

## II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Diesel-Powered Equipment in Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Background documents related to this information collection request are available at <https://regulations.gov> and in DOL-MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

## III. Current Actions

This information collection request concerns provisions for Diesel-Powered Equipment in Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

*Type of Review:* Extension, without change, of a currently approved collection.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0119.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 126.

*Frequency:* On occasion.

*Number of Responses:* 170,641.

*Annual Burden Hours:* 13,844 hours.

*Annual Respondent or Recordkeeper Cost:* \$312,294.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will

become a matter of public record and will be available at <https://www.reginfo.gov>.

**Jessica Senk,**

*Certifying Officer.*

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**BILLING CODE 4510-43-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 includes the 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 July 16, 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](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:* 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 D. Senk, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), [Senk.Jessica@dol.gov](mailto: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. Petition for Modification

*Docket Number:* M-2021-001-M.

*Petitioner:* Haile Gold Mine, Inc., 7980 Haile Gold Mine Rd., Kershaw, SC (ZIP 29067).

*Mine:* Haile Gold Mine, MSHA ID No. 38-00600, located in Lancaster County, South Carolina.

*Regulation Affected:* 30 CFR 49.2(c) (Availability of mine rescue teams).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 49.2(c), to permit an alternative method of compliance with the standard with respect to the requirement for a minimum of one year underground mine rescue experience for all members of an underground rescue team.

The petitioner states that:

(a) Haile Gold Mine is a small and remote mine, with no underground mine rescue coverage located in the State of South Carolina.

(b) The closest underground mine rescue stations that could provide mine rescue coverage are located in Luttrell, Tennessee, and Ellijay, Georgia. These are 275 miles and 341 miles away, respectively, by ground travel.

(c) Pursuant to 30 CFR 49.2(f), except where alternative compliance is permitted under 30 CFR 49.3 or 30 CFR 49.4, no mine served by a mine rescue team shall be located more than two hours ground travel time from the mine rescue station with which the rescue team is associated.

(d) The Haile Gold Mine currently employs approximately 536 miners and produces approximately 100,000 tons per day. The mine operates open pit and will commence underground mining in

2021 with two production shifts per day, operating seven days per week.

(e) The Haile Gold Mine proposes to provide the required mine rescue coverage during the expanded underground development with 12 fully trained employees. The underground development team will be comprised of current surface mine rescue, safety, and underground department employees, not all of whom will meet the required one year of underground rescue experience.

The petitioner proposes the following alternative method:

(a) Prior to initiation of underground development, each underground mine rescue team member will receive the following training from a fully qualified MSHA Underground Mine Rescue instructor:

1. 40 hours of 30 CFR. part 48 Underground Mining Safety Training;
2. Successful completion of physical/medical fitness exam in compliance with 30 CFR 49.7;
3. 20 hours of initial underground mine rescue training on the use, care, and maintenance of a BG-4 positive pressure closed circuit breathing apparatus;
4. First Aid and CPR certification; and
5. All other training required in 30 CFR part 49.

(b) A mine rescue station will be established on site compliant with 30 CFR 49.5.

(c) As the underground mine develops, additional surface mine rescue personnel onsite will receive the following training from a fully qualified MSHA Underground Mine Rescue instructor:

1. Successful completion of physical/medical fitness exam in compliance with 30 CFR 49.7;
2. 40 hours of 30 CFR part 48 Underground Mining Safety Training;
3. 20 hours of initial underground mine rescue training on the use, care, and maintenance on a BG-4 positive pressure closed circuit breathing apparatus; and;
4. All other training required in 30 CFR part 49.

(d). All underground rescue team members will attend monthly training following 30 CFR part 49 requirements after completion of their initial 20 hours of 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 Senk,**

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

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0040]

#### Proposed Extension of Information Collection; Independent Contractor Registration and Identification

**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 Independent Contractor Registration and Identification.

**DATES:** All comments must be received on or before August 16, 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-2021-0012. 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](mailto: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 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.

Independent contractors perform services or construction at a mine. They may be engaged in every type of work performed at a mine, including activities such as clearing land, excavating ore, processing minerals, maintaining or repairing equipment, or constructing new buildings or new facilities, such as shafts, hoists, conveyors, or kilns. Independent contractors vary in the number of employees, the type of work performed, and the time spent working at mine sites. Some contractors work exclusively at mining operations while others may work a single contract at a mine and never return to MSHA jurisdiction. MSHA uses the contractor information in this information collection request during inspections to determine the responsibility for compliance with safety and health standards.

##### II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information