

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
ATF Form 3252.13 .....	40	1/annually .....	40	3 hrs .....	120

If additional information is required contact: John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: May 18, 2023.

**John Carlson,**

*Department Clearance Officer, U.S. Department of Justice.*

[FR Doc. 2023-11089 Filed 5-23-23; 8:45 am]

**BILLING CODE 4410-FY-P**

**DEPARTMENT OF JUSTICE**

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

On May 17, 2023, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Indiana in the lawsuit entitled *United States v. BP Products North America*, Case No. 2:23-cv-166.

The Complaint alleges that Defendant violated the National Air Emission Standards for Hazardous Air Pollutants for benzene waste operations, and the New Source Performance Standards for VOC emissions from refinery wastewater systems, as well as the general requirement to use good air pollution control practices at its refinery in Whiting, Indiana. The proposed Consent Decree resolves these claims and requires the Defendant to perform injunctive relief, including the installation of a permanent benzene stripper. Defendant will also spend \$5 million to implement a supplemental environmental project intended to reduce diesel emissions in the surrounding communities. Defendant will pay a total financial penalty of \$40 million, comprised of a \$31,424,000 civil penalty and \$8,576,000 in stipulated penalties for violations of an earlier consent decree.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. BP Products North America*, D.J. Ref. No. 90-5-2-1-09244/3. 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 .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
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: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the 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 \$42 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$22.

**Susan M. Akers,**

*Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2023-11042 Filed 5-23-23; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF LABOR**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines)**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before June 23, 2023.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Nora Hernandez by telephone at 202-693-8633, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Title 30 CFR 77.1900 requires underground coal mine operators to submit for approval a plan that will provide for the safety of workmen in each slope or shaft that is commenced or extended from the surface to the underground coal mine. Each slope or shaft sinking operation is unique in that each operator uses different methods and equipment and encounters different geological strata which make it impossible for a single set of regulations to ensure the safety of the miners under all circumstances. This makes an individual slope or shaft sinking plan necessary. The plan must be consistent with prudent engineering design. Plans include the name and location of the mine; name and address of the mine

operator; a description of the construction work and methods to be used in construction of the slope or shaft, and whether all or part of the work will be performed by a contractor; the elevation, depth and dimensions of the slope or shaft; the location and elevation of the coalbed; the general characteristics of the strata through which the slope or shaft will be developed; the type of equipment which the operator proposes to use; the system of ventilation to be used; and safeguards for the prevention of caving during excavation. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 24, 2022 (87 FR 64254).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–MSHA.

*Title of Collection:* Slope and Shaft Sinking Plans, 30 CFR 77.1900 (Pertains to the Surface Work Areas of Underground Coal Mines).

*OMB Control Number:* 1219–0019.

*Affected Public:* Businesses or other for-profits institutions.

*Total Estimated Number of Respondents:* 24.

*Total Estimated Number of Responses:* 55.

*Total Estimated Annual Time Burden:* 1,100 hours.

*Total Estimated Annual Other Costs Burden:* \$35.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

**Nora Hernandez,**

*Departmental Clearance Officer.*

[FR Doc. 2023–10984 Filed 5–23–23; 8:45 am]

**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 is a 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 June 23, 2023.

**ADDRESSES:** You may submit comments identified by Docket No. MSHA–2023–0022 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2023–0022.

2. *Fax:* 202–693–9441.

3. *Email:* [petitioncomments@dol.gov](mailto:petitioncomments@dol.gov).

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

*Attention:* S. Aromie Noe, 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. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

**FOR FURTHER INFORMATION CONTACT:** S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), [Petitionsformodification@dol.gov](mailto:Petitionsformodification@dol.gov) (email), or 202–693–9441 (fax). [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–2023–013–C.

*Petitioner:* Mach Mining, LLC, P.O. Box 300, Johnston City, IL 62951.

*Mine:* Mach #1 Mine, MSHA ID No. 11–03141, located in Williamson County, Illinois.

*Regulation Affected:* 30 CFR 75.1909(b)(6), Nonpermissible diesel-powered equipment; design and performance requirements.

*Modification Request:* The petitioner requests a modification of 30 CFR 75.1909(b)(6) to permit operation of the Getman grader No. RDG–1504C, serial No. 6941, without front brakes.

The petitioner states that:

(a) Road conditions in a coal mine can become very rough to travel on and can pose a serious hazard which exposes miners to an array of injuries. The mine roadways are watered each day to keep dust from being suspended and multiple trailers and equipment travel to and from the working sections, leaving the roadways with ruts and irregularities.

(b) If a mine emergency occurs, well-maintained roadways allow for safer operation of mobile equipment used to evacuate the mine ensuring quicker escape of miners.

(c) If a miner is injured including being transported on a back brace, well-maintained roadways ensure the injured miner does not receive further injury during the ride out of the mine.

(d) The grader may also be used to pull equipment from place to place throughout the mine, if necessary.

(e) The addition of front brakes to the road grader could cause a loss of control if one of the brakes would lock up during operation. Furthermore, the size, weight, and location of the front brakes would put repair personnel in positions that could subject them to injury.

(f) The grader is currently located on the mine surface and is available for inspection by MSHA.

The petitioner proposes the following alternative method:

(a) The Getman grader No. RDG–1504C, serial No. 6941 (grader), is and