

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–WHD.

*Title of Collection:* Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act.

*OMB Control Number:* 1235–0006.

*Affected Public:* Farms.

*Total Estimated Number of*

*Respondents:* 10.

*Total Estimated Number of*

*Responses:* 10.

*Total Estimated Annual Time Burden:* 1.0 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

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

**Michelle Neary,**

*Senior Paperwork Reduction Act Analyst.*

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**BILLING CODE 4510–27–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 October 10, 2023.

**ADDRESSES:** You may submit comments identified by Docket No. MSHA–2023–0037 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA–2023–0037.

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–2023–018–C.

*Petitioner:* The Coteau Properties Company, 204 County Road 15, Beulah, North Dakota 58523.

*Mine:* Freedom Mine, MSHA ID No. 32–00595, located in Mercer County, North Dakota.

*Regulation Affected:* 30 CFR 77.1607(u) (Loading and haulage equipment; operation).

*Modification Request:* The petitioner requests a modification of 30 CFR 77.1607(u) to permit the use of an engine driven hydraulic power pack, Kubota Model D1105, to tow disabled haulage trucks in lieu of a solid tow bar and safety chain.

The petitioner states that:

(a) The petitioner has a previously granted petition for modification, docket number M–2018–013–C, to use a Lambordini Model 9LD 625–2 engine driven hydraulic power pack to tow disabled haulage trucks.

(b) The petitioner is now requesting to use a Kubota Model D1105, serial number 1GZ1802, engine driven hydraulic power pack due to mechanical issues with the Lambordini Model 9 LD 625–2 engine driven hydraulic power pack. The Kubota Model D1105, serial number 1GZ1802, engine driven hydraulic power pack will be used under the same terms and conditions listed in the previously granted petition.

The petitioner proposes the following alternative method:

(a) The proposed towing system shall only apply to vehicles with a “fail safe” braking system and emergency steering capabilities.

(b) The tow ropes used to tow a disabled vehicle shall be a minimum of 3<sup>5</sup>/<sub>8</sub>” Dyneema material, at least 50 feet in length, with an average breaking strength of 1,459,000 lbs., and maintained in good condition. Tow ropes shall be attached to both vehicles with tow balls or equivalent attachments. Connecting the towing ropes between vehicles shall be done when the vehicles are at a protected location and the engines are not running and both vehicles shall be blocked with wheel chocks prior to attaching or disconnecting nylon towing slings when the potential for rolling exists. Tow ropes shall be maintained and replaced as per manufacturer’s recommendations.

(c) Radio communications between the towed and the towing vehicles shall be maintained at all times when the vehicles are moving. The towed vehicle driver shall be able to see at least 10 feet in front of the vehicle. Towing speed shall not exceed 5 mph.

(d) The engine driven hydraulic power pack shall be adequately designed to supply the correct hydraulic pressure as recommended by the towed vehicle manufacturer.

(e) The power pack shall be securely mounted to the towed vehicle as to not impede the operation of the vehicle or pose safety hazards such as a broken hydraulic line or exhaust fumes that may enter the operator’s compartment. The power pack shall not impede the ability to exit the vehicle quickly.

(f) The power pack shall operate at all times when the vehicle is being towed to maintain normal braking and steering functions. The power pack shall be examined prior to each use by a

qualified mechanic trained to perform the examination.

(g) Prior to towing operation, testing of the brakes and steering shall be performed at a protected location. The test shall include fully pressurizing the air system to ensure the brakes function properly and depleting the air system to ensure the “fail safe” brakes re-apply at the proper pressures.

(h) All qualified mechanics shall be trained to perform the installation of the power pack to tow a vehicle.

(i) Loaded haul trucks shall not be towed. Loads shall be dumped or otherwise removed prior to towing.

(j) Prior to towing operations, the route of travel shall be cleared of traffic and all persons in the affected area notified.

(k) No more than 60 days after this Proposed Decision and Order (PDO) becomes final, the petitioner shall submit revisions to its approved 30 CFR part 48 training plan that address the requirements in the PDO to the MSHA District Manager.

In support of the proposed alternative method, the petitioner submitted task training instructions on the operation of the Kubota Model D1105, serial number 1GZ1802, engine driven hydraulic power pack.

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.

**Song-ae Aromie Noe,**

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

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2011-0862]

#### Hazardous Wastes Operations and Emergency Response (HAZWOPER) Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Hazardous Wastes

Operations and Emergency Response (HAZWOPER) Standard.

**DATES:** Comments must be submitted (postmarked, sent, or received) by November 6, 2023.

**ADDRESSES:**

*Electronically:* You may submit comments and attachments electronically at <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Docket:* To read or download comments or other material in the docket, go to <https://www.regulations.gov>. Documents in the docket are listed in the <https://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and OSHA docket number (OSHA-2011-0862) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:**

Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and

OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it.

The HAZWOPER standard specifies a number of collections of information (paperwork) requirements. Employers can use the information collected under the HAZWOPER rule to develop the various programs the standard requires and to ensure that their workers are trained properly about the safety and health hazards associated with hazardous waste operations and emergency response to hazardous waste releases. OSHA will use the records developed in response to this standard to determine adequate compliance with the standard's safety and health provisions. The employer's failure to collect and distribute the information required in this standard will affect significantly OSHA's effort to control and reduce injuries and fatalities. Such failure would also be contrary to the direction Congress provided in Superfund Amendments and Reauthorization Act (SARA).

#### II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection, and transmission techniques.