

SUPPORTING STATEMENT

Mine Rescue Teams; Arrangements for Emergency Medical Assistance; and Arrangements for Transportation for Injured Persons

30 CFR 49.2 - Availability of mine rescue teams. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 49.3 - Alternative mine rescue capability for small and remote mines. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 49.4 - Alternative mine rescue capability for special mining conditions. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 49.6 - Equipment and maintenance requirements. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 49.7 - Physical requirements for mine rescue team. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 49.8 - Training for mine rescue teams. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 49.9 - Mine emergency notification plan. (Pertains to underground coal and metal and nonmetal mines.)

30 CFR 75.1713-1(a), (b), and (e) - Arrangements for emergency medical assistance and transportation for injured persons. (Pertains to underground coal mines.)

30 CFR 77.1702 (a), (b), and (e) - Arrangements for emergency medical assistance and transportation for injured persons. (Pertains to surface coal mines and surface areas of underground coal mines.)

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Section 115 (e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires the Secretary of Labor (Secretary) to publish regulations which provide that mine rescue teams be available for rescue and recovery work to each underground mine in the event of an emergency. In addition, the costs of making advance arrangements for such teams are to be borne by the operator of each such mine.

Congress considered the ready availability of mine rescue in the event of an accident to be vital protection for miners. Congress was concerned that too often in the past, rescue efforts at a disaster site have had to await the delayed arrival of skilled mine rescue teams. In responding to Congressional concerns, the Mine Safety and Health Administration (MSHA) promulgated 30 CFR Part 49, Mine Rescue Teams. The regulations set standards related to the availability of mine rescue teams; alternate mine rescue capability for small and remote mines and mines with special mining conditions; inspection and maintenance records of mine rescue equipment and apparatus; physical requirements for mine rescue team members and alternates; and experience and training requirements for team members and alternates.

Title 30, CFR 49.2 provides that the mine operator of an underground mine establish at least two mine rescue teams to be available at all times that miners are underground, or the operator must enter into an arrangement for mine rescue services which assures that at least two teams are available at all times when miners are underground. Each team shall consist of five members and one alternate fully qualified, trained and equipped for rescue service. In addition, each member shall have been employed in an underground mine for a minimum of 1 year within the past 5 years. This standard also requires that each underground mine operator send the MSHA District Manager a statement describing the method of compliance. The statement must disclose whether the operator has independently provided mine rescue teams or entered into an agreement for mine rescue services. The name of the provider and the location of the services shall be included in the statement, a copy of the statement posted at the mine for miner's information, and a copy provided to the miner's representative if a representative has been designated.

With respect to alternative mine rescue capability for small and remote mines and mines with special mining conditions, 30 CFR 49.3 and 49.4 provide that operators of those mines may submit to MSHA for approval alternative plans for assuring mine rescue capability. The intent of these regulations is to establish the best possible rescue response available given the mining conditions unique to each mine. Although small and remote mines are not statistically less hazardous than larger non-remote mines, they are

distinguished by their size and location which may effectively limit the operators' ability to establish and equip two full mine rescue teams. A critical element in determining whether a mine is small and remote is the proximity of other underground mines or existing rescue teams and stations. Likewise, it is recognized that certain mining conditions and situations present significantly lower risks of entrapment to underground miners that would justify an alternative to the mine rescue team requirements contained in 49.2.

Title 30, CFR 49.3 provides that if an underground mine is small and remote, the operator may submit an application to MSHA for approval for an alternative mine rescue capability. Applications must contain the number of miners employed underground on each shift; the distance from the two nearest mine rescue stations; the total underground employment of mines within two hours ground travel time of the operator's mine; the operator's mine fire, ground, and roof control history; the operator's established escape and evacuation plan; an evaluation of the usefulness of additional refuge chambers to supplement those which may exist; the number of miners willing to serve on a mine rescue team; an alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and other relevant information.

Title 30, CFR 49.4 provides that if an underground mine is operating under special mining conditions, the mine operator may submit alternative plans to MSHA for approval as a means of achieving full compliance with the regulation. Applications must contain an explanation of the special mining conditions, the number of miners employed underground on each shift, the distance from the two nearest mine rescue stations, the operator's mine fire history, the operator's established escape and evacuation plan, the operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground, and other relevant information.

Title 30, CFR 49.6 provides a detailed listing of equipment that is to be provided each mine rescue station. Section 49.6 (9) (b) states that rescue apparatus and equipment shall be maintained and that a person trained in the use and care of breathing apparatus shall inspect and test the apparatus at least every 30 days and shall certify by signature and date that the inspections and tests were done. The certification and the record of corrective action taken, if any, shall be maintained at the mine rescue station for a period of one year and made available to an authorized representative of the Secretary.

Title 30, CFR 49.7 requires that each team member and alternate be examined within 60 days of the beginning of the initial training, and annually thereafter

by a physician who shall certify the physical fitness of the team member to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The operator shall have MSHA Form 5000-3 on file for each team member certifying medical fitness and signed by the examining physician. These forms shall be kept on file at either the mine or the mine rescue station for a period of one year.

Title 30, CFR 49.8 requires that prior to serving on a mine rescue team, each member must complete an initial 20-hour course of instruction in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. All team members are required to receive 40 hours of refresher training annually which includes: (1) sessions underground at least once each 6 months; (2) wearing and use of the breathing apparatus by team members for a period of at least 2 hours while under oxygen every 2 months; (3) where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus; (4) advanced mine rescue training and procedures; and (5) mine map training and ventilation procedures. A record of the training received by each mine rescue team member is required to be on file at the mine rescue station for a period of one year.

Title 30, CFR 49.9 provides that each mine shall have a mine rescue notification plan outlining the procedures to be followed in notifying the mine rescue teams when there is an emergency. In addition, a copy of the plan shall be posted at the mine and a copy provided for the miners' representative, if applicable.

Title 30, CFR 75.1713-1(a) and (b) and 77.1702 (a) and (b) require that mine operators make arrangements with a licensed physician, medical service, medical clinic, or hospital and with an ambulance service to provide 24-hour emergency medical assistance and transportation.

Title 30, CFR 75.1713-1 (e) and 77.1702 (e) require that the mine operator post the names, titles, addresses and telephone numbers of all persons or services available for medical assistance and transportation at the mine.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for new collections, indicate the actual use the agency has made of the information received from the current collection.

This information is used by mine operators, miners, and MSHA to formulate an appropriate rescue capability within the guidelines set forth in these standards.

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.

No improved information technology has been identified that would reduce the burden. However, in order to comply with the Government Paperwork Elimination Act mine operators may maintain records of the mine rescue equipment testing certification, records of inspections and tests, and mine rescue notification plan in whatever method they choose, that may include e-mail, facsimile, or utilizing computer technology. Form 5000-3 is available on our web page for downloading at the physician/mine operator's discretion (<http://www.msha.gov/forms/elawsforms/5000-3.htm>).

The public has been made aware of this capability via Program Information Bulletin P02-1 "Electronic Filing of Certain Submissions."

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

Plans are approved according to the individual characteristics of each mine. There is no similar or duplicate information available that could be used.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

As stated above, provisions have been made for small and remote mines to submit alternative plans for mine rescue capability, and they will be considered on an individual basis. Also, in certain states, small operators have gained relief through state plan agreements, whereby state maintained mine rescue stations are made available to the mine operator. Although the regulations are not directed to State and local governments, where State plan agreements exist, MSHA does conduct routine inspections of the records of the State maintained mine rescue stations for compliance with the regulations.

Although the information collection burden associated with applications for alternative mine rescue capability under 30 CFR 49.3 and 49.4 is greater than the burden of notification of the method of compliance under 49.2, the overall economic impact is a reduced cost for small and remote mines or mines with special mining conditions when they are approved for using alternative means of providing mine rescue capabilities. Where those mines utilize state sponsored teams, the mine operator does not bear the record keeping burden associated with 49.6 through 49.8 or the costs of training, equipping, and maintaining rescue teams or a rescue station.

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

Mine operators need only post or submit much of the information once. However, information must be kept current and when changes in circumstances occur, the plan or notice must be updated and posted or resubmitted. In addition, records of annual physical examinations, rescue team initial and annual training, and equipment maintenance must be kept at the rescue station and be available for examination by MSHA for a period of 1 year.

Section 115 (e) of the Mine Act required the Secretary to publish regulations which provide that mine rescue teams be available for rescue and recovery work to each underground mine in the event of an emergency. In addition, the costs of making advance arrangements for such teams are to be borne by the operator of each such mine.

The frequency of inspections and testing of rescue equipment, physical examinations, training sessions, and associated record keeping requirements are the minimum necessary requirements to ensure the readiness and availability of mine rescue teams.

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

- ! requiring respondents to report information to the agency more often than quarterly;**
- ! requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

- ! **requiring respondents to submit more than an original and two copies of any document;**
- ! **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- ! **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;**
- ! **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- ! **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 impedes sharing of data with other agencies for compatible confidential use; or**
- ! **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 collection of information is consistent with the guidelines in 5 CFR 1320.5. Although there is no specific requirement that mine operators maintain the information collection described above for more than 3 years, an operator must meet all of the mine rescue requirements for as long as the mine is in operation.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), 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 the comments. Specifically address comments received on cost and hour burden.

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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day preclearance Federal Register notice on September 11, 2006 (Volume 71, Number 175, Pages 53480-53481), soliciting public comments regarding the extension of this information collection. No comments were received.

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

MSHA has made no decision to provide payments or gifts to the respondents. However, many mine operations utilize state sponsored mine rescue teams and mine rescue stations which are partially funded by grants from MSHA. Approximately half of all underground coal mines utilize state sponsored mine rescue teams to meet the Part 49 requirements.

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

There is no personal information requiring confidentiality.

11. Provide additional justification for any questions 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.

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12. Provide estimates of the hour burden of the collection of information.

During FY 2005 there were approximately 839 active underground coal mines, including 100 new mines. Of the active mines, 278 mines are covered by teams where one or both of the required rescue teams is a company maintained team. The remaining 561 mines were provided rescue services by state sponsored rescue teams, other mine operators, or volunteer associations and had approved applications for alternative mine rescue capability under 30 CFR 49.3.

At the end of FY 2005 there were approximately 228 active underground metal and nonmetal mines. MSHA estimates an average of 5 new mines per year. Of the 228 active mines, 56 maintained one or both of the required rescue teams at 54 mine rescue stations. The remaining 172 mines were provided rescue services by state sponsored rescue teams, other mine operators, or volunteer associations and/or have approved applications for alternative mine rescue capability under 30 CFR 49.3 and 49.4.

30 CFR 49.2

Under 49.2, each operator of an underground mine who provides rescue teams under this standard is required to send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. The name of the provider and the location of the services shall be included in the statement. A copy of the statement must be posted at the mine for the miner's information. Where a miner's representative has been designated, the operator must also provide the representative with a copy of the statement. The statement needs to be submitted only once, and revised only when a change to the method of compliance occurs. MSHA estimates that the method of compliance changes at not more than 5% of the mines in any given year.

MSHA estimates that it requires an average of 1 hour to prepare, mail, post, and provide a new or revised statement to the miners' representative, assuming the mine has a miner's representative. This work is usually performed by a safety department manager earning \$57.82 per hour for coal mines and \$46.37 for metal and nonmetal mines (salaries based on 2004

Survey Results from the U.S. Metal & Industrial Mineral Mine Salaries, Wages & Benefits and the U.S. Coal Mine Salaries, Wages and Benefits).

Underground Coal Mines

Hour Burden

100 new mines x 1 hour per statement	=	100 hours
739 existing mines x 0.05 changes per year x 1 hour per statement	=	<u>37 hours</u>
Total Hour Burden	=	137 hours

Hour Burden Cost

137 hours x \$57.82 per hour	=	\$7,921
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Underground Metal and Nonmetal Mines

Hour Burden

5 new mines x 1 hour per statement	=	5 hour
228 existing mines x 0.05 changes per year x 1 hour per statement	=	<u>11 hours</u>
Total Hour Burden	=	16 hours

Hour Burden Cost

16 hours x \$46.37 per hour	=	\$ 742
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30 CFR 49.3 and 49.4

Under 49.3, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. Under 49.4, the operator may provide an alternative mine rescue capability if an underground mine is operating under special mining conditions.

Under both standards, the operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. A copy of the operator's application must be posted at the mine. Where a miner's representative has been designated, the operator also must provide the representative with a copy of the application.

Where alternative compliance is approved by MSHA, the operator is required to adopt the alternative plan and post a copy of the approved plan at the mine for the miners' information. Where a miner's representative has been designated,

the operator must also provide the representative with a copy of the approved plan.

The mine operator is also required to notify the MSHA District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

MSHA estimates that it takes an average of 2 hours to prepare, mail, post, and provide a copy of a new or revised application for alternative mine rescue capability to the miners' representative, assuming the mine has a miner's representative, and to post and provide a copy of the approved plan to the miners' representative. This work is usually performed by a safety manager earning \$57.82 for coal mines and \$46.37 for metal and nonmetal mines per hour.

Underground Coal Mines

MSHA estimates that each year one new underground coal mine will submit an application under 30 CFR 49.3 and one existing underground coal mine will submit a revised application under 30 CFR 49.3.

Hour Burden

$$2 \text{ applications} \times 2 \text{ hours per application} = 4 \text{ hours}$$

Hour Burden Cost

$$4 \text{ hours} \times \$57.82 \text{ per hour} = \$ 231$$

Underground Metal and Nonmetal Mines

There are 118 existing underground metal and nonmetal mines that have approved applications for alternative mine rescue capability under 30 CFR 49.3 or 49.4. MSHA estimates that 5% of these mines (6 mines) will submit revised applications under 30 CFR 49.3 or 49.4 each year. MSHA also estimates that 5 new mines will submit applications under 30 CFR 49.3 or 49.4 each year.

Hour Burden

$$11 \text{ applications} \times 2 \text{ hours per application} = 22 \text{ hours}$$

Hour Burden Cost

$$22 \text{ hours} \times \$46.37 \text{ per hour} = \$1,020$$

30 CFR 49.6

Under 49.6, a person trained in the use and care of mine rescue equipment must inspect and test the apparatus at intervals not exceeding 30 days and certify by signature and date that the inspections and tests were done. When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken. The certification and the record of corrective action must be maintained at the mine rescue station for a period of 1 year and made available on request to an MSHA inspector.

MSHA estimates that it takes an average of 20 minutes (0.33 hour) to inspect, test, and certify each apparatus. There are 7 apparatus per mine rescue team for underground coal mines and 7 apparatus per mine rescue team for underground metal/nonmetal mines. MSHA further estimates that each apparatus requires corrective action six times a year and that it takes an average of 15 minutes (0.25 hour) to record each corrective action.

MSHA's experience is that rescue team members inspect, maintain, and certify the apparatus and record the corrective actions. Mine rescue teams maintained by mines are made up of miners (average hourly wage of \$26.55 for coal mines and \$21.76 for metal and nonmetal mines) and mine supervisors (average hourly wage of \$57.82 for coal mines and \$46.37 for metal and nonmetal mines). Accordingly, the average hourly wage of a coal mine rescue team member is estimated to be \$42.18 $((26.65 + \$57.82)/2)$, and the average hourly wage of a metal or nonmetal mine rescue team member is estimated to be \$34.07; $(\$21.76 + \$46.37)/2$, the average of the combined salary for a MNM miner and MNM supervisor. For simplicity, MSHA has assumed the same average hourly wage rates for members of mine rescue teams maintained by State agencies and contractors.

Underground Coal Mines

MSHA estimates that there are 82 mine rescue stations that maintain 130 teams, averaging 7 members per team.

Hour Burden

Inspect and Certify Apparatus

$$130 \text{ teams} \times 7 \text{ apparatus per team} \times 12 \text{ inspections per year} \times 0.33 \text{ hour per inspection} = 3,604 \text{ hours}$$

Record Corrective Actions

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$$\begin{aligned}
 &130 \text{ teams} \times 7 \text{ apparatus per team} \times 6 \text{ defects} \\
 &\quad \text{per year} \times 0.25 \text{ hour per defect} &= & \underline{1,365 \text{ hours}} \\
 \text{Total Hour Burden} &&= & 4,969 \text{ hours}
 \end{aligned}$$

$$\begin{aligned}
 &\underline{\text{Hour Burden Cost}} \\
 &4,969 \text{ hours} \times \$42.18 \text{ per hour} &= & \$209,592
 \end{aligned}$$

Underground Metal and Nonmetal Mines

There are approximately 54 mine rescue stations serving 56 metal and nonmetal mines that incur this inspection, certification, and record keeping burden. MSHA estimates that the 54 mine rescue stations maintain 98, teams equipped with seven apparatus each.

Hour Burden

Inspect and Certify Apparatus

$$\begin{aligned}
 &98 \text{ teams} \times 7 \text{ apparatus per team} \times 12 \text{ inspections} \\
 &\quad \text{per year} \times 0.33 \text{ hour per inspection} &= & 2,717 \text{ hours}
 \end{aligned}$$

Record Corrective Actions

$$\begin{aligned}
 &98 \text{ teams} \times 7 \text{ apparatus per team} \times 6 \text{ defects} \\
 &\quad \text{per year} \times 0.25 \text{ hour per defect} &= & \underline{1,029 \text{ hours}} \\
 \text{Total Hour Burden} &&= & 3,746 \text{ hours}
 \end{aligned}$$

Hour Burden Cost

$$\begin{aligned}
 &3,746 \text{ hours} \times \$34.07 \text{ per hour} &= & \\
 &&& \$127,626
 \end{aligned}$$

30 CFR 49.7

Under 49.7, each mine rescue team member must be examined by a physician annually, with the first examination being completed within 60 days prior to scheduled initial training.

MSHA Form 5000-3 must be completed and signed by the examining physician for each team member. The forms must be kept on file at the mine rescue station for 1 year.

MSHA estimates that a physical examination takes an average of 4 hours to complete. The hour burden cost for this requirement is based on an average wage of \$42.18 per hour for a coal mine rescue team member and \$34.07 per

hour for a metal or nonmetal mine rescue team member. The cost for the physician is addressed in Item 13.

It is MSHA's experience that the forms are gathered and maintained by the captains of the rescue teams. This requires no more than 15 minutes (0.25 hour) per form. The hour burden cost for this record keeping requirement is based on an average hourly wage of \$57.82 for a coal mine rescue team captain and \$46.37 for a metal or nonmetal mine rescue team captain.

Underground Coal Mines

MSHA estimates that there are 79 seven (7) member teams at 54 mine rescue stations. There are 51 seven (7) member teams at 28 mine rescue stations maintained by State agencies or contractors.

Hour Burden

Physical Examinations

130 teams x 7 members per team x 4 hours per examination = 3,640 hours

Record keeping

130 teams x 7 members per team x 0.25 hour per record = 228 hours

Total Hour Burden = 3,868 hours

Hour Burden Cost

3,640 hours x \$42.18 per hour = \$153,535

228 hours x \$57.82 per hour = \$ 13,183

Total Hour Burden Cost = \$166,718

Underground Metal and Nonmetal Mines

There are approximately 54 mine rescue stations serving 56 metal and nonmetal mines that incur this inspection, certification, and record keeping burden. MSHA estimates that the 54 mine rescue stations maintain 98 six member teams.

Hour Burden

Physical Examinations

98 teams x 6 members per team x 4 hours per examination = 2,352 hours

Recordkeeping

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98 teams x 6 members per team x 0.25 hour	=	<u>147 hours</u>
per record	=	2,499 hours
Total Hour Burden		

Hour Burden Cost

2,352 hours x \$34.07 per hour	=	
\$80,133		
147 hours x \$46.37 per hour	=	\$
<u>6,816</u>		
Total Hour Burden Cost	=	
		\$86,949

30 CFR 49.8

Under 49.8, each team member must receive 20 hours of initial training before serving on a mine rescue team and an additional 40 hours of refresher training annually. The training must be conducted by an MSHA certified trainer. A record of training of each team member must be kept on file at the mine rescue station for a period of 1 year.

Mine rescue team training is frequently conducted by the team captain or mine safety manager. In addition, some State agencies provide the training free of charge. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 60% of the mine rescue teams are trained by team captains or mine safety managers, 30% by State agencies, and 10% by training contractors. It is MSHA's experience that, on the average, each mine rescue team will have one new or replacement member each year. It is also MSHA's experience that a trainer normally trains two teams concurrently and completes the required records of training.

The hour burden for conducting the training, not including contract and State agency trainers, is estimated to be 22 hours for initial training and 44 hours for annual training. (These estimates include a 10% adjustment to account for the time the trainer spends preparing for the training.) Trainer hour burden estimates for state trainers are not included in the hour burden calculations, since there is no burden imposed on mine operators. The actual cost of the training provided by independent contractors is included under Item 13.

The 40-hour annual training can be given in intervals of 4 hours per month or 8 hours every 2 months. MSHA estimates that half of the teams exercise each

option. MSHA also estimates that not more than 15 minutes (0.25 hour) is required to maintain each training record after each training session. Training records are usually maintained by the team captain.

The hour burden cost of the training and record keeping provided by team captains and safety managers is based on an average hourly wage of \$57.82 for coal mine rescue teams and \$46.37 for metal and nonmetal mine rescue teams.

Underground Coal Mines

MSHA estimates that there are 82 mine rescue stations that maintain 130 teams, averaging 7 members per team.

Hour Burden

Training

130 teams x 60% x 1 new member per team x 0.5 (one trainer per two teams) x 22 hours initial training = 858 hours

130 teams x 60% x 0.5 (one trainer per two teams) x 44 hours annual training = 1,716 hours

Record keeping

130 teams x 1 new member per team x 0.25 hour = 33 hours

65 teams x 7 members per team x 12 (4-hour sessions) per year x 0.25 hour = 1,365 hours

65 teams x 7 members per team x 6 (8-hour sessions) per year x 0.25 hour = 683 hours

Total Hour Burden = 4,655 hours

Hour Burden Cost

4,655 hours x \$57.82 per hour = \$269,152

Underground Metal and Nonmetal Mines

There are 98 six (6) member mine rescue teams at 56 mines that incur this training and record keeping burden.

98 teams x 60% x 1 new member per team x 0.5 (one trainer per two teams) x 22 hours initial training = 647 hours

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$$98 \text{ teams} \times 60\% \times 0.5 \text{ (one trainer per two teams)} \times 44 \text{ hours annual training} = 1,294 \text{ hours}$$

Record keeping

$$98 \text{ teams} \times 1 \text{ new member per team} \times 0.25 \text{ hour} = 25$$

hours

$$49 \text{ teams} \times 6 \text{ members per team} \times 12 \text{ (4-hour sessions)} \\ \text{per year} \times 0.25 \text{ hour} = 882 \text{ hours}$$

$$49 \text{ teams} \times 6 \text{ members per team} \times 6 \text{ (8-hour sessions)} \\ \text{per year} \times 0.25 \text{ hour} = \underline{441 \text{ hours}}$$

$$\text{Total Hour Burden} = \underline{3,289 \text{ hours}}$$

Hour Burden Cost

$$3,289 \text{ hours} \times \$46.37 \text{ per hour} = \$152,511$$

30 CFR 49.9

Under 49.9, each underground mine must have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services. A copy of the mine rescue notification plan is required to be posted at the mine for the miners' information. Where a miner's representative has been designated, the operator must also provide the representative with a copy of the plan. The plan need be developed only once, and revised only when a change in notification procedures occurs. MSHA estimates that the notification procedures change at not more than 5% of the mines in any given year.

MSHA estimates new and revised notification plans require an average of 2 hours to prepare, mail, post, and provide to the miners' representative. This work is performed by safety department manager or mine superintendent (estimated average hourly wage of \$57.82 for coal mines and \$46.37 for metal and nonmetal mines).

Underground Coal MinesHour Burden

$$100 \text{ new mines} \times 2 \text{ hours per plan} = 200 \text{ hours}$$

$$739 \text{ existing mines} \times 0.05 \text{ plan revisions} \\ \text{per year} \times 2 \text{ hours per revision} = \underline{74 \text{ hours}}$$

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1219-0078

Total Hour Burden = 274 hours

Hour Burden Cost
274 hours x \$57.82 per hour = \$15,843

Underground Metal and Nonmetal Mines

Hour Burden
5 new mines x 2 hours per plan = 10 hours

228 existing mines x 0.05 plan revisions
per year X 2 hours per plan = 23 hours

Total Hour Burden = 33 hours

Hour Burden Cost
33 hours x \$46.37 per hour = \$1,530

30 CFR 75.1713-1(a), (b), and (e)

Under 75.1713-1(a), (b), and (e), operators of underground coal mines are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons.

Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine.

The required information need be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. MSHA estimates that the arrangements change at not more than 5% of the mines in any given year.

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by safety department managers or mine superintendents with an estimated average hourly wage of \$57.82.

Hour Burden

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	=	1219-0078
100 new mines x 2 hours per agreement	=	200 hours
739 existing mines x 0.05 revisions per mine x 2 hours per revised agreement	=	<u>74 hours</u>
Total Hour Burden	=	274 hours
<u>Hour Burden Cost</u>		
274 hours x \$57.82	=	\$15,843

30 CFR 77.1702 (a), (b), and (e)

Under 77.1702(a), (b), and (e), operators of surface coal mines, surface areas of underground coal mines and, surface coal mine facilities are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine.

The arrangements made pursuant to 30 CFR 75.1713-1 (pertaining to underground coal mines) are applicable to the surface areas and surface facilities of that mine. Accordingly, the burden hours and costs resulting from executing and posting the emergency medical arrangements under 77.1702 (a), (b), and (e) are solely attributable to surface coal mines and separate surface coal mine facilities.

At the end of FY 2005, there were 1,622 existing surface coal mines and surface coal mine facilities, and 209 new surface operations. MSHA estimates that approximately 5% (81 mines) of the existing mines experienced changes in circumstances which required revising and posting new medical emergency arrangements.

The required information need be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. MSHA estimates that the arrangements change at not more than 5% of the mines in any given year.

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by safety department managers with an estimated average hourly wage of \$57.82.

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Hour Burden

209 new mine x 2 hours per agreement	=	418 hours
1,622 existing mines and facilities x 0.05 revisions per mine x 2 hours per revision	=	<u>162 hours</u>
Total Hour Burden	=	580 hours

Hour Burden Cost

580 hours x \$57.82 per hour	=	\$33,535
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TOTAL BURDEN HOURS	=	24,366
TOTAL BURDEN HOUR COST	=	\$1,089,213

Summary of Estimated Burden Hours and Burden Cost

Standard	Annual Responses	Hour Burden	Hour Burden Cost
49.2 Coal MNM	137 16	137 16	\$7,921 \$ 742
49.3 and 49.4 Coal MNM	2 11	4 22	\$ 231 \$1,020
49.6 Coal MNM	16,380 12,348	4,969 3,746	\$209,592 \$127,626
49.7 Coal MNM	910 588	3,868 2,499	\$166,718 \$ 86,949
49.8 Coal MNM	8,320 5,978	4,655 3,289	\$269,152 \$152,511
49.9 Coal MNM	137 16	274 33	\$ 15,843 \$ 1,530
75.1713-1 Coal	137	274	\$ 15,843
77.1702 Coal	290	580	\$ 33,535
*Totals	45,270	24,366	\$1,089,213

***NOTE:** Due to rounding, estimated totals may differ slightly from ROCIS entries.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of

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information. (Do not include the cost of any hour burden shown in Items 12 and 14).

MSHA does not expect that mine operators will incur any capital or start-up costs as a result of this information collection requirement. Operation, maintenance, and purchase of service costs are detailed below.

30 CFR 49.2

Under 49.2, each operator of an underground mine who provides rescue teams under this standard is required to send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. MSHA estimates that it will receive 74 new and 55 revised statements from underground coal mine operators and 23 statements from underground metal and nonmetal mine operators each year.

Underground Coal Mines

129 statements per year		
x \$0.37 postage per notice	=	\$ 48

Underground Metal and Nonmetal Mines

23 statements x \$0.37 postage per notice		=	\$
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9

Total Costs	=	\$ 57
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30 CFR 49.3 and 49.4

Under 49.3, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. Under 49.4, the operator may provide for an alternative mine rescue capability if an underground mine is operating under special mining conditions. Under both standards, the operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval.

MSHA estimates that it will receive an average of two new or revised applications for alternative mine rescue capability from underground coal mine operators and eight new or revised applications from underground metal and nonmetal mine operators each year.

Underground Coal Mines

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1219-0078

2 new or revised applications per year
x \$4 postage per application = \$ 8

Underground Metal and Nonmetal Mines
8 new or revised applications per year x
\$4 postage per application =
\$32
Total Cost = \$40

30 CFR 49.7

Under 49.7, each mine rescue team member must be examined by a physician annually, and an MSHA Form 5000-3 for each team member must be completed and signed by the examining physician. MSHA estimates that the cost of the physical examination is \$250.

Underground Coal Mines
130 teams x 7 members per team
x \$250 per physical examination = \$227,500

Underground Metal and Nonmetal Mines
98 teams x 6 members per team
x \$250 per physical examination =
\$147,000
Total Cost = \$374,500

30 CFR 49.8

Under 49.8, each team member must receive 20 hours of initial training before serving on a mine rescue team and an additional 40 hours of refresher training annually. The training must be conducted by an MSHA certified trainer. Mine rescue team training is frequently conducted by the team captain or mine safety manager. In addition, some State agencies provide the training free of charge. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 60% of the mine rescue teams are trained by team captains or mine safety managers, 30% by State trainers, and 10% by training contractors. The cost for training conducted by rescue team captains and mine safety managers is detailed under Item 12. No cost burden has been assigned for training conducted by State trainers, since there is no cost to mine operators. The cost of the remaining 10% of the training that is conducted by independent contractors is estimated below.

It is MSHA's experience that, on average, each mine rescue team will have one new or replacement member each year. It is also MSHA's experience that a trainer normally trains two teams concurrently and completes the required records of training. MSHA estimates that the average rate for a training contractor is \$400 per hour and that there is no additional charge for the contractor's preparation time.

Underground Coal Mines

130 teams x 10% x 1 new member per team x
0.5 (one trainer per two teams) x 20 hours
initial training x \$400 per hour = \$ 52,000

130 teams x 10% x 0.5 (one trainer per two
teams) x 40 hours annual training x \$400 = \$ 104,000

Underground Metal and Nonmetal Mines

98 teams x 10% x 5 new members x
0.5 (one trainer per two teams) x 20 hours
initial training x \$400 per hour = \$
39,200

98 rescue teams x 10% x 0.5 (one trainer per two
teams) x 40 hours annual training x \$400 = \$ 78,400
Total Cost = \$
273,600

***TOTAL ANNUAL COST BURDEN = \$
648,197**

***NOTE:** Due to rounding, estimated totals may differ slightly from ROCIS entries.

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 not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

MSHA inspectors examine records related to mine rescue teams and arrangements for emergency medical assistance and transportation for injured persons during routine inspections. MSHA estimates that the time expended for reviewing these records is minimal, and therefore no cost burden has been assigned. The costs for the Agency's review of statements of rescue team availability under 49.2 and review and approval of applications for alternative mine rescue capability under 49.3 and 49.4 are as follows:

30 CFR 49.2

Under 49.2, each operator of an underground mine who provides rescue teams under this standard is required to send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams.

MSHA estimates that the Agency will receive 116 new or revised statements from underground coal mine operators and 31 new or revised statements from underground metal and nonmetal mine operators each year. MSHA also estimates that it takes an Agency safety specialist (GS 12/7) earning \$31.83 per hour, approximately 1 hour to review and acknowledge the average statement, and an Agency clerk (GS 5/5), earning \$13.68 per hour, approximately 15 minutes (0.25 hour) to process and file the statement. (Salaries from OPM web site, without locality pay included)

Underground Coal Mines

116 statements per year x 1 hour per statement x \$31.83 per hour	= \$3,692
116 statements per year x 0.25 hour per statement x \$13.68 per hour	=
	\$ 397 _____

Underground Metal and Nonmetal Mines

31 statements per year x 1 hour per statement x \$31.83 per hour	= \$ 986
31 statements per year x 0.25 hour per statement x \$13.68 per hour	= <u>\$ 106</u>

Total Cost	=	\$5,181
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30 CFR 49.3 and 49.4

Under 49.3, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. Under 49.4, the operator may provide for an alternative mine rescue capability if an underground mine is operating under special mining conditions. Under both standards, the operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. Provisions have been made for small or remote mines to submit alternate plans to MSHA for approval on an individual basis. Also, in certain States, small operators have gained relief through State plan agreements with MSHA, whereby State maintained mine rescue stations are made available to the mine operator.

MSHA's estimates that it will receive an average of two new or revised applications for alternative mine rescue capability from underground coal mine operators and eight new or revised applications from underground metal and nonmetal mine operators each year. MSHA also estimates that it takes an Agency safety specialist (GS 12/7) earning \$31.83 per hour, approximately 1 hour to review the average application, and an Agency clerk (GS 5/5), earning \$13.68 per hour, approximately 45 minutes (0.75 hour) to process the application and to prepare an approval letter for the district manager's signature.

Underground Coal Mines

2 new or revised applications per year x 1 hour per application x \$31.83 per hour	= \$64
2 new or revised applications per year x 0.75 hour per application x \$13.68 per hour	= \$21

Underground Metal and Nonmetal Mines

8 new or revised applications per year x 1 hour per application x \$31.83 per hour	= \$255
8 new or revised applications per year x 0.75 hour per application x \$13.68 per hour	= <u>\$120</u>

Total Cost	= \$460
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Total Cost to Federal Govt.	= \$5,641
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15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

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The burden hours, number of responses and respondents has decreased since the last submission as a result of having significantly fewer Part 49.2 mine rescue team members in mine operator maintained rescue teams. Another factor in the decrease is attributed to an increase in the number of mines providing mine rescue by alternative means (i.e. state supported teams, contractors, etc.).

The cost burden reflects an overall increase in all categories because in the previous submission only mine maintained teams were included whereas in this submission, state and contractor maintained teams have been included. In addition, the charges for medical examinations and for contract trainers have increased since the last submission.

16. For collections of information whose results are planned to 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.

The results from the information gathered from this collection will not be published.

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

MSHA is not seeking approval to not 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.

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

- 1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.**
- 2. Describe the procedures for the collection of information including:**
 - . Statistical methodology for stratification and sample selection,**
 - . Estimation procedure,**
 - . Degree of accuracy needed for the purpose described in the justification,**
 - . Unusual problems requiring specialized sampling procedures, and**
 - . Any use of periodic (less frequent than annual) data collection cycles to reduce burden.**
- 3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.**
- 4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted**

for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other persons(s) who will actually collect and/or analyze the information for the agency.

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

**Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164***
An Act

MANDATORY HEALTH AND SAFETY TRAINING

SEC. 115.

(e) Within 180 days after the effective date of the Federal Mine Safety and Health Amendments Act of 1977, the Secretary shall publish proposed regulations which shall provide that mine rescue teams shall be available for rescue and recovery work to each underground coal or other mine in the event of an emergency. The costs of making advance arrangements for such teams shall be borne by the operator of each such mine.

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 49_MINE RESCUE TEAMS--Table of Contents
Sec. 49.2 Availability of mine rescue teams.

(a) Except where alternative compliance is permitted for small and remote mines (Sec. 49.3) or those mines operating under special mining conditions (Sec. 49.4), every operator of an underground mine shall:

(1) Establish at least two mine rescue teams which are available at all times when miners are underground; or

(2) Enter into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

(b) Each mine rescue team shall consist of five members and one alternate, who are fully qualified, trained, and equipped for providing emergency mine rescue service.

(c) To be considered for membership on a mine rescue team, each person must have been employed in an underground mine for a minimum of one year within the past five years. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly

underground shall meet the experience requirement. The underground experience requirement is waived for those miners on a mine rescue team on the effective date of this rule.

(d) Each operator shall arrange, in advance, ground transportation for rescue teams and equipment to the mine or mines served.

(e) Upon the effective date of this part, the required rescue capability shall be present at all existing underground mines, upon initial excavation of a new underground mine entrance, or the re-opening of an existing underground mine.
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(f) Except where alternative compliance is permitted under Sec. 49.3 or Sec. 49.4, no mine served by a mine rescue team shall be located more than two hours ground travel time from the mine rescue station with which the rescue team is associated.

(g) As used in this part, mine rescue teams shall be considered available where teams are capable presenting themselves at the mine site(s) within a reasonable time after notification of an occurrence which might require their services. Rescue team members will be considered available even though performing regular work duties or in an off-duty capacity. The requirement that mine rescue teams be available shall not apply when teams are participating in mine rescue contests or providing services to another mine.

(h) Each operator of an underground mine who provides rescue teams under this section shall send the District Manager a statement describing the mine's method of compliance with this part. The statement shall disclose whether the operator has independently provided mine

rescue teams or entered into an agreement for the services of mine rescue teams. The name of the provider and the location of the services shall be included in the statement. A copy of the statement shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the statement.

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 49_MINE RESCUE TEAMS--Table of Contents

Sec. 49.3 Alternative mine rescue capability for small and remote mines.

(a) If an underground mine is small and remote, an operator may provide for an alternative mine rescue capability. For the purposes of this part only, consideration for small and remote shall be given where the total underground employment of the operator's mine and any surrounding mine(s) within two hours ground travel time of the operator's mine is less than 36.

(b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

(c) Each application for an alternative mine rescue capability shall contain:

(1) The number of miners employed underground at the mine on each shift;

(2) The distances from the two nearest mine rescue stations;

(3) The total underground employment of mines within two hours

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ground travel time of the operator's mine;

(4) The operator's mine fire, ground, and roof control history;

(5) The operator's established escape and evacuation plan;

(6) A statement by the operator evaluating the usefulness of additional refuge chambers to supplement those which may exist;

(7) A statement by the operator as to the number of miners willing to serve on a mine rescue team;

(8) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(9) Other relevant information about the operator's mine which may be requested by the District Manager.

(d) A copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

(e) In determining whether to approve an application for alternative compliance, the District Manager shall consider:

(1) The individual circumstances of the small and remote mine;

(2) Comments submitted by, or on behalf of, any affected miner; and

(3) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator's mine.

(f) Where alternative compliance is approved by MSHA, the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a
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copy of the approved plan.

(g) The operator shall notify the District Manager of any changed condition

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or factor materially affecting information submitted in the application for alternative mine rescue capability.

(h)(1) An approved plan for alternative mine rescue capability shall be subject to revocation or modification for cause by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified, and given an opportunity to be heard before the appropriate District Manager.

(2) If an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939.

[45 FR 47002, July 11, 1980, as amended at 67 FR 38385, June 4, 2002]

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 49_MINE RESCUE TEAMS--Table of Contents

Sec. 49.3 Alternative mine rescue capability for small and remote mines.

(a) If an underground mine is small and remote, an operator may provide for an alternative mine rescue capability. For the purposes of this part only, consideration for small and remote shall be given where the total underground employment of the operator's mine and any surrounding mine(s) within two hours ground travel time of the operator's mine is less than 36.

(b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

(c) Each application for an alternative mine rescue capability shall contain:

(1) The number of miners employed underground at the mine on each shift;

(2) The distances from the two nearest mine rescue stations;

(3) The total underground employment of mines within two hours ground travel time of the operator's mine;

(4) The operator's mine fire, ground, and roof control history;

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(5) The operator's established escape and evacuation plan;

(6) A statement by the operator evaluating the usefulness of additional refuge chambers to supplement those which may exist;

(7) A statement by the operator as to the number of miners willing to serve on a mine rescue team;

(8) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(9) Other relevant information about the operator's mine which may be requested by the District Manager.

(d) A copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

(e) In determining whether to approve an application for alternative compliance, the District Manager shall consider:

(1) The individual circumstances of the small and remote mine;

(2) Comments submitted by, or on behalf of, any affected miner; and

(3) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator's mine.

(f) Where alternative compliance is approved by MSHA, the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the approved plan.

(g) The operator shall notify the District Manager of any changed

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condition

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or factor materially affecting information submitted in the application for alternative mine rescue capability.

(h)(1) An approved plan for alternative mine rescue capability shall be subject to revocation or modification for cause by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified, and given an opportunity to be heard before the appropriate District Manager.

(2) If an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939.

[45 FR 47002, July 11, 1980, as amended at 67 FR 38385, June 4, 2002]

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 49_MINE RESCUE TEAMS--Table of Contents

Sec. 49.4 Alternative mine rescue capability for special mining conditions.

(a) If an underground mine is operating under special mining conditions, the operator may provide an alternative mine rescue capability.

(b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

(c) To be considered ``operating under special mining conditions,`` the operator must show that all of the following conditions are present:

- (1) The mine has multiple adits or entries;
- (2) The mined substance is noncombustible and the mining atmosphere nonexplosive;
- (3) There are multiple vehicular openings to all active mine areas, sufficient to allow fire and rescue vehicles full access to all parts of the mine in which miners work or travel;
- (4) Roadways or other openings are not supported or lined with combustible materials;
- (5) The mine shall not have a history of flammable-gas emission or

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accumulation, and the mined substance shall not have a history associated with flammable or toxic gas problems; and

(6) Any reported gas or oil well or exploratory drill hole shall be plugged to within 100 feet above and below the horizon of the ore body or seam.

(d) Each application shall contain:

(1) An explanation of the special mining conditions;

(2) The number of miners employed underground at the mine on each shift;

(3) The distances from the two nearest mine rescue stations;

(4) The operator's mine fire history;

(5) The operator's established escape and evacuation plan;

(6) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(7) Other relevant information about the operator's mine which may be requested by the District Manager.

(e) A copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

(f) In determining whether to approve an application for alternative compliance, the District Manager shall consider:

(1) The individual circumstances of the mine operating under special mining conditions;

(2) Comments submitted by, or on behalf of, any affected miner; and

(3) Whether the alternative mine rescue plan provides a suitable

rescue capability at the operator's mine.

(g) Where alternative compliance is approved by MSHA the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the alternative plan.

(h) The operator shall notify the District Manager of any changed condition

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or factor materially affecting information submitted in the application for alternative mine rescue capability.

(i)(1) An approved plan for alternative mine rescue capability shall be subject to revocation or modification by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified and given an opportunity to be heard before the appropriate District Manager.

(2) If an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939.

[45 FR 47002, July 11, 1980, as amended at 67 FR 38385, June 4, 2002]
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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 49_MINE RESCUE TEAMS--Table of Contents

Sec. 49.6 Equipment and maintenance requirements.

(a) Each mine rescue station shall be provided with at least the following equipment:

(1) Twelve self-contained oxygen breathing apparatus, each with a minimum of 2 hours capacity (approved by MSHA and NIOSH under 42 CFR part 84, subpart H), and any necessary equipment for testing such breathing apparatus;

(2) A portable supply of liquid air, liquid oxygen, pressurized oxygen, oxygen generating or carbon dioxide absorbant chemicals, as applicable to the supplied breathing apparatus and sufficient to sustain each team for six hours while using the breathing apparatus during rescue operations;

(3) One extra oxygen bottle (fully charged) for every six self-contained compressed oxygen breathing apparatus;

(4) One oxygen pump or a cascading system, compatible with the supplied breathing apparatus;

(5) Twelve permissible cap lamps and a charging rack;

(6) Two gas detectors appropriate for each type of gas which may be encountered at the mines served;

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(7) Two oxygen indicators or two flame safety lamps;

(8) One portable mine rescue communication system (approved under part 23 of this title) or a sound-powered communication system. The wires or cable to the communication system shall be of sufficient tensile strength to be used as a manual communication system. These communication systems shall be at least 1,000 feet in length; and

(9) Necessary spare parts and tools for repairing the breathing apparatus and communication system.

(b) Mine rescue apparatus and equipment shall be maintained in a manner that will ensure readiness for immediate use. A person trained in the use and care of breathing apparatus shall inspect and test the apparatus at intervals not exceeding 30 days and shall certify by signature and date that the inspections and tests were done. When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken. The certification and the record of corrective action shall be maintained at the mine rescue station for a period of one year and made available

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on request to an authorized representative of the Secretary.

[45 FR 47002, July 11, 1980, as amended at 56 FR 1478, Jan. 14, 1991; 60 FR 30400, June 8, 1995]

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CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 49_MINE RESCUE TEAMS--Table of Contents

Sec. 49.7 Physical requirements for mine rescue team.

(a) Each member of a mine rescue team shall be examined annually by a physician who shall certify that each person is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first such physical examination shall be completed within 60 days prior to scheduled initial training. A team member requiring corrective eyeglasses will not be disqualified provided the eyeglasses can be worn securely within an approved facepiece.

(b) In determining whether a miner is physically capable of performing mine rescue duties, the physician shall take the following conditions into consideration:

- (1) Seizure disorder;
- (2) Perforated eardrum;
- (3) Hearing loss without a hearing aid greater than 40 decibels at 400, 1,000 and 2,000 Hz;
- (4) Repeated blood pressure (controlled or uncontrolled by medication) reading which exceeds 160 systolic, or 100 diastolic, or which is less than 105 systolic, or 60 diastolic;
- (5) Distant visual acuity (without glasses) less than 20/50 Snellen scale in one eye, and 20/70 in the other;

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(6) Heart disease;

(7) Hernia;

(8) Absence of a limb or hand; or

(9) Any other condition which the examining physician determines is relevant to the question of whether the miner is fit for rescue team service;

(c) The operator shall have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team. These forms shall be kept on file at the mine rescue station for a period of one year.

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Sec. 49.8 Training for mine rescue teams.

(a) Prior to serving on a mine rescue team each member shall complete, at a minimum, an initial 20-hour course of instruction as prescribed by MSHA's Office of Educational Policy and Development, in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. The initial training requirement is waived for those miners on a mine rescue team on the effective date of this rule.

(b) Upon completion of the initial training, all team members shall receive at least 40 hours of refresher training annually. This training shall be given at least 4 hours each month, or for a period of 8 hours every two months. This training shall include:

- (1) Sessions underground at least once each 6 months;
- (2) The wearing and use of the breathing apparatus by team members for a period of at least two hours while under oxygen every two months;
- (3) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus;
- (4) Advanced mine rescue training and procedures; as prescribed by MSHA's Office of Educational Policy and Development; and

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(5) Mine map training and ventilation procedures.

(c) A mine rescue team member will be ineligible to serve on a team if more than 8 hours of training is missed during one year, unless additional training is received to make up for the time missed.

(d) The training courses required by this section shall be conducted by instructors who have been employed in an underground mine for a minimum of one year within the past five years, and who have received MSHA approval through:

(1) Completion of an MSHA or State approved instructor's training course and the program of instruction in the subject matter to be taught.

(2) Designation by the District Manager as approved instructors to teach specific courses, based on their qualifications and teaching experience. Previously approved instructors need not be re-designated to teach the approved courses as long as they have taught those courses within the 24 months prior to the effective date of this part. Where individuals are designated, the
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District Manager may waive the underground experience requirement.

(e) The District Manager may revoke an instructor's approval for good cause. A written statement revoking the approval together with reasons for revocation shall be provided the instructor. The affected instructor may appeal the decision of the District Manager by writing to the Administrator for Coal Safety and Health or Administrator for a Metal and Non-Metal Safety and Health, as appropriate, MSHA, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939. The Administrator shall issue a decision on the
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appeal.

(f) Upon request from the District Manager, the operator shall provide information concerning the schedule of upcoming training.

(g) A record of training of each team member shall be on file at the mine rescue station for a period of one year.

[45 FR 47002, July 11, 1980, as amended at 47 FR 23641, May 28, 1982; 47 FR 28095, June 29, 1982; 67 FR 38385, June 4, 2002]

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Sec. 49.9 Mine emergency notification plan.

(a) Each underground mine shall have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services.

(b) A copy of the mine rescue notification plan shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the plan.

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TITLE 30--MINERAL RESOURCES

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PART 75_MANDATORY SAFETY STANDARDS_UNDERGROUND COAL MINES--Table of Contents

Subpart R_Miscellaneous

Sec. 75.1713-1 Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.

(a) Each operator of an underground coal mine shall make arrangements with a licensed physician, medical service, medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine.

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(b) Each operator of an underground coal mine shall make arrangements with an ambulance service, or otherwise provide, for 24-hour emergency transportation for any person injured at the mine.

(e) Each operator shall, immediately after making an arrangement required under the provisions of paragraphs (a) and (b) of this Sec. 75.1713-1, or immediately after any change of such arrangement, post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under such arrangements to provide medical assistance and transportation at the mine.

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 77_MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK
AREAS OF UNDERGROUND COAL MINES--Table of Contents

Subpart R_Miscellaneous

Sec. 77.1702 Arrangements for emergency medical assistance and transportation for injured persons; reporting requirements; posting requirements.

(a) Each operator of a surface coal mine shall make arrangements with a licensed physician, medical service,

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medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine.

(b) Each operator shall make arrangements with an ambulance service, or otherwise provide for 24-hour emergency transportation for any person injured at the mine.

(e) Each operator shall, immediately after making an arrangement required under the provisions of paragraphs (a) and (b) of this section, or immediately after any change, of such agreement, post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under such arrangements to provide medical assistance and transportation at the mine.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[36 FR 9364, May 22, 1971, as amended at 36 FR 13143, July 15, 1971; 60 FR 33723, June 29, 1995]