflects our current policy objectives and emerging needs in education.

**DATES:** We must receive your comments on or before July 8, 2016.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email, or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “How to use [regulations.gov](http://www.regulations.gov).”

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priority, address them to Ramin Taheri, U.S. Department of Education, 400 Maryland Avenue SW., Room 5E343, Washington, DC 20202–5930.

**Privacy Note:** The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to