

measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

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

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BILLING CODE 4520-43-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 a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before April 13, 2022.

ADDRESSES: You may submit comments identified by Docket No. MSHA-2022-0015 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2022-0015.

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, Acting 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-2022-006-M.

Petitioner: Nevada Gold Mines, LLC, 1655 Mountain City Highway, Elko, Nevada, 89801.

Mine: Turquoise Ridge Mine, MSHA ID No. 26-02286, located in Humboldt County, Nevada.

Regulation Affected: 30 CFR 57.11052(d), Refuge areas.

Modification Request: The petitioner requests a modification of 30 CFR 57.11052(d) to permit the use of sealed purified drinking water in lieu of providing potable water through waterlines in the existing refuge chambers and future refuge chambers and locations.

The petitioner states that:

(a) The mine is an underground shaft gold mine with 15 refuge chambers located throughout the underground portion of the mine. In the refuge areas, drinkable water is supplied via commercially purchased water in sealed pouches.

(b) The refuge chambers are MineARC refuge chambers and are made of steel. Thirteen refuge chambers are equipped for a maximum capacity of 12 miners, and two refuge chambers are equipped for a maximum capacity of four miners. This capacity exceeds the normal work crew of approximately 155 miners underground on any shift.

(c) Each refuge chamber is provided with a waterline. The water flowing through these lines is not potable due to the configuration of the waterlines and the water source. Installing waterlines to provide potable drinking water to each refuge chamber is not feasible due to the lack of essential infrastructure.

(d) The waterlines are susceptible to damage during an emergency and under normal working conditions. The water supply could be cut off completely.

(e) In an emergency, there can be no guarantee of potable drinking water via the waterline for miners using the refuge area. Application of the standard could adversely impact the safety of the affected miners if they were to rely on waterlines running from the portal to the refuge chambers, as these lines are subject to interruption and are inherently less safe than sanitary sealed water pouches located inside the refuge chambers. Sealed water stored inside each refuge chamber ensures that affected miners will have sanitary drinking water available to them in an emergency.

(f) The 15 refuge chambers at the mine are portable. Allowing the use of refuge chambers which do not have to be connected to waterlines provides greater flexibility in the location of the refuge chambers. Refuge chambers can be located in direct relation to where miners are working and relocated quickly to working areas as needed for the protection of miners.

The petitioner proposes the following alternative method:

(a) Drinking water will be supplied via commercially purchased water in sealed individual portion-sized pouches in each refuge chamber. The water is supplied by the case and packaged into 4.227 fluid ounce/125 milliliter portions with 50 individual portion sizes per case.

(b) At a minimum, the refuge chamber will be supplied with 2.25 quarts of water per day per person for 4 days. The total amount of water provided will vary depending on the maximum capacity of the refuge chamber. In a 4-man refuge chamber, a minimum of six cases of water will be provided. In a 12-man refuge chamber, a minimum of 17 cases of water will be provided.

(c) The water will have a maximum shelf life of 5 years. The operator will replace the existing water supply with fresh water before the water's expiration date. The condition and quantity of water will be confirmed by inspection on no less than a monthly basis.

(d) Written instructions for conservation of water will be provided with the refuge chamber supplies.

(e) All miners affected will receive training in the operation of the refuge chamber and will receive refresher training annually.

(f) The refuge chamber will be inspected monthly and documented by the Mine Manager or the Manager's designee.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

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

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LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 16-CRB-0010-SD (2014-17)]

Distribution of 2015-17 Satellite Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice requesting comments.

SUMMARY: The Copyright Royalty Judges announce partial settlement of controversies and request comments on a motion for partial distribution of satellite television retransmission royalties for royalty years 2015-17.

DATES: Comments are due on or before April 13, 2022.

ADDRESSES: Interested claimants must submit timely comments using eCRB, the Copyright Royalty Board's online electronic filing application, at <https://app.crb.gov>.

Instructions: All submissions must include a reference to the CRB and docket number 16-CRB-0010-SD (2014-17). All submissions will be posted without change to eCRB at <https://app.crb.gov> including any personal information provided.

Docket: For access to the docket to read submitted background documents or comments, go to eCRB, the Copyright Royalty Board's online electronic filing and case management system, at <https://app.crb.gov> and search for docket No. 16-CRB-0010-SD (2014-17).

FOR FURTHER INFORMATION CONTACT: Anita Brown, CRB Program Specialist, (202) 707-7658, crb@loc.gov.

SUPPLEMENTARY INFORMATION: Each year satellite television providers must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 119 of the Copyright Act for the retransmission to satellite service subscribers of over-the-air television broadcast signals. See 17 U.S.C. 119(b). The Copyright Royalty Judges (Judges) oversee distribution of royalties to copyright owners whose works were included in a qualifying retransmission

and who timely filed a claim for royalties.

Allocation of the royalties collected occurs in one of two ways. In the first instance, the Judges may authorize distribution in accordance with a negotiated settlement among all claiming parties. See *id.* at 119(b)(5)(B), (C). If all claimants do not reach agreement with respect to the royalties, the Judges must conduct a proceeding to determine the distribution of any royalties that remain in controversy. *Id.* at 119(b)(5)(B). Alternatively, the Judges may, on motion of claimants and on notice to all interested parties, authorize a partial distribution of royalties, reserving on deposit sufficient funds to resolve identified disputes. *Id.*; 17 U.S.C. 801(b)(3)(C).¹

On September 15, 2021, the Judges received a Joint Notice of Final Allocation Phase Settlement and Motion for Further Distribution of 2015-17 Satellite Royalties (Notice and Motion). The parties to the Notice and Motion are all participants self-identifying as "Allocation Phase Parties" in the 2014-17 satellite royalty distribution proceeding.² The Allocation Phase Parties seek distribution of the funds in question under 17 U.S.C. 801(b)(3)(A).³ The Allocation Phase Parties represent that there are no remaining controversies regarding allocation of the 2015-17 satellite royalty funds among the self-identified categories of claimants.

The moving parties concede, however, the existence of controversies within most of the claimant categories, viz., claims asserted by Multigroup Claimants to funds otherwise allocable to Program Suppliers, Joint Sports Claimants, and Devotional Claimants, and claims asserted by Global Music Rights LLC to funds allocable to the Music Claimants category. Accordingly, the Allocation Phase Parties request that

¹ In authorizing a partial distribution under Section 801(b)(3)(C), the Judges must conclude that no claimant entitled to receive the requested funds has stated a reasonable objection to the partial distribution and all such claimants must (1) agree to the partial distribution, (2) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees under section 801(b)(3)(B); file the agreement with the Judges; and agree that such funds are available for distribution. 17 U.S.C. 801(b)(3)(C).

² Participants self-identifying as Allocation Phase Parties are: Commercial Television Claimants; Settling Devotional Claimants; Joint Sports Claimants; Music Claimants comprising American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC Performing Rights, LLC; and Program Suppliers.

³ Under section 801(b)(3)(A), the Judges may authorize distribution of funds deposited under 17 U.S.C. 119, to the extent the Judges find that the distribution is not subject to controversy.

the Judges reserve 5% of the 2015-17 Satellite Funds currently being held by the Copyright Office to address unresolved Distribution Phase controversies and distribute the remaining 95% of those to the Allocation Phase Parties pursuant to 17 U.S.C. 801(b)(3)(A). Notice and Motion at 1-2. The parties do not seek final distribution with respect to any of the allocation categories in which there are no allocation or distribution phase controversies.

While the Judges cannot make the necessary finding to authorize the requested distribution under section 801(b)(3)(A), they will consider whether the requested distribution is warranted under section 801(b)(3)(C). The Judges hereby solicit comments on the requested distribution to determine whether any claimant entitled to receive such royalty fees has a reasonable objection to the partial distribution and whether all claimants entitled to receive such fees is willing to agree to the stipulations for such distribution under section 801(b)(3)(C) (i)-(iv). The Notice and Motion is available for review in eCRB, the CRB electronic filing site, at <https://app.crb.gov>.

Dated: March 8, 2022.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

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NATIONAL ENDOWMENT FOR THE ARTS

Privacy Act of 1974; System of Records

AGENCY: National Endowment for the Arts.

ACTION: Notice of a new System of Records.

SUMMARY: The National Endowment for the Arts (Endowment or NEA) is publishing a notice of its Reasonable Accommodations system. The system is used to collect and maintain medical and religious documentation used to determine reasonable accommodations for NEA staff.

DATES: This system of records will go into effect without further notice April 13, 2022 unless otherwise revised pursuant to comments received.

ADDRESSES: Chief Information Officer; National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506; telephone at (202) 682-5706 or by electronic mail at tunnessenj@arts.gov.