



BILLING CODE: 4510-43-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pattern of Violations

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 **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

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. Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202-693-6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, places the ultimate responsibility on mine operators for ensuring the safety and health of miners. The legislative history of the Mine Act emphasizes that Congress included the pattern of violations (POV) provision for mine

operators who demonstrated a disregard for the safety and health of miners through a recurring pattern of significant and substantial (S&S) violations. MSHA was to use the POV provision in situations where other enforcement actions had been ineffective at bringing the mines into compliance with safety and health standards.

This final rule will simplify the POV criteria, improve consistency in applying the POV criteria, and more adequately achieve the statutory intent. It also will encourage chronic violators to take proactive measures to comply with the Mine Act and MSHA's safety and health standards to bring their mines into compliance. This final rule contains a provision subject to review and approval by OMB under the Paperwork Reduction Act of 1995 (PRA). MSHA is submitting this information collection package to OMB for review under 44 U.S.C. § 3504, paragraph (h) of the PRA, as amended (44 U.S.C. 3501 et seq.).

The existing rule included mitigating circumstances under the initial screening criteria, but does not define mitigating circumstances. MSHA explains its intent in policy. The final rule incorporates the initial screening criteria into the pattern criteria for placing a mine in a POV status. The preamble to the final rule states that MSHA will consider an operator's effective implementation of an MSHA-approved corrective action program as a mitigating circumstance. MSHA expects that most mine operators, who compare their compliance record with the POV criteria on MSHA's Web site and determine that they are approaching a POV level, will submit a written corrective action program to the District Manager for approval and work to bring their mines into compliance to avoid being issued a POV notice, which could result in the temporary closure of the mine or sections of the mine. MSHA believes that an operator who

implements a corrective action program is demonstrating a commitment to complying with MSHA's standards and regulations, and to restoring safe and healthful conditions for miners. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on May 29, 2025 (90 FR 22760).

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) 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; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) 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.

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.

Agency: DOL-MSHA.

Title of Collection: Pattern of Violations.

OMB Control Number: 1219-0150.

Affected Public: Private Sector.

Number of Respondents: 15.

Number of Responses: 21.

Annual Burden Hours: 1,664 hours.

Total Estimated Annual Other Costs Burden: \$2,801.

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

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