

to be operated underground with only rear wheel brakes. The petitioner states that:

(1) The diesel grader will be limited to a maximum speed of 10 miles per hour by physically blocking the higher gear ratios that provide for speeds exceeding 10 miles per hour.

(2) The miners that operate the grader will be trained to recognize the gear blocking device and its proper application and requirements.

(3) The miners that operate the grader will be trained to drop the grader blade in emergencies to provide additional stopping capability.

(4) Limiting the grader to low speeds, coupled with the availability of the grader blade for stopping in emergencies, will provide the appropriate stopping ability. The rear wheel brakes will be maintained in proper working condition at all times.

(5) The Getman diesel grader will meet all other applicable requirements of the Federal Mine Safety and Health Act of 1977 and MSHA's regulations.

(6) This petition is limited to the Getman diesel grader serial number 6732.

(7) Within 60 days after this petition becomes final, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plan to the District Manager. These revisions will specify initial and refresher training consistent with the terms and conditions stated in the petition.

*Docket Number:* M-2015-014-C.

*Petitioner:* XMV, Inc., 640 Clover Dew Dairy Road, Princeton, West Virginia 24740.

*Mine:* Mine No. 40, MSHA I.D. No. 46-09298, located in McDowell County, West Virginia.

*Regulation Affected:* 30 CFR 77.214(a) (Refuse piles; general).

*Modification Request:* The petitioner requests a modification of the existing standard to permit, upon abandonment of the XMV Mine No. 40, completion of the following as an alternative method to the standard:

(1) The Army Corps of Engineers has documented that the existing groundwater table is only present below the proposed Pocahontas No. 9 Seam mine portals at the level of the Pocahontas No. 3 Seam mine void. This is due to extensive mining of the Pocahontas No. 3 Seam, which has fractured the overlying strata. The Pocahontas No. 3 Seam is  $\pm$  300 feet below the Pocahontas No. 9 Seam. Based upon the site-specific data provided, the petitioner proposes to seal the five up-dip mine entries with a concrete block seal and fill the

remaining area between the mine seal and the surface with the most impervious and noncombustible material available. Entry No. 1 will be equipped with a "wet" seal that will extrude from the block seal outward to the edge of the Pocahontas No. 9 Seam mine bench and entries Nos. 2, 3, 4 and 5 will be constructed as "dry" seals. Although the possibility of impounding water in the mine void is unlikely because the refuse area will be up-dip of the abandoned mine and above the Pocahontas No. 3 Seam, a wet seal will be used as a preventive measure.

(2) To minimize the possibility of ignition and burning, in addition to placing the most impervious and noncombustible material within limits of the concrete seals and the surface, the most impervious and noncombustible material will be used to encapsulate the exposed coal seam along the existing highwall with a minimum of 4 feet of cover.

(3) Once the coal seam and mine entries are sealed and encapsulated, the placement of dry, screened refuse material from the underlying XMV Mine No. 42—Pocahontas No. 6 Seam mine will be used to backfill and eliminate the existing highwall.

The petitioner asserts that as indicated in the information and designs provided, the encapsulation of the entire coal seam, the location of the proposed refuse area up-dip of the underground mine void, and the absence of any groundwater discharge, the proposed plan limits the potential for burning of the coal seam or impounding water within the mine void and will provide no less than the same measure of protection or greater than that afforded by the standard.

Dated: July 13, 2015.

**Sheila McConnell,**

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

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0065]

#### Proposed Extension of Information Collection; Petitions for Modification of Mandatory Safety Standards

**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 consultation program 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, 44 U.S.C. 3506(c)(2)(A). This program helps to assure 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 Petitions for Modification of Mandatory Safety Standards.

**DATES:** All comments must be received on or before September 15, 2015.

**ADDRESSES:** Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number MSHA-2015-0016.

- *Regular Mail:* Send comments to USDOL-MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452.

- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

**FOR FURTHER INFORMATION CONTACT:** Sheila McConnell, Acting 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 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. Section 811(c), provides that a mine operator or a representative of miners may petition the Secretary of Labor (Secretary) to modify the application of a mandatory safety standard. A petition for modification may be granted if the Secretary determines (1) that an alternative method of achieving the results of the standard exists and that it will guarantee, at all times, no less than the same measure of protection for the miners affected as that afforded by the standard, or (2) that the application of

the standard will result in a diminution of safety to the miners affected.

Under 30 CFR 44.9, mine operators must post a copy of each petition for modification concerning the mine on the mine's bulletin board and maintain the posting until a ruling on the petition becomes final. This applies only to mines for which there is no representative of miners.

Under 30 CFR 44.10, detailed guidance for filing a petition for modification is provided for the operator of the affected mine or any representative of the miners at that mine. The petition must be in writing, filed with the Director, Office of Standards, Regulations and Variances, and a copy of the petition served by the filing party (the mine operator or representative of miners) on the other party.

Under 30 CFR 44.11(a), the petition for modification must contain the petitioner's name and address; the mailing address and mine identification number of the mine or mines affected; the mandatory safety standard to which the petition is directed; a concise statement of the modification requested and whether the petitioner (1) proposes to establish an alternate method in lieu of the mandatory safety standard, or (2) alleges that application of the standard will result in diminution of safety to the miners affected, or (3) requests relief based on both grounds; a detailed statement of the facts that show the grounds upon which a modification is claimed or warranted; and, if the petitioner is a mine operator, the identity of any representative of miners at the affected mine.

## II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Petitions for Modification of Mandatory Safety Standards. 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.

The information collection request will be available on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on [www.regulations.gov](http://www.regulations.gov) and [www.reginfo.gov](http://www.reginfo.gov).

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

## III. Current Actions

This request for collection of information contains provisions for Petitions for Modification of Mandatory Safety Standards. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

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

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0065.

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

*Number of Respondents:* 68.

*Frequency:* On occasion.

*Number of Responses:* 68.

*Annual Burden Hours:* 2,720 hours.

*Annual Respondent or Recordkeeper Cost:* \$24,916.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: July 13, 2015.

**Sheila McConnell,**

*Certifying Officer.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2015-053]

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** NARA must receive requests for copies in writing by August 17, 2015. Once NARA completes appraisal of the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send these requested documents in which to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

*Mail:* NARA (ACNR); 8601 Adelphi Road; College Park, MD 20740-6001.

*Email:* [request.schedule@nara.gov](mailto:request.schedule@nara.gov).

*FAX:* 301-837-3698.

You must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

**FOR FURTHER INFORMATION CONTACT:** Margaret Hawkins, Director, by mail at