

The Office of Foreign Labor Certification (OFLC) Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day if the higher amount is justified and sufficiently documented by the employer, as set forth in 20 CFR 655.173(b).

The percentage change in the CPI-U for Food between December 2022 and December 2023 was 2.7% percent.<sup>2</sup> Thus, the annual update to the H-2A allowable meal charge is calculated by multiplying the current allowable meal charge (\$15.46) by the 12-month percentage change in the CPI-U for Food between December 2022 and December 2023 ( $\$15.46 \times 1.027 = \$15.88$ ).<sup>3</sup> Accordingly, the updated maximum allowable charge under 20 CFR 655.122(g) and 655.173 is \$15.88 per day, and an employer is not permitted to charge a worker more than \$15.88 per day unless the OFLC Certifying Officer approves a higher charge, as authorized under 20 CFR 655.173(b).

#### Reimbursement for Travel-Related Subsistence

H-2B and H-2A employers must pay reasonable travel and subsistence costs, including the costs of meals and lodging, incurred by workers during travel to the place of employment from the place from which the worker has come to work for the employer and from the place of employment to the place from which the worker departed to work for the employer, as well as any such costs incurred by the worker incident to obtaining a visa authorizing entry to the United States for the purpose of H-2A or H-2B employment. See 20 CFR 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

Specifically, an H-2A employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs incurred by the worker for transportation and daily travel-related subsistence from the place from which the worker has come to work for the employer, if the worker completes 50 percent of the work contract period. 20 CFR 655.122(h)(1). In general, the employer must provide (or pay at the time of departure) the worker's transportation and daily travel-related subsistence from the place of employment to the place from which the worker departed to work for the

employer upon the worker completing the contract or being terminated without cause. 20 CFR 655.122(h)(2).

Similarly, an H-2B employer is responsible for providing, paying in advance, or reimbursing a worker for transportation and daily travel-related subsistence from the place from which the worker has come to work for the employer, if the worker completes 50 percent of the job order period. 20 CFR 655.20(j)(1)(i). Upon the worker completing the job order period or being dismissed early (for any reason), the employer is generally responsible for providing (or paying at the time of departure) the worker's cost of return transportation and daily travel-related subsistence from the place of employment to the place from which the worker departed to work for the employer. 20 CFR 655.20(j)(1)(ii).

The amount of the daily subsistence must be at least the amount permitted in 20 CFR 655.173(a) (or the higher amount approved under 20 CFR 655.173(b), if any). The maximum daily amount an employer is required to reimburse workers for travel-related lodging and subsistence, as evidenced with receipts, is equal to the standard Continental United States (CONUS) per diem rate, as established by the General Services Administration (GSA) at 41 CFR part 301, formerly published in Appendix A and now found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. See Maximum Per Diem Reimbursement Rates for the Continental United States, 88 FR 56629 (Aug. 18, 2023). The standard CONUS meals and incidental expenses rate is \$59.00 per day for 2024. See 88 FR 56629, 56630. Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the standard CONUS meals and incidental expenses rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may limit the meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals, or \$44.25, based on the GSA per diem schedule. See <https://www.gsa.gov/travel/plan-book/per-diem-rates>. If a worker does not provide receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.173, as specified above.

If transportation and lodging are not provided by the employer, the amount an employer must pay for transportation and, where required, lodging must be no less than (and is not required to be more than) the most economical and reasonable costs. The employer is responsible for those costs necessary for

the worker to travel to the worksite if the worker completes 50 percent of the work contract period but is not responsible for unauthorized detours. The employer also is responsible for the costs of return transportation and subsistence, including lodging costs where necessary, as described above. These requirements apply equally to instances where the worker is traveling within the U.S. or internationally to the employer's worksite. See 20 CFR 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

For further information on when the employer is responsible for lodging costs, please see the DOL's Meal Charges and Travel Subsistence, on OFLC's website at <https://www.dol.gov/agencies/eta/foreign-labor/wages/meals-travel-subsistence>, and H-2B Frequently Asked Questions on Job Offers and Employer Obligations, on OFLC's website at <https://www.dol.gov/agencies/eta/foreign-labor/faqs/print>.

Authority: 20 CFR 655.173.

#### Brent Parton,

Principal Deputy Assistant Secretary for Employment and Training, Labor.

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## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; General Inquiries to State Agency Contacts

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

**SUMMARY:** The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-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 March 14, 2024.

**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

<sup>2</sup> See Consumer Price Index—December 2023, published January 11, 2024, available at [https://www.bls.gov/news.release/archives/cpi\\_01112024.pdf](https://www.bls.gov/news.release/archives/cpi_01112024.pdf).

<sup>3</sup> In 2023, the maximum allowable charge under 20 CFR 655.122(g) and 655.173 was \$15.46 per day. See 88 FR 8478 (Feb. 9, 2023).

the functions of the Department, including whether the information will have practical utility; (2) 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; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) 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:** Nicole Bouchet by telephone at 202-693-0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** BLS awards funds to State Agencies in order to assist them in operating Labor Market Information and/or Occupational Safety and Health Statistics Federal/State cooperative statistical programs. To ensure a timely flow of information and to be able to evaluate and improve the programs, it is necessary to conduct ongoing communications between BLS and the State partners dealing with, for example, deliverables, program enhancements, and administrative issues. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 4, 2023 (88 FRN 84172).

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.

*Agency:* DOL-BLS.

*Title of Collection:* General Inquiries to State Agency Contacts.

*OMB Control Number:* 1220-0168.

*Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Respondents:* 54.

*Total Estimated Number of Responses:* 23,890.

*Total Estimated Annual Time Burden:* 15,927 hours.

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

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

**Nicole Bouchet,**

*Senior Paperwork Reduction Act Analyst.*

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## 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 March 14, 2024.

**ADDRESSES:** You may submit comments identified by Docket No. MSHA-2023-0056 by any of the following methods:

1. *Federal eRulemaking Portal:*

<https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2023-0056.

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, 4th Floor West, 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 4th Floor West. 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-2023-027-C.

*Petitioner:* Mountain Coal Company, LLC, 5174 Highway 133, Somerset, Colorado 81434.

*Mine:* West Elk Mine, MSHA ID No. 05-03672, located in Gunnison County, Colorado.

*Regulation Affected:* 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).

*Modification Request:* The petitioner requests a modification of 30 CFR 18.35(a)(5)(i) to increase the length of trailing cables to a maximum of 1,100 feet for mobile roof support machines and shuttle cars.

The petitioner states that:

(a) The petitioner has a previously granted petition for modification, docket number M-2012-036-C, to use trailing cables supplying three-phase, 995-volt AC power to continuous machines, roof bolting machines, and auxiliary face fans and 575-volt AC power to roof bolting machines and auxiliary face fans.

(b) The petitioner is now requesting to add four Fletcher Mobile Roof Support machines, model MRS17, and Komatsu 10SC32 shuttle cars. The Fletcher Mobile Roof Support machines and Komatsu 10SC32 shuttle cars will be used under the same terms and conditions listed in the previously granted petition.

The petitioner proposes the following alternative method:

(a) The maximum trailing cable length shall be 1,100 feet for the No. 4 trailing cables for the mobile roof support machines and the No. 2 trailing cables for the shuttle cars.

(c) All circuit breakers used to protect the No. 4 trailing cables exceeding 1,000 feet for the 995-volt mobile roof support