

<http://www.regulations.gov>. The **Federal Register** notice, as well as news releases and other relevant information, also are available on the OSHA Web page: <http://www.osha.gov>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On November 8, 2013, OSHA published the Improve Tracking of Workplace Injuries and Illnesses proposed rule [See Vol. 78 FR 67254–67283] OSHA proposes to amend its recordkeeping regulations to add requirements for the electronic submission of injury and illness information employers are already required to keep under Part 1904. The proposed rule amends 29 CFR 1904.41 to add three new electronic reporting requirements. The purpose of the rulemaking is to improve workplace safety and health through the collection of useful, accessible, establishment-specific injury and illness data to which OSHA currently does not have direct, timely, and systematic access. With the information acquired through the proposed rule, employers, employees, employee representatives, the government, and researchers will be better able to identify and abate workplace hazards. For additional information on the proposed rule and other ways to submit comments, see Vol. 78 FR 67254–67283.

##### II. Public Participation

Recordkeeping requirements promulgated under the Occupational Safety and Health Act of 1970 (OSH Act) are regulations, not standards. Therefore, this rulemaking is governed by the notice and comments requirements in the Administrative Procedure Act (APA) (5 U.S.C. 553) rather than section 6 of the OSH Act (29 U.S.C. 655) and 29 CFR part 1911. Section 6(b)(3) of the OSH Act (29 U.S.C. 655(b)(3)) and 29 CFR 1911.11, both of which state the requirement for OSHA to hold an informal public hearing on proposed rules, only apply to promulgating, modifying or revoking occupational safety and health standards.

Section 553 of the APA, which governs this proposal, does not require a public hearing; instead, it states that the agency must “give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments *with or without opportunity for oral presentation*” (5 U.S.C. 553(c)) (emphasis added). To promulgate a proposed regulation, the APA requires the agency to provide the terms of the proposed rule or a description of these

terms, specify the time during which the agency will receive comments on the proposal, and give instructions regarding how to participate in the rulemaking (5 U.S.C. 553(b)). The APA does not specify a minimum period for submitting comments. In accordance with the goals of Executive Order 12866, OSHA is providing 90 days for public comment (E.O. 12866 section 6(a)(1)).

**Public Meeting:** OSHA will hold a public meeting on the proposed rule from 9 a.m. to 4:30 p.m. on Thursday, January 9, 2014 at the U.S. Department of Labor in Washington, DC (see **ADDRESSES** section). If necessary, the meeting may be extended to subsequent days. The purpose of the public meeting is to allow interested persons to provide oral remarks on the proposed rule, which is a limited rulemaking to amend its recordkeeping regulations to add requirements for the electronic submission of injury and illness information employers are already required to keep under Part 1904. Although OSHA is not required to hold a public meeting on proposed regulations, the Agency believes that the public meeting will help facilitate the development of a clear and complete rulemaking record. Consistent with this purpose, OSHA has the discretion to limit the time of speakers whose presentation goes beyond the scope of the proposed regulation.

Requests for individuals to attend the meeting must be received by Friday, December 13, 2013. The request must provide the following information:

- Name, email address, and telephone number of each individual who will attend the meeting;
- Name of the organization or establishment each attendee represents, if any;
- Occupational title and position of each attendee, if any;
- If each attendee is planning to participate in-person or via teleconference;
- Whether each attendee is planning to speak at the meeting; and
- If planning to speak, the approximate time each attendee wishes to speak, and the topics each attendee wishes to cover at the meeting.

OSHA will review each request to speak and determine whether the information it contains warrants the amount of time the individual requested. To ensure that each individual wishing to speak is allotted time, speakers will be limited to a maximum of 10 minutes each. OSHA may also limit the time allocated to any individual who fails to comply substantially with the procedures for submitting a request to speak.

At OSHA’s discretion and as time permits, individuals who did not submit a request to speak may be allowed time, not exceeding five minutes, to make a brief oral statement at the end of the scheduled presentations.

OSHA will provide access to the public meeting via teleconference. Attendees participating via teleconference can listen in, but will be unable to speak during the meeting. The number of lines provided is limited and will be available on a first come, first served basis to those who indicate that they will be participating via teleconference in their requests to attend the meeting. Additional teleconference information, including dial-in number, will be provided in advance of the meeting.

OSHA will post the schedule of appearances for the public meeting, as well as additional information about the meeting, on OSHA’s Web page: <http://www.osha.gov>. The meeting will be transcribed. The transcription and all materials submitted during the public meeting will be put in the public docket of the rulemaking (Docket No. OSHA–2013–0023) at <http://www.regulations.gov>.

##### Authority and Signature

This document was prepared under the direction of David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210. It is issued under Sections 8 and 24 of the Occupational Safety and Health Act (29 U.S.C. 657, 673), Section 553 of the Administrative Procedure Act (5 U.S.C. 553), and Secretary of Labor’s Order No. 41–2012 (77 FR 3912 (Jan. 25, 2012)).

Signed at Washington, DC, November 8, 2013.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2013–27366 Filed 11–14–13; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Part 75

RIN 1219–AB84

#### Refuge Alternatives for Underground Coal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Reopen the record and extend the comment period.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is reopening the rulemaking record for MSHA's existing rule on Refuge Alternatives for the limited purpose of obtaining comments on the frequency for motor task (also known as "hands-on" training), decision-making, and expectations training for miners to deploy and use refuge alternatives in underground coal mines. The U.S. Court of Appeals for the District of Columbia Circuit remanded a training provision in the Refuge Alternatives rule, directing MSHA to explain the basis for requiring motor task (hands-on), decision-making, and expectations training annually rather than quarterly or to reopen the record and allow public comment. MSHA published a notice reopening the record on August 8, 2013, with comments due by October 7, 2013. Due to the government shutdown, the public requested additional time to comment. This notice reopens the rulemaking record to provide an additional opportunity for public comment.

**DATES:** Comments must be received by midnight Eastern Standard Time on December 16, 2013.

**ADDRESSES:** Submit comments, identified by "RIN 1219-AB84", by any of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include "RIN 1219-AB84" in the subject line of the message.

- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939.

- *Hand Delivery/Courier:* MSHA, 1100 Wilson Boulevard, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.

*Instructions:* All submissions must include the Agency name "MSHA" and "RIN 1219-AB84" and will be posted without change on <http://www.regulations.gov> and on <http://www.msha.gov/currentcomments.asp>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> or <http://www.msha.gov/currentcomments.asp>. Review the docket in person at the Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m.

Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.

*Availability of Information:* To subscribe to receive an email notification when MSHA publishes rulemaking documents in the **Federal Register**, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

**FOR FURTHER INFORMATION CONTACT:** George F. Triebsch, Director, Office of Standards, Regulations, and Variances, MSHA, at [triebsch.george@dol.gov](mailto:triebsch.george@dol.gov) (email); 202-693-9440 (voice); or 202-693-9441 (facsimile). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** MSHA published a final rule on refuge alternatives on December 31, 2008 (73 FR 80656), establishing requirements for refuge alternatives in underground coal mines. On January 13, 2009, the United Mine Workers of America (UMWA) petitioned the U.S. Court of Appeals for the District of Columbia Circuit (Court) to review MSHA's refuge alternatives final rule. The Court issued its decision on October 26, 2010, holding that the Secretary had not adequately explained the basis for requiring motor task (hands-on), decision-making, and expectations training only annually, rather than quarterly. The Court remanded the training provision and ordered MSHA to either "provide an explanation . . . or . . . reopen the record, and afford interested parties an opportunity to comment." [*United Mine Workers v. MSHA*, 626 F.3d 84, 86, and 90-94 (D.C. Cir. 2010)]

In response to the Court's decision, MSHA reopened the record on August 8, 2013 (78 FR 48592) and the comment period closed on October 7, 2013. MSHA received a request from the public that, because of the confusion that occurred during the government shutdown from October 1 to October 17, 2013, the Agency allow additional time to address the issues described in the reopening notice. In support of the request, the requester stated that the public had 7 fewer days to comment. The requester believed that MSHA staff would not be available to receive or verify receipt of the comments.

This notice reopens the record to provide the public an additional opportunity to comment. Please limit your comments to the questions in the notice published on August 8, 2013 (78 FR 48592). MSHA will review the comments to determine an appropriate course of action for the Agency in response to comments. MSHA will publish its response in the **Federal Register** addressing the public comments and either explaining the

reason that it is leaving the existing rule unchanged or modifying the rule as the result of the public comment process.

#### List of Subjects in 30 CFR Part 75

Coal mines, Mine safety and health, Reporting and recordkeeping requirements, Safety, Training programs, Underground mining.

**Authority:** 30 U.S.C. 811.

Dated: November 12, 2013.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2013-27397 Filed 11-14-13; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 97 and 160, and 46 CFR Part 97

[Docket No. USCG-2000-7080]

RIN 1625-AA25 [Formerly RIN 2115-AF97]

#### Cargo Securing Manuals

**AGENCY:** Coast Guard, DHS.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes requiring cargo securing manuals (CSMs) on vessels of 500 gross tons or more traveling on international voyages and carrying cargo that is other than solid or liquid bulk cargo. The proposed regulations would authorize recognized classification societies or other approval authorities to review and approve CSMs on behalf of the Coast Guard. They would also prescribe when and how the loss or jettisoning of cargo at sea must be reported. The proposed regulations would help fulfill U.S. treaty obligations and could help prevent or mitigate the consequences of vessel cargo loss. This rulemaking promotes the Coast Guard's maritime safety and stewardship missions.

**DATES:** Comments and related material must either be submitted to the Coast Guard's online docket via <http://www.regulations.gov> on or before February 13, 2014 or reach the Docket Management Facility by that date. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before February 13, 2014.

**ADDRESSES:** You may submit comments identified by docket number USCG-2000-7080 using any one of the following methods: