

approved finished dosage forms for commercial sale.

William T. McDermott,
Assistant Administrator.

[FR Doc. 2021-12209 Filed 6-9-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On June 2, 2021, the Department of Justice lodged with the United States District Court for the Southern District of Indiana a Consent Decree in *United States and State of Indiana v. Lone Star Industries, Inc.* Civ. No. 2:21-cv-233-JRS-MJD.

The proposed Consent Decree settles claims brought by the United States and State of Indiana against Lone Star for violations of the Clean Air Act and Title 13 of the Indiana Code (including regulations and permits issued thereunder) at the cement manufacturing facility it owns and operates in Greencastle, Indiana. The Consent Decree resolves these claims and requires Lone Star to (1) pay a civil penalty of \$729,000 to be split evenly between the state and United States; (2) implement specified measures designed to prevent the continuation or reoccurrence of the violations alleged, and (3) complete various mitigation projects to offset harm caused by its past violations.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States and State of Indiana v. Lone Star Industries, Inc.* D.J. Ref. No. 90-5-2-1-09889/4. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$12.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia A. McKenna,
Assistant Section Chief, Environment
Enforcement Section, Environment and
Natural Resources Division.

[FR Doc. 2021-12115 Filed 6-9-21; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for Colorado

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a change in benefit period eligibility under the EB program that has occurred since the publication of the last notice regarding the State's EB status:

- Based on the data released by the Bureau of Labor Statistics on May 21, 2021, the seasonally-adjusted TUR for Colorado fell below the 6.5% threshold necessary to remain "on" in EB. Therefore the payable period in EB for Colorado will end on June 12, 2021.

The trigger notice covering state eligibility for the EB program can be found at: http://ows.doleta.gov/unemploy/claims_arch.as.

Information for Claimants

The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program,

should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S-4524, Attn: Thomas Stengle, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693-2991 (this is not a toll-free number) or by email: Stengle.Thomas@dol.gov.

Signed in Washington, DC.

Suzan G. LeVine,
Principal Deputy Assistant Secretary for
Employment and Training.

[FR Doc. 2021-12158 Filed 6-9-21; 8:45 am]

BILLING CODE 4510-FW-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: This notice includes the summaries of three petitions 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 July 12, 2021.

ADDRESSES: You may submit your comments including the docket number of the petition by any of the following methods:

1. *Electronic Mail:* 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: Jessica D. Senk, 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.

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: Jessica Senk, Office of Standards,

Regulations, and Variances at 202–693–9440 (voice), *Senk.Jessica@dol.gov* (email), or 202–693–9441 (facsimile). [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. Petitions for Modification

Docket Number: M–2021–022–C.

Petitioner: Buchanan Minerals, LLC, 1636 Honaker Branch Road, Oakwood, Virginia (Zip 24639).

Mine: Buchanan No. 1 Mine, MSHA ID No. 44–04856, located in Buchanan County, Virginia.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.507–1(a), as it relates to the use of an alternative method of respirable dust protection for miners at the Buchanan No. 1 Mine in Virginia. Specifically, the petitioner is applying to use a battery powered respirable protection unit called the CleanSpace EX Powered Respirator (CleanSpace EX) in return air outby the last open crosscut.

The petitioner states that:

(a) The petitioner is seeking an alternative to the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection that can provide long-term health benefits.

(b) The 3M Airstream helmet has been used in mines for over 40 years.

(c) 3M has recently faced component disruptions for the Airstream product. 3M globally discontinued the Airstream on June 1, 2020. The ability to order an Airstream system and components ended in February 2020. Components were available through June 2020.

(d) Currently, there are no available replacement positive pressure air-purifying respirators (PAPRs) that meet the MSHA standard for permissibility.

(e) PAPRs provide a constant flow of filtered air, which offers respiratory protection and comfort in hot working environments.

(f) Operators that were using the Airstream, do not have an approved alternative to provide this type of protection to its miners.

(g) The CleanSpace EX is UL certified to the ANSI/UL 60079–11 standard and can be used in hazardous locations because it meets the intrinsic safety protection level and is acceptable in other jurisdictions to use in mines with the potential for methane accumulation.

(h) The CleanSpace EX is not MSHA-approved and the manufacturer is not pursuing approval.

(i) The ANSI/UL standards for the approval of these respirators are an accepted alternative to MSHA standards and provide the same level of protection.

(j) The product uses a lithium polymer battery that is not detachable from the electrical circuit. It charges as a complete unit.

(k) The CleanSpace EX allows for more comfort and it can be easily disassembled and cleaned.

(l) The CleanSpace EX has a NIOSH-approved high-capacity high-efficiency particulate air (HEPA)/vapor filter for a half mask and a HEPA particulate filter for the full facemask. The product does not impair vision or communication. The product allows for the miner to simultaneously wear the issued hardhat with a headlamp.

(m) The CleanSpace EX uses technology placing the filter housing and fan assembly above the shoulders to reduce ergonomic restrictions, freeing the miner from having to wear the fan and filter unit around the waist.

(n) There are no hose attachments to the unit, which could create added hazards.

The petitioner proposes the following alternative method:

(a) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512 and examination results will be recorded weekly and records will be available for examination for one year.

(b) CleanSpace EX units will be charged outby the last open crosscut

and will utilize the manufacturer approved battery charger.

(c) A qualified person under 30 CFR 75.151 will monitor for methane as is required by the standard in the affected areas of the mine.

(d) Employees will be trained on how to properly use and take care of the CleanSpace EX according to manufacturer guidelines.

(e) Qualified miners will receive training regarding the information in the Decision and Order before using the equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(f) Within 60 days of the Decision and Order becoming finalized, the petitioner will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training. When the training is conducted, the MSHA Certificate of Training (Form 5000–23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

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

Docket Number: M–2021–023–C.

Petitioner: Buchanan Minerals, LLC, 1636 Honaker Branch Road, Oakwood, Virginia (Zip 24639).

Mine: Buchanan No. 1 Mine, MSHA ID No. 44–04856, located in Buchanan County, Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.500(d), as it relates to the use of an alternative method of respirable dust protection for miners at the Buchanan No. 1 Mine in Virginia. Specifically, the petitioner is applying to use a battery powered respirable protection unit called the CleanSpace EX Powered Respirator (CleanSpace EX) in or inby the last open crosscut.

The petitioner states that:

(a) The petitioner is seeking an alternative to the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection that can provide long-term health benefits.

(b) The 3M Airstream helmet has been used in mines for over 40 years.

(c) 3M has recently faced component disruptions for the Airstream product. 3M globally discontinued the Airstream on June 1, 2020. The ability to order an Airstream system and components

ended in February 2020. Components were available through June 2020.

(d) Currently, there are no available replacement positive pressure air-purifying respirators (PAPRs) that meet the MSHA standard for permissibility.

(e) PAPRs provide a constant flow of filtered air, which offers respiratory protection and comfort in hot working environments.

(f) Operators that were using the Airstream do not have an approved alternative to provide this type of protection to its miners.

(g) The CleanSpace EX is UL certified to the ANSI/UL 60079–11 standard and can be used in hazardous locations because it meets the intrinsic safety protection level and is acceptable in other jurisdictions to use in mines with the potential for methane accumulation.

(h) The CleanSpace EX is not MSHA-approved and the manufacturer is not pursuing approval.

(i) The ANSI/UL standards for the approval of these respirators are an accepted alternative to MSHA standards and provide the same level of protection.

(j) The product uses a lithium polymer battery that is not detachable from the electrical circuit. It charges as a complete unit.

(k) The CleanSpace EX allows for more comfort and it can be easily disassembled and cleaned.

(l) The CleanSpace EX has a NIOSH-approved high-capacity high-efficiency particulate air (HEPA)/vapor filter for a half mask and a HEPA particulate filter for the full facemask. The product does not impair vision or communication. The product allows for the miner to simultaneously wear the issued hardhat with a headlamp.

(m) The CleanSpace EX uses technology placing the filter housing and fan assembly above the shoulders to reduce ergonomic restrictions, freeing the miner from having to wear the fan and filter unit around the waist.

(n) There are no hose attachments to the unit, which could create added hazards.

The petitioner proposes the following alternative method:

(a) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512 and examination results will be recorded weekly and records will be available for examination for one year.

(b) CleanSpace EX units will be charged outby the last open crosscut and will utilize the manufacturer approved battery charger.

(c) A qualified person under 30 CFR 75.151 will monitor for methane as is

required by the standard in the affected areas of the mine.

(d) Employees will be trained on how to properly use and take care of the CleanSpace EX according to manufacturer guidelines.

(e) Qualified miners will receive training regarding the information in the Decision and Order before using the equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(f) Within 60 days of the Decision and Order becoming finalized, the petitioner will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training. When the training is conducted, the MSHA Certificate of Training (Form 5000–23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

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

Docket Number: M–2021–024–C.

Petitioner: Buchanan Minerals, LLC, 1636 Honaker Branch Road, Oakwood, Virginia (Zip 24639).

Mine: Buchanan No. 1 Mine, MSHA ID No. 44–04856, located in Buchanan County, Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 30 CFR 75.1002(a), as it relates to the use of an alternative method of respirable dust protection for miners at the Buchanan No. 1 Mine in Virginia. Specifically, the petitioner is applying to use a battery powered respirable protection unit called the CleanSpace EX Powered Respirator (CleanSpace EX) within 150 feet of pillar workings and longwall faces.

The petitioner states that:

(a) The petitioner is seeking an alternative to the 3M Airstream helmet to provide miners with respirable protection against coal mine dust, a protection that can provide long-term health benefits.

(b) The 3M Airstream helmet has been used in mines for over 40 years.

(c) 3M has recently faced component disruptions for the Airstream product. 3M globally discontinued the Airstream on June 1, 2020. The ability to order an Airstream system and components

ended in February 2020. Components were available through June 2020.

(d) Currently, there are no available replacement positive pressure air-purifying respirators (PAPRs) that meet the MSHA standard for permissibility.

(e) PAPRs provide a constant flow of filtered air, which offers respiratory protection and comfort in hot working environments.

(f) Operators that were using the Airstream, do not have an approved alternative to provide this type of protection to its miners.

(g) The CleanSpace EX is UL certified to the ANSI/UL 60079–11 standard and can be used in hazardous locations because it meets the intrinsic safety protection level and is acceptable in other jurisdictions to use in mines with the potential for methane accumulation.

(h) The CleanSpace EX is not MSHA approved and the manufacturer is not pursuing approval.

(i) The ANSI/UL standards for the approval of these respirators are an accepted alternative to MSHA standards and provide the same level of protection.

(j) The product uses a lithium polymer battery that is not detachable from the electrical circuit. It charges as a complete unit.

(k) The CleanSpace EX allows for more comfort and it can be easily disassembled and cleaned.

(l) The CleanSpace EX has a NIOSH-approved high-capacity high-efficiency particulate air (HEPA)/vapor filter for a half mask and a HEPA particulate filter for the full facemask. The product does not impair vision or communication. The product allows for the miner to simultaneously wear the issued hardhat with a headlamp.

(m) The CleanSpace EX uses technology placing the filter housing and fan assembly above the shoulders to reduce ergonomic restrictions, freeing the miner from having to wear the fan and filter unit around the waist.

(n) There are no hose attachments to the unit, which could create added hazards.

The petitioner proposes the following alternative method:

(a) The equipment will be examined at least weekly by a qualified person according to 30 CFR 75.512 and examination results will be recorded weekly and records will be available for examination for one year.

(b) CleanSpace EX units will be charged outby the last open crosscut and will utilize the manufacturer approved battery charger.

(c) A qualified person under 30 CFR 75.151 will monitor for methane as is

required by the standard in the affected areas of the mine.

(d) Employees will be trained on how to properly use and take care of the CleanSpace EX according to manufacturer guidelines.

(e) Qualified miners will receive training regarding the information in the Decision and Order before using the equipment in the relevant part of the mine. A record of the training will be kept and available upon request.

(f) Within 60 days of the Decision and Order becoming finalized, the petitioner will submit proposed revisions to 30 CFR 75.370, mine ventilation, to be approved under the 30 CFR part 48 training plan by the Coal Mine Safety and Health District Manager. The revisions will specify initial and refresher training. When the training is conducted, the MSHA Certificate of Training (Form 5000–23) will be completed. Comments will be made on the certificate to note non-permissible testing equipment training.

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

Jessica D. Senk,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021–12161 Filed 6–9–21; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0103]

Proposed Extension of Information Collection; Notification of Methane Detected in Underground Metal and Nonmetal Mine Atmospheres

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: Requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be

properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Notification of Methane Detected in Underground Metal and Nonmetal Mine Atmospheres.

DATES: All comments must be received on or before August 9, 2021.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA–2021–0009. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.

- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jessica Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at MSHA.information.collections@dol.gov (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and

revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Methane is a flammable gas found in underground mines in the United States. Although methane is often associated with underground coal mines, it also occurs in some metal and nonmetal mines. Underground metal and Nonmetal mines are categorized according to the potential to liberate methane (30 CFR 57.22003—Mine category or subcategory). Methane is a colorless, odorless, tasteless gas, and it tends to rise to the roof of a mine because it is lighter than air. Although methane itself is nontoxic, its presence reduces the oxygen content by dilution when mixed with air and, consequently, can act as an asphyxiant when present in large quantities.

Methane may enter the mining environment from a variety of sources including fractures, faults, or shear zones overlying or underlying the strata that surround the ore body, or from the ore body itself. It may occur as an occluded gas within the ore body. Methane mixed with air is explosive in the range of 5 to 15 percent, provided that 12 percent or more oxygen is present. The presence of dust containing volatile matter in the mine atmosphere may further enhance the potential for methane to explode in a mine. Section 103(i) of Mine Act requires additional inspections be conducted at mines depending on the amount of methane liberated from a mine.

Title 30 CFR 57.22004(c) requires operators of underground metal and nonmetal mines to notify MSHA as soon as possible if any of the following events occur: (a) There is an outburst that results in 0.25 percent or more methane in the mine atmosphere, (b) there is a blowout that results in 0.25 percent or more methane in the mine atmosphere, (c) there is an ignition of methane, or (d) air sample results indicate 0.25 percent or more methane in the mine atmosphere of a I–B, I–C, II–B, V–B, or Category VI mine. Under sections 57.22239 and 57.22231, if methane reaches 2.0 percent in a Category IV mine or if methane reaches 0.25 percent in the mine atmosphere of a Subcategory I–B, II–B, V–B, or VI mine, MSHA shall be notified immediately. Although the standards do not specify how MSHA is to be notified, MSHA anticipates that the notifications would be made by telephone.

Sections 57.22229 and 57.22230 require that the mine atmosphere be tested for methane and/or carbon dioxide at least once every 7 days by a competent person or atmospheric