

Harbor, Maine 04609, telephone (207) 288-3338.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 7, 2013.

Len Bobinchock,

Acting Superintendent, Acadia National Park.

[FR Doc. 2013-11443 Filed 5-13-13; 8:45 am]

BILLING CODE 4310-wv-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act

On May 7, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States v. Victor Roberto Fernandez Ramos, et al.*, Civil Action Nos. 10-1017 (FAB).

The proposed consent decree resolves claims against Victor Roberto Fernandez Ramos and Carmen Aurea Fernandez Ramos for violations of the Safe Drinking Water Act (SDWA) and the Surface Water Treatment Rule, promulgated under the SDWA. Under the terms of the consent decree, Victor Roberto Fernandez Ramos and Carmen Aurea Fernandez Ramos will transfer their property interest in a public water system to an association that has assumed operation of the public water system and to pay \$8,000 into an escrow account to be used by the association for future operation and maintenance of the public water system.

The publication of this notice opens a period of 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. Victor Roberto Fernandez Ramos, et al.*, D. J. Ref. No. 90-5-1-1-09029. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	<i>pubcomment-ees.enrd@usdoj.gov</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. 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 in the amount of \$9.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013-11371 Filed 5-13-13; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection; Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles

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 and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). 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 is soliciting comments concerning the proposed information collection for developing and updating a cleanup program for accumulations of coal and float coal dusts, loose coal, and other combustibles in underground coal mines.

DATES: All comments must be postmarked or received by midnight Eastern Standard Time on July 15, 2013.

ADDRESSES: Comments concerning the information collection requirements of this notice must be clearly identified with “OMB 1219-NEW” and sent to the Mine Safety and Health Administration (MSHA) 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-2013-0017].

- *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at mcconnell.sheila.a@dol.gov (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

A program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is essential to protect miners from explosions. Effective and frequent rock dust application is necessary to protect miners from the potential of a float coal dust explosion or, if one occurs, to reduce its propagation. Rock dust standards were published (35 FR 17097, November 20, 1970) as part of a final rule that implemented requirements contained in the 1969 Federal Coal Mine Health and Safety Act.

Section 75.400-2 requires that mine operators establish and maintain a “program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.” In addition, the cleanup program must be available to the Secretary or authorized representative (AR).

On September 23, 2010, MSHA issued an emergency temporary standard (ETS) on the maintenance of incombustible content of rock dust. The ETS, which became a final rule on June 21, 2011, increased the total incombustible

content of combined coal dust, rock dust, and other dust to at least 80 percent in underground areas of bituminous coal mines. To clarify MSHA's standards under the ETS, the Agency issued Program Information Bulletin (PIB) No. P10-18, "Accumulation of Combustible Materials and Rock Dust", which included information on a mine operator's responsibility to establish and maintain a program for the regular cleanup and removal of accumulations of coal and float coal dusts and other combustibles.

Based on its investigation of the April 5, 2010 explosion at the Upper Big Branch mine (UBB), MSHA issued a report on December 6, 2011, in which the Agency concluded that accumulations of coal and float coal dusts, and loose coal were contributing factors to the explosion. In response to the UBB explosion, MSHA determined that it is necessary to place more emphasis on improved rock dusting in underground coal mines, including improved operators' cleanup programs. A written cleanup program documents how an operator plans to conduct regular cleanup and removal of accumulations of coal and float coal dust, loose coal and other combustibles to better protect miners from the hazard of coal dust explosions.

The standard for mine operators to establish and maintain a cleanup program predates the PRA, and MSHA discovered that it lacked OMB approval. This collection of information provides the required OMB clearance under the PRA.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed information collection related to the Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles. 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
- Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information

technology (e.g., permitting electronic submissions of responses), to minimize the burden of the collection of information on those who are to respond.

OMB clearance requests are available on MSHA's Web site at <http://www.msha.gov> under "Federal Register Documents" on the right side of the screen by selecting "New and Existing Information Collections and Supporting Statements." The document will be available on MSHA's Web site for 60 days after the publication date of this notice, and on <http://www.regulations.gov>. Comments submitted in writing or in electronic form will be made available for public inspection on <http://www.regulations.gov>. Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

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

The information obtained from mine operators is used by MSHA during inspections to determine compliance with safety and health standards. MSHA has used 2012 data for the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

Summary

Type of Review: New Information Collection.

Agency: Mine Safety and Health Administration.

Title: Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles.

OMB Number: 1219-NEW.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc.: 30 CFR 75.400-2.

Total Number of Respondents: 375.

Frequency: Various.

Total Number of Responses: 337.

Total Burden Hours: 510 hours.

Total Other Annual Cost Burden: \$0.

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.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: May 8, 2013.

George F. Triebisch,

Certifying Officer.

[FR Doc. 2013-11341 Filed 5-13-13; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL CAPITAL PLANNING COMMISSION

Senior Executive Service; Performance Review Board; Members

AGENCY: National Capital Planning Commission.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

SUMMARY: Section 4314(c) of Title 5, U.S.C. (as amended by the Civil Service Reform Act of 1978) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards (PRB) to review, evaluate and make a final recommendation on performance appraisals assigned to individual members of the agency's Senior Executive Service. The PRB established for the National Capital Planning Commission also makes recommendations to the agency head regarding SES performance awards, rank awards and bonuses. Section 4314(c)(4) requires that notice of appointment of Performance Review Board members be published in the **Federal Register**.

The following persons have been appointed to serve as members of the Performance Review Board for the National Capital Planning Commission: Deidre Flippen, Mary Johnson, Jeff Thomas and Richard E. Tontodonato from August 01, 2013 to August 01, 2015.

FOR FURTHER INFORMATION CONTACT: Deborah Young, Administrative Officer, National Capital Planning Commission, 401 Ninth Street NW., Suite 500, Washington, DC 20576, (202) 482-7228.

May, 2013

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1219 - NEW

Title: Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles

Form Number(s): None

Authority: Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 801 et seq.; and 30 CFR 75.400-2

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the *Federal Register*, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. Provide a detailed description of the nature and source of the information to be collected.

A program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is essential to protect miners from explosions. Effective and frequent rock dust application is necessary to protect miners from the potential of a float coal dust explosion or, if one occurs, to reduce its propagation. Rock dust standards were published (35 FR 17097, November 20, 1970) as part of a final rule

that implemented requirements contained in the 1969 Federal Coal Mine Health and Safety Act.

Section 75.400-2 requires that mine operators establish and maintain a “program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.” In addition, the cleanup program must be available to the Secretary or authorized representative (AR).

This standard predates the PRA, and MSHA discovered that it lacked OMB approval. This collection of information provides the required OMB clearance under the PRA.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

Miners and mine management reference and use the cleanup program to reduce the risk of explosions and the propagation of explosions. In addition, MSHA will evaluate the operator’s cleanup program to determine whether it is effective to address the hazard presented by accumulations of coal and float coal dusts, loose coal, and other combustibles.

Effective cleanup programs typically contain the following information:

- (1) The regular cleanup methods for the removal of accumulations of coal and float coal dusts, loose coal, and other combustibles in all active workings or on any equipment;
- (2) The equipment and methods used for applying rock dust; and
- (3) The means used to evaluate the effectiveness of the cleanup program.

Information in the mine’s cleanup program is updated when conditions change.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

MSHA will allow mine operators to maintain the written cleanup program electronically, and make it available to MSHA electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information in the written cleanup program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is not available elsewhere.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

This information collection will not have a significant burden impact on small entities.

6. Describe the consequence to Federal/MSHA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

This information collection is necessary for MSHA to assure that the mine operator has developed a cleanup program that will result in the effective cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

If there are changing conditions at the mine, an operator may need to make changes to its cleanup program more often than quarterly and may need to make the program available to MSHA on more than a quarterly basis.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

(c) Requiring respondents to submit more than an original and two copies of any document.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impede sharing of data with other agencies for compatible confidential use.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The other special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities are the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the *Federal Register*, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments. MSHA will review and respond to comments as appropriate.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents. Present the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to the respondents.

11. Provide additional justification for any question of a sensitive nature (such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private). This justification should include the reasons why

the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated for each collection instrument (separately list each instrument and describe information as requested). Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. NOTE: The wage-rate category for each respondent must be multiplied by 1.4 and this total should be entered in the cell for “Avg. Hourly Wage Rate”. The cost to the respondents of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

In 2012, there were a total of 375 active underground coal mines that will respond to this information collection: 73 mines with 1-19 employees; 288 mines with 20-500 employees; and 14 mines with 501+ employees.

MSHA has determined that, due to the complexity of mining operations, it will take the 73 mines with 1-19 employees substantially less time to respond to this information collection than the 302 mines employing 20 or more employees; therefore, the burden hours and burden hour costs were calculated separately for these two groups below.

The burden hours and burden hour costs for this information collection consist of the development, where needed, of a new MSHA approved cleanup program as well as updates to existing MSHA approved cleanup programs.

Underground coal mine supervisors' hourly wage rate of \$89.72 including benefits comes from the *U.S. Coal Mine Salaries, Wages, & Benefits - 2011 Survey Results*.

Development of New Cleanup Programs

Mines with 1-19 employees

MSHA estimates that 51 mines, or 70 percent of the underground coal mines with 1-19 employees (73 mines x 0.7), will need to develop a new cleanup program. Each mine operator will complete the program once over the next three years for an average total of 17 programs per year (51 mines x 1 program per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 1 hour to complete a new cleanup program.

Burden Hours

17 programs x 1 hour per program = 17 hours

Burden Hour Cost

17 hours x \$89.72 per hour = \$1,525

Mines with 20 or more employees

MSHA estimates that 211 mines, or 70 percent of the underground coal mines with 20 or more employees (302 mines x 0.7), will need to develop a new cleanup program. Each mine operator will complete the program once over the next three years for an average total of 70 programs per year (211 mines x 1 program per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 4 hours to complete a new cleanup program.

Burden Hours

70 programs x 4 hours per program = 280 hours

Burden Hour Cost

280 hours x \$89.72 per hour = \$25,122

Updates to Existing Cleanup Programs

Mines with 1-19 employees

MSHA estimates that all 73 underground coal mines with 1-19 employees will need to update a cleanup program. Each mine operator will complete the update twice over the next three years for an average total of 49 program updates per year (73 mines x 2 updates per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 0.25 hours (15 minutes) to complete an update to an existing cleanup program.

Burden Hours

49 program updates x 0.25 hours per program
hours = 12

Burden Hour Cost

12 hours x \$89.72 per hour = \$1,077

Mines with 20 or more employees

MSHA estimates that all 302 underground coal mines with 20 or more employees will need to update a cleanup program. Each mine operator will complete the update twice over the next three years for an average total of 201 program updates per year (302 mines x 2 updates per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 1 hour to complete an update to an existing cleanup program.

Burden Hours

201 program updates x 1 hour per program = 201 hours

Burden Hour Cost

201 hours x \$89.72 per hour = \$18,034

Summary

Total respondents: = 375
Total responses: = 337
Total annual burden hours: = 510
Total annual burden hour cost: = \$45,758

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

There are no capital, start-up, or maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

There is no additional cost to the Federal government because the AR would review the program as part of a regular inspection four times per year. ARs typically review all written plans, programs, and records during each inspection.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in

hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

This information collection request remedies the lack of OMB clearance for a standard that predated the PRA. There is no previously approved burden or reported annual cost burden for this collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the data from this information collection.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

MSHA will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

MSHA does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.