

heard testimony at the public hearings on stakeholder concerns that the proposed requirement to sign the examination record would increase the potential for liability of miners under section 110(c) of the Mine Act for those who conduct workplace examinations. MSHA notes that Mine Act liability as an “agent” of an operator under section 110(c) relates to the substantive duties and delegated responsibilities of the person in question. The proposed rule language would not change the qualification requirements for the “competent person” (although MSHA asked for comments on this issue). The proposal also would not change the substantive requirements either for the areas to be examined or the adverse conditions for which the examination would be made. While the degree of responsibility a particular person may have at any given mine may vary widely, the single act of printing one’s initials or name, as opposed to signing one’s name, adds no more and no less to the substantive duties and qualifications of the person who conducts the examination.

Nonetheless, some commenters were concerned that the signature requirement would discourage miners from conducting working place examinations and would have a negative impact on the quality of the examination. MSHA seeks comments on an alternative approach of simply requiring that the name of the competent person, rather than the signature, be included in the examination record.

MSHA received a number of comments and heard testimony at the public hearings seeking clarification on the recordkeeping requirements for adverse conditions found that are immediately corrected. Some commenters were concerned that recording every condition and every corrective action would be an excessive burden to mine operators, especially for small operators. As MSHA stated, the Agency believes that making and maintaining a record of adverse conditions found and corrective actions taken would help mine operators and miners and their representatives become more aware of potential dangers and more proactive in their approach to correcting these issues before they cause or contribute to an accident, injury, or fatality. (81 FR 36819). MSHA seeks information on how mine operators have used the examination record to identify and correct systemic adverse conditions that may contribute to an accident, injury, or fatality. In addition, MSHA seeks comment on possible limitations that would be placed on the

mine operators’ ability to use the examination record to identify and correct systemic adverse conditions if a record of an adverse condition that is immediately corrected is not made.

MSHA received a number of comments and heard testimony at the public hearings asking if MSHA would require the person conducting the working place examination to wait until the end of the shift to make the record. MSHA clarifies that the proposed rule would allow the competent person conducting the exam to make the record any time before the end of the shift.

## II. Paperwork Reduction Act of 1995

MSHA’s proposed rule contains changes that would affect the burden in an existing OMB Control Number 1219–0089. MSHA, the Department of Labor, and the Office of Management and Budget are particularly interested in comments related to the recordkeeping requirement that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- 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.

MSHA solicits comments from the mining community on all aspects of the proposed rule. Commenters are requested to be specific in their comments and to provide sufficient detail in their responses to enable proper Agency review and consideration. All comments must be received by September 30, 2016.

Dated: August 17, 2016.

**Joseph A. Main,**

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

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 57, 70, 72, and 75

[Docket No. MSHA–2014–0031]

RIN 1219–AB86

#### Exposure of Underground Miners to Diesel Exhaust

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

**ACTION:** Request for information; extension of comment period.

**SUMMARY:** In response to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the comment period on the Agency’s request for information on Exposure of Underground Miners to Diesel Exhaust. This extension gives stakeholders additional time to evaluate the comments and testimony received thus far and submit information to the Agency.

**DATES:** The comment period for the request for information published on June 8, 2016 (81 FR 36826), is extended. Comments must be received by midnight Eastern Standard Time on November 30, 2016.

**ADDRESSES:** Submit comments and informational materials for the rulemaking record, identified by RIN 1219–AB86 or Docket No. MSHA–2014–0031, by one of the following methods:

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Email:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov).
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.
- *Hand Delivery or Courier:* 201 12th Street South, Suite 4E401, 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 4th Floor East, Suite 4E401.

• *Fax:* 202–693–9441.  
*Instructions:* All submissions must include “RIN 1219–AB86” or “Docket No. MSHA–2014–0031.” Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to <http://www.regulations.gov> and <http://arlweb.msha.gov/currentcomments.asp>, including any personal information provided.

*Docket:* For access to the docket to read comments received, go to <http://>

[www.regulations.gov](http://www.regulations.gov) or <http://arlweb.msha.gov/currentcomments.asp>. To read background documents, go to <http://www.regulations.gov>. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, 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 in Suite 4E401.

**Email Notification:** To subscribe to receive an email notification when MSHA publishes rules in the **Federal Register**, go to <http://www.msha.gov>.

**FOR FURTHER INFORMATION CONTACT:** Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at [mcconnell.sheila.a@dol.gov](mailto:mcconnell.sheila.a@dol.gov) (email), 202-693-9440 (voice); or 202-693-9441 (facsimile). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** On June 8, 2016 (81 FR 36826), MSHA published a request for information on Exposure of Underground Miners to Diesel Exhaust. The request for information seeks input from the public that will help MSHA evaluate the Agency's existing standards and policy guidance on controlling miners' exposures to diesel exhaust to evaluate the effectiveness of the protection now in place to preserve miners' health.

On June 27, 2016, (81 FR 41486), MSHA published a notice in the **Federal Register** announcing the dates and locations for four public meetings on the request for information. MSHA held meetings on July 19, 21, and 26 and August 4, 2016. In response to requests from the public, MSHA is providing additional time for interested parties to comment. MSHA is extending the comment period from September 6, 2016, to November 30, 2016.

Dated: August 17, 2016.

**Joseph A. Main,**

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

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### 31 CFR Parts 1010 and 1020

RIN 1506-AB28

#### Customer Identification Programs, Anti-Money Laundering Programs, and Beneficial Ownership Requirements for Banks Lacking a Federal Functional Regulator

**AGENCY:** Financial Crimes Enforcement Network ("FinCEN"), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** FinCEN is issuing this proposed rule to implement section 326 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 and to remove the anti-money laundering program exemption for banks that lack a Federal functional regulator, including, but not limited to, private banks, non-federally insured credit unions, and certain trust companies. The proposed rule would prescribe minimum standards for anti-money laundering programs for banks without a Federal functional regulator to ensure that all banks, regardless of whether they are subject to Federal regulation and oversight, are required to establish and implement anti-money laundering programs, and would extend customer identification program requirements and beneficial ownership requirements to those banks not already subject to these requirements.

**DATES:** Written comments may be submitted to FinCEN on or before October 24, 2016.

**ADDRESSES:** You may submit comments, identified by Regulatory Identification Number (RIN) 1506-AB28, by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Include 1506-AB28 in the submission. Refer to Docket Number FINCEN-2014-0004.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Include 1506-AB28 in the body of the text. Please submit comments by one method only. Comments submitted in response to this notice of proposed rulemaking ("NPRM") will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

*Inspection of comments:* FinCEN uses the electronic, Internet-accessible

dockets at [Regulations.gov](http://www.regulations.gov) as their complete, official-record docket; all hard copies of materials that should be in the docket, including public comments, are electronically scanned and placed there. **Federal Register** notices published by FinCEN are searchable by docket number, RIN, or document title, among other things, and the docket number, RIN, and title may be found at the beginning of the notice. In general, FinCEN will make all comments publicly available by posting them on <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Resource Center at (800) 767-2825 or email [frc@fincen.gov](mailto:frc@fincen.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. Statutory Provisions

FinCEN exercises regulatory functions primarily under the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA PATRIOT Act") (Pub. L. 107-56) and other legislation. This legislative framework is commonly referred to as the "Bank Secrecy Act" ("BSA").<sup>1</sup> The Secretary of the Treasury ("Secretary") has delegated to the Director of FinCEN the authority to implement, administer, and enforce compliance with the BSA and associated regulations.<sup>2</sup> Pursuant to this authority, FinCEN may issue regulations requiring financial institutions to keep records and file reports that "have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism."<sup>3</sup> Additionally, FinCEN is authorized to impose anti-money laundering ("AML") program requirements for financial institutions.<sup>4</sup>

Section 352 of the USA PATRIOT Act requires financial institutions to establish AML programs that, at a minimum, include: (1) The development of internal policies, procedures, and controls; (2) the designation of a compliance officer; (3) an ongoing employee training program; and (4) an independent audit function

<sup>1</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, 31 U.S.C. 5311-5314 and 5316-5332, and notes thereto, with implementing regulations at 31 CFR chapter X. See 31 CFR 1010.100(e).

<sup>2</sup> Treasury Order 180-01 (Jul. 1, 2014).

<sup>3</sup> 31 U.S.C. 5311.

<sup>4</sup> 31 U.S.C. 5318(h).