

River, Wyoming 82935, MSHA I.D. No. 48-01295, located in Sweetwater County, Wyoming.

*Regulation Affected:* 30 CFR 57.22606(a) and (c) (Explosive materials and blasting units (III mines).

**Sheila McConnell,**

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

[FR Doc. 2016-23625 Filed 9-29-16; 8:45 am]

**BILLING CODE 4520-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification of Application of Existing Mandatory Safety Standards

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** 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. 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 October 31, 2016.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Electronic Mail:* [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 copies 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:** Barbara Barron, Office of Standards,

Regulations, and Variances at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers.]

#### SUPPLEMENTARY INFORMATION:

##### 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. That 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 and procedures for filing petitions for modification.

##### II. Petitions for Modification

*Docket Number:* M-2016-027-C.

*Petitioner:* Oak Gove Resources, LLC, 8360 Taylors Ferry Road, Hueytown, Alabama 35023.

*Mine:* Oak Grove Mine, MSHA I.D. No. 01-00851, located in Jefferson County, Alabama.

*Regulation Affected:* 30 CFR 75.364(b)(2) (Weekly examination).

*Modification Request:* The petitioner requests a modification of the existing standard to permit an alternative method of compliance for weekly examinations of the four-part overcast bank located in the Main North entries at spad number 16+20, due to deteriorating roof and rib conditions that have made traveling the area unsafe and conditions in the area are impractical and unsafe to rehabilitate. The petitioner proposes to have a certified person take air quantity and quality measurements at monitoring points 71A and 71C at entrance and exist of overcast bank will afford the mines the same protection as the existing standard. The petitioner asserts that the existing standard 30 CFR 75.364(b)(2) undermines the safety of the miners by placing them in an area with deteriorated roof and rib conditions. The petitioner states that the following terms and conditions will be followed:

(1) Monitoring stations 71A and 71C will allow effective evaluation of airflow across overcast used to ventilate old works.

(a) Monitoring station 71A will evaluate air entering overcast bank.

(b) Monitoring station 71C will evaluate air as it leaves overcast bank.

(2) Signs showing safe travel route to each monitoring station will be posed in adjacent entries. Monitoring stations and routes will be kept free of water accumulations.

(3) A certified person will conduct weekly evaluations at each of the monitoring stations. Evaluations will include quantity and quality of air entering or exiting overcast bank. Measurements will be made using MSHA-approved and calibrated hand-held multi gas detectors to check for methane, and oxygen concentrations. Appropriate calibrated anemometers will be used to check airflow and volume.

(4) A diagram of normal air flow will be posted at 71A and 71C monitoring points and maintained legible. Any changes will be reported to the Mine Foreman for immediate investigation.

(5) At each monitoring station, a date board will be provided where date, time, and examiner's initials will be recorded along with measured quantity and quality of air. Results including conditions of accessible controls will be recorded in a book kept on the surface and made available to all interested parties.

(6) All monitoring stations and approaches will at all times be maintained in a safe condition. The roof will be supported by bolts and other means to prevent deterioration in the area of monitoring points.

(7) Monitoring stations locations will be shown on an annually submitted mine ventilation map. Monitoring stations will not be moved to another location without prior approval by the District Manager as part of the ventilation plan for the mine.

(8) For added safety additional roof support will be added under overcasts that belt and track travel through.

(9) Prior to implementation of this modification, all mine personnel will be instructed that except along designated routes no travel into the petitioned area will be permitted and all approaches will be fenced or barricaded with "DO NOT ENTER" warning signs.

(10) The overcast area is not being used for work or travel, and, upon information and belief, no one has performed work, examinations, inspections, or otherwise traveled in the overcast area in many years.

(11) Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for the approved part 48 training plan to the District

Manager. The revisions will include initial and refresher training regarding compliance with the PDO.

(12) Use of the proposed alternative method described in this petition will prevent miners from being exposed to unnecessary hazards, and will increase the measure of protection to the miners.

The petitioner asserts that application of the existing standard to the particular overcast area will result in a diminution of safety to the miners and that the proposed alternative method will at all times guarantee no less than the same measure of protection to the miners as would be provided by the existing standard.

**Sheila McConnell,**

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

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**BILLING CODE 4520-23-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2010-0008]

#### Construction Fall Protection Systems Criteria and Practices, and Training Requirements; 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 its proposal to extend OMB approval of the information collection requirements contained in the Construction Standards on Fall Protection Systems Criteria and Practices (29 CFR 1926.502), and Training Requirements (29 CFR 1926.503).

**DATES:** Comments must be submitted (postmarked, sent, or received) by November 29, 2016.

#### 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.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit a

copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0008, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and the OSHA docket number (Docket No. OSHA-2010-0008) for this Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments, see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue NW., Washington, DC 20210; (202) 693-2044, to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** Office of Construction Services, Directorate of Construction, OSHA, U.S. Department of Labor, Room N-3476, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2020.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its 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 accord 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, collection

instruments are understandable, and OSHA's estimate of the information collection burden is correct. The Occupational Safety and Health Act of 1970 (the OSH Act) 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 Standards on Construction Fall Protection Systems Criteria and Practices (29 CFR 1926.502) and Training Requirements (29 CFR 1926.503) ensure that employers provide the required fall protection for their workers. Accordingly, these standards have the following paperwork requirements: Paragraphs (c)(4)(ii) and (k) of 29 CFR 1926.502, which specify certification of safety nets and development of fall protection plans, respectively, and paragraph (b) of 29 CFR 1926.503, which requires employers to certify training records. The training certification requirement specified in paragraph (b) of 29 CFR 1926.503 documents the training provided to workers potentially exposed to fall hazards in construction. A competent person must train these workers to recognize fall hazards and in the use of procedures and equipment that minimize these hazards. An employer must verify compliance with this training requirement by preparing and maintaining a written certification record that contains the name or other identifier of the worker receiving the training, the date(s) of the training, and the signature of the competent person who conducted the training, or of the employer.

##### II. Special Issues for Comment

OSHA has a 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, 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 employers who must comply; for example, by using automated or other technological information collection and transmission techniques.