

## NOTE TO REVIEWER

MSHA is requesting approval of the attached collections of information under OMB numbers 1219-0066, 1219-0009, 1219-0127, 1219-0088, 1219-0054, 1219-0073, and 1219-0065 to expedite the review of the information collection requirements contained in this proposed rule. The burden for conveyor belt applications is already covered under the approved OMB control number of 1219-0066 under Part 18; the proposed rule would shift this burden to Part 14. After the collection of information is approved in the final rule stage, the burden will be allocated to the appropriate existing OMB control numbers.

The proposed sections that contain information collection requirements are as follows:

<u>OMB #</u>	<u>Proposed Section</u>
1219-0066	§§ 14.4(a), (b), (c), (d), (e) § 14.4(f) § 14.5 § 14.8(d) § 14.10(b)
1219-0009	§ 48.27(a)
1219-0127	§ 75.156
1219-0088	§§ 75.350(a)(2); 75.350(b); 75.350(b)(7); 75.350(b)(8); 75.350(d)(1); 75.351(e)(1)(v); 75.370(a)(3) and (f)(3), 75.371(jj); 75.371(mm); 75.371(nn); 75.371(yy); 75.371(zz); 75.380(f)(1); 75.381(e); and 75.1103-5(a)
1219-0054	§§ 75.1103-8(b); 75.1103-8(c); 75.1103-5(f); 75.1103-5(f)(2)
1219-0073	§ 75.1103-5(a)(2)(ii)

## SUPPORTING STATEMENT

### **Proposed Rule: Safety Standards Regarding the Recommendations of the Technical Study Panel on the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt Materials in Underground Coal Mining**

#### **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.**

This proposal addresses the recommendations of the Technical Study Panel (Panel) on the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt Materials in Underground Coal Mining. The Secretary established the Panel in accordance with section 11 of the Mine Improvement and New Emergency Response (MINER) Act of 2006. The Panel conducted an independent scientific engineering review and issued its report on December 20, 2007. Under the Consolidated Appropriations Act of 2008, the Secretary must propose regulations consistent with the recommendations of the Panel not later than June 20, 2008, and issue a final rule not later than December 31, 2008.

MSHA proposes new standards for: conveyor belt flammability; qualifying Atmospheric Monitoring System (AMS) operators; levels of respirable dust in belt entries; airlocks between air courses; minimum and maximum air velocities; approval for the use of air from the belt entry to ventilate working sections; monitoring and remotely closing point-feed regulators; smoke sensors; standardized tactile signals on lifelines; replacing point-type heat sensors with carbon monoxide sensors; and belt conveyor and belt entry maintenance.

MSHA is requesting approval of the information collection under OMB numbers 1219-0066, 1219-0009, 1219-0127, 1219-0088, 1219-0054, and 1219-0073 to expedite the review of the information collection requirements contained in this proposed rule. Mine operators would no longer need to petition the Agency in order to use carbon monoxide sensors in lieu of point-type heat sensors (PTHS).

*1219-0066 - Testing, Evaluation, and Approval of Mining Equipment*

Applications for belt approval would be submitted under § 14.4 by manufacturers who intend to market their belts as approved for use in underground coal mines. Applications would consist of specifications describing the belt or proposed changes to the belt and formulation information about the compounds in the conveyor belt. This information and the test results would be evaluated by MSHA staff to determine if the conveyor belt met the flame resistant requirements and whether or not an approval should be granted. The information required under this proposed rule is similar to the information required from manufacturers seeking “acceptance” of conveyor belts under existing Part 18.

Proposed § 14.10(b) would require that manufacturers make available to MSHA, at no cost, samples of approved conveyor belt for audit. If a product is not available because it is not currently in production, the manufacturer must notify MSHA when it is available.

*1219-0009 – Training Plans*

Proposed § 48.27(a) would prohibit miners from working as AMS operators until they receive the training required by this section. Training would be included in the training program required for this section, and records of training are required under existing § 48.29. MSHA anticipates that the costs of this provision are negligible since mine operators would only have to make minor changes to training plans that must be submitted for approval under existing Part 48.

*1219-0127 - Qualification/Certification Program and Man Hoist Operators Physical Fitness*

Proposed § 75.156 would require that AMS operators be qualified and provided task training in accordance with the mine operator’s approved Part 48 training plan. Records of qualified persons are required under existing § 75.159. MSHA anticipates that the costs of this provision are negligible; mine operators would make only minor changes to records of qualified persons required under existing standards.

*1219-0088 – Ventilation Plans, Tests, and Examinations in Underground Coal Mines*

Mine operators would need to update information in their mine ventilation plans due to the following proposed requirements.

Proposed § 75.350(a)(2) would require that unless otherwise approved by the District Manager in the mine ventilation plan, the air velocity in the belt entry must be at least 50 feet per minute. The District Manager may approve different velocities

under § 75.371(jj).

Proposed § 75.350(b) would permit the use of air from the belt entry to ventilate a working section only when evaluated and approved by the District Manager in the mine ventilation plan.

Proposed § 75.350(b)(7) would require that the air velocity in the belt entry be at least 100 feet per minute. When requested by the mine operator, the District Manager may approve lower velocities in the ventilation plan based on specific mine conditions under § 75.371(jj).

Proposed § 75.350(b)(8) would require that the air velocity in the belt entry not exceed 1,000 feet per minute. The District Manager may approve higher velocities in the ventilation plan based on specific mine conditions under § 75.371(jj).

Proposed § 75.371(yy) would require that the locations where airlocks are installed between air courses be identified in the mine ventilation plan.

Proposed § 75.371(zz) would require that the locations where the pressure differential cannot be maintained from the primary escapeway to the belt entry be identified in the mine ventilation plan.

Proposed § 75.1103-5(a) would require that when the carbon monoxide level reaches 10 parts per million above the ambient level at any sensor location, an effective warning signal must be provided at specific locations. Mine operators are required to establish the ambient level of carbon monoxide in the mine ventilation plan under § 75.371(hh).

The following proposed provisions also relate to OMB number 1219-0088. However, MSHA anticipates that the costs of these provisions are negligible.

- Proposed § 75.350(d)(1) would require the monitoring for carbon monoxide or smoke in any air current that passes through a point-feed regulator. The mine operator may request a lesser distance in the mine ventilation plan.
- Proposed § 75.371(mm) would require that the location of any diesel-discriminating, and additional carbon monoxide or smoke sensors installed in the belt air course be identified in the mine ventilation plan.

- Proposed § 75.371(nn) would require that the length of the time delay or any other method used to reduce the number of non-fire related alert and alarm signals from carbon monoxide sensors be specified in the mine ventilation plan.
- Proposed §§ 75.380(f) (1) and 75.381(e) would require that the primary escapeway have a higher ventilation pressure than the belt entry. If this is not possible, the mine operator may submit an alternative in the mine ventilation plan.

#### *1219-0054 – Fire Protection*

Proposed § 75.1103-8(b) would require that a record of the weekly automatic fire sensor functional tests be maintained by the mine operator and kept for a period of one year.

Proposed § 75.1103-8(c) would require that a record of the monthly sensor calibrations be maintained by the mine operator and kept for a period of one year.

#### *1219-0073- Record of Mine Closure*

Proposed § 75.1103-5(a)(2)(ii) would require that a map or schematic showing the locations of sensors, and the intended air flow direction at these locations be maintained. This map or schematic must be updated within 24 hours of any change.

### **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.**

The respondents for the paperwork provisions of this proposed rule would be conveyor belt manufacturers and mine operators. Adjustments would be made to existing information collections under the following numbers: 1219-0066, 1219-0009, 1219-0127, 1219-0088, 1219-0054, and 1219-0073.

Upon approval by the MSHA District Manager, the mine operator uses the approved plan to implement programs for the initial training of AMS operators (§ 48.27) and AMS operator qualifications (§ 75.156). Mine operators also provide annual retraining for AMS operators (§ 75.351(q)). The training plans are necessary to assure AMS operators perform their jobs effectively during a mine emergency.

Section 30 CFR § 75.1108 requires mine operators to use flame-resistant conveyor belts approved by MSHA. MSHA approval indicates that the manufacturer's product has met the Agency's specifications and would reduce fire hazards when used in an underground coal mine.

The records collected under OMB numbers 1219-0088, 1219-0054, and 1219-0073 would be used by coal mine operators, miners, and state and federal mine inspectors. The records would reflect mine-specific ventilation requirements including approval to use air from the belt entry to ventilate working sections; approved air velocities in the belt entry; the locations of doors installed between air courses to establish an airlock; and where the pressure differential cannot be maintained between the primary escapeway and belt entry. In addition, a mine map or schematic would show the locations of sensors and intended air flow direction in the belt entry. These additional requirements will greatly assist mine operators to track changes in their mines' ventilation systems to maintain the safety and health of miners working in underground coal mines.

**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.**

The proposed rule would not specify how records be kept. They could be kept in the traditional manner or stored electronically, provided they are secure and not susceptible to loss or alteration. MSHA encourages manufacturers and mine operators who store records electronically to provide a mechanism to allow the continued storage and retrieval of records for a number of years.

**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.**

MSHA knows of no other Federal or State reporting requirements that would duplicate the reporting requirements contained in this proposed rule. Approvals are granted on individual conveyor belts and are unique to that belt. However, proposed § 14.4(c) would provide that an applicant for an extension of an approval would only need to submit information that describes the proposed change to an approved conveyor belt, without being required to submit an entire new application.

Training of miners is conducted under various sections of 30 CFR. The intent of training can be general, task specific, or for purposes of qualification. The implementation of the Panel's recommendation for AMS operator training and qualification is through proposed §§ 48.27(a) and 75.156. These sections complement each other and are not duplicative, even though the requirements are under two different OMB numbers, 1219-0009 - Training Plans and 1219-0127 - Qualification/Certification Program and Man Hoist Operators Physical Fitness.

**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 burden.**

Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses when obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements when appropriate and consistent with assuring the health and safety of miners. MSHA's approval regulations apply equally to all manufacturers regardless of size. Thus, all conveyor belt manufacturers would have to meet MSHA's requirements for flame resistance in order for their product to be approved.

Under the proposal, a manufacturer would be permitted to apply for approval of a "family" of belts (i.e., belts that are identical in construction except in certain aspects, such as the number of plies). By allowing "families" of belts under one application, MSHA expects that the time required to process and test belts would be minimized.

**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.**

The Secretary established the Technical Study Panel in accordance with section 11 of the Mine Improvement and New Emergency Response (MINER) Act of 2006. The Panel conducted an independent scientific engineering review and issued its report on December 20, 2007. Under the Consolidated Appropriations Act of 2008, the Secretary must propose regulations consistent with the recommendations of the Panel not later than June 20, 2008, and issue a final rule not later than December 31, 2008.

The consequence if the collections are not conducted or collected less frequently is that the agency would not be able to propose standards consistent with the Technical Study Panel recommendations and thereby meets its statutory requirement. This would limit the agency's ability to determine: the flame-resistance of conveyor belts; whether AMS operators are properly qualified; the performance of the carbon

monoxide sensors; and whether the use of air from the belt entry to ventilate working sections is appropriate.

**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.**

MSHA intends to continue its existing practice of treating information on product specifications and performance as proprietary information and would protect its disclosure to the fullest extent possible under the law, in accordance with the Freedom of Information Act (5 U.S.C. 522). Collection of information under this proposed rule is consistent with the guidelines in 5 CFR § 1320.5.

**8. If applicable, provide a copy and identify the data 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 these 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 recordkeeping, 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 will publish the notice soliciting comments on the information collection requirements in the preamble of the proposed rule. A *Federal Register* notice will notify the public that this information collection requirement (ICR) is being reviewed in accordance with the Paperwork Reduction Act of 1995, and give interested persons 60 days to submit comments. Comments received will be addressed in the preamble to the final rule, and, if necessary, a revised ICR will be submitted. Additionally, among other things, to help ensure the effectiveness and utility of the requirements contained in the proposed rule, MSHA plans to hold four public hearings in August 2008.

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

MSHA has provided no payments or gifts to the respondents identified in this collection.

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

There is no assurance of confidentiality provided to respondents beyond that required by the Freedom of Information Act (5 U.S.C. 522). Collection of information under this proposed rule is consistent with the guidelines in 5 CFR § 1320.5.

**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.

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

statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 desirable. 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.**
- **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.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

## **PROPOSED PART 14 PAPERWORK ESTIMATES**

### **Proposed § 14.4 - Application procedures and requirements.**

Under proposed § 14.4, manufacturers would submit applications for conveyor belt approvals. This requirement would be included with the existing paperwork requirements with approved OMB control #1219-0066. MSHA estimates that the number of original applications filed would be: 100 in the first year; 50 in the second year; and 30 in the third year. The number of applications for extension of approval or for approval of similar conveyor belt is estimated to be: 20 in the first year; 10 in the second year; and 10 in the third year. MSHA estimates that to prepare and submit an application, and any additional information requested by MSHA, takes an engineer, earning \$50 per hour, 5 hours for an original application and 2 hours for an application for extension approval or for approval of similar conveyor belt.

**Table 1: Estimated Burden Hours and Cost under Proposed § 14.4**

(a) Description	(b) No. of Applications	(c) Hours per Application	(d) Burden Hours <sup>a</sup>	(e) Engineer Hourly Wage Rate	(f) Burden Cost <sup>b</sup>
First Year					
Original Application	100	5	500	\$50	\$25,000
Application for Extension or Similar Belt	20	2	40	\$50	\$2,000
<b>Total</b>	<b>120</b>		<b>540</b>		<b>\$27,000</b>
Second Year					
Original Application	50	5	250	\$50	\$12,500
Application for Extension or Similar Belt	10	2	20	\$50	\$1,000
<b>Total</b>	<b>60</b>		<b>270</b>		<b>\$13,500</b>
Third Year					
Original Application	30	5	150	\$50	\$7,500
Application for Extension or Similar Belt	10	2	20	\$50	\$1,000
<b>Total</b>	<b>40</b>		<b>170</b>		<b>\$8,500</b>

<sup>a</sup> Burden hours = col. b x col. c.

<sup>b</sup> Burden cost = col. d x col. e.

### Summary of Burden Hours, Costs, and Response Estimate for Part 14.

Table 1 shows that the burden associated with filing an application is approximately: 540 hours at a cost of \$27,000 in the first year; 270 hours at a cost of \$13,500 in the second year; and 170 hours at a cost of \$8,500 in the third year that the rule is in effect. In Table 2, MSHA estimates that the proposed rule would result in 120 manufacturer responses in the first year, 60 responses in the second year, and 40 responses in the third year that the rule is in effect.

**Table 2: Summary of Estimated Number of Responses by Manufacturers for Proposed Part 14**

Year	Section	Existing Approved Paperwork Packages	No. of Applicants	Annual No. of Responses per Application	Total Responses
First Year	§ 14.4	1219-0066	10	12	120
Second Year	§ 14.4	1219-0066	10	6	60
Third Year	§ 14.4	1219-0066	10	4	40

### PROPOSED PART 75 PAPERWORK ESTIMATES

#### Proposed § 75.350 Belt Air Course Ventilation.

Proposed § 75.350(a)(2) would require that the belt entry air velocity be at least 50 feet per minute. This requirement is related to the paperwork requirement under proposed § 75.371(jj) with approved OMB control #1219-0088, which would require that the mine ventilation plan provide the locations where approved velocities are below this limit. MSHA estimates 20 minutes (0.33 hours) of a supervisor's time (at an hourly wage of \$85.14) at an estimated 240 affected mines to make revisions to the mine ventilation plan and 6 minutes (0.1 hours) of a clerical employee's time (at an hourly wage of \$26.37) to photocopy and submit the revisions. Table 3 shows MSHA's estimate of 105 first-year burden hours and associated costs of \$7,470 for mine operators to revise mine ventilation plans for this provision.

**Table 3: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plans in Accordance with Proposed § 75.350(a)(2)**

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	105	0.33	0.10	35	11	46	\$3,270
20-500	135	0.33	0.10	45	14	59	\$4,200
501+	-	0.33	0.10	-	-	-	\$0
All Mines	240			80	25	105	\$7,470

Proposed § 75.350(b) would require that the justification to use air from the belt entry to ventilate working sections be provided in the mine ventilation plan submitted by the mine operator to the District Manager for evaluation and approval. This requirement is related to the paperwork requirement under existing § 75.371 with approved OMB control #1219-0088, which requires that the mine ventilation plan provide all information required by the District Manager. MSHA estimates that 49 mines would take 60 minutes (1.0 hours) of a supervisor's time (at an hourly wage of \$85.14) to make revisions to the mine ventilation plan and 6 minutes (0.10 hours) of a clerical employee's time (at an hourly wage of \$26.37) to photocopy and submit revisions. Table 4 shows MSHA's estimate of 24 first-year burden hours and associated costs of \$4,357 for mine operators to revise mine ventilation plans for this provision.

**Table 4: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plan in Accordance with Proposed § 75.350(b)**

Mine Size	# of Mines That Need to Revise Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	3	1.0	0.10	3	1	4	\$282
20-500	45	1.0	0.10	45	5	50	\$3,963
501+	1	1.0	0.10	1	1	2	\$112
All Mines	49			49	7	56	\$4,357

Proposed § 75.350(b)(7) would require the air velocity in the belt entry to be at least 100 feet per minute in mines that use air from the belt entry to ventilate working sections. This requirement is related to the paperwork requirement under proposed § 75.371(jj) with approved OMB control #1219-0088, which would require that the mine ventilation plan provide the locations where approved velocities are below this limit. MSHA estimates that 12 mines would be affected and that it would take 20 minutes (0.33 hours) of a supervisor's time (at an hourly wage of \$85.14) to make revisions to the mine ventilation plan and 6 minutes (0.10 hours) of a clerical employee's time (at an hourly wage of \$26.37) to photocopy and submit revisions. Table 5 shows MSHA's estimate of 5 first-year burden hours and associated costs of \$479 for mine operators to revise mine ventilation plans for this provision.

**Table 5: Estimated First-Year Burden Hours and Cost for Mine Operators to Revise Mine Ventilation Plan in Accordance with Proposed § 75.350(b)(7)**

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	1	0.33	0.10	1	1	2	\$112
20-500	11	0.33	0.10	4	1	5	\$367
501+	-	0.33	0.10	-	-	-	\$0
All Mines	12			5	2	7	\$479

Proposed § 75.350(b)(8) would require that the air velocity in the belt entry not exceed 1,000 feet per minute in mines that use air from the belt entry to ventilate working sections. This requirement is related to the paperwork requirement under proposed § 75.371(jj) with approved OMB control #1219-0088, which would require that the mine ventilation plan provide the locations where approved velocities are above this limit. MSHA estimates that 3 mines would be affected and that it would take 20 minutes (0.33 hours) of a supervisor's time (at an hourly wage of \$85.14) to make revisions to the mine ventilation plan and 6 minutes (0.10 hours) of a clerical employee's time (at an hourly wage of \$26.37) to photocopy and submit revisions. Table 6 shows MSHA's estimate of 2 first-year burden hours and associated costs of \$112 for mine operators to revise mine ventilation plans for this provision.

**Table 6: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plan in Accordance with Proposed § 75.350(b)(8)**

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	-	0.33	0.10	-	-	-	\$0
20-500	3	0.33	0.10	1	1	2	\$112
501+	-	0.33	0.10	-	-	-	\$0
All Mines	3			1	1	2	\$112

### **Existing § 75.370 Mine Ventilation Plan; Submission and Approval.**

The proposed provisions that would require revising mine ventilation plans would also affect existing § 75.370(a)(3) and (f) with approved OMB control # 1219-0088, requiring mine operators to post all revisions of the mine ventilation plan and providing a copy to a miners' representative, upon request, prior to submitting a mine ventilation plan and any revision to a mine ventilation plan. MSHA estimates that miners' representatives are going to make this request for 30 percent of the revisions. In addition, prior to implementing an approved ventilation plan or a revision to a ventilation plan, mine operators must post it on the mine bulletin board. This paperwork burden requirement is also included under approved OMB control # 1219-0088. MSHA estimates that it would take a clerical worker (at an hourly wage of \$26.37) approximately six minutes to either copy and post a plan, or provide a revised

copy of mine ventilation plan to miners' representative. Table 7 shows MSHA's estimate of 172 first-year paperwork burden hours and its associated costs of \$4,746 to comply with existing § 75.370(a)(3) and (f).

**Table 7: Estimated First-Year Burden Hours and Costs for Mine Operators to Post Mine Ventilation Plans and to Provide Copies to Miners' Representatives in Accordance with Existing § 75.370(a)(3) & (f)**

Mine Size	# of Mines Revising Plans	# of Revisions to Mine Ventilation Plans	Percentage of Revisions Where a Copy Is Provided to Miners' Representative	Time to Copy & Post or to Copy & Provide Revisions to Miners' Representative (Hours Per Revision)	Total First-Year Burden Hours	Total First-Year Cost
1-19	223	431	30%	0.10	56	\$1,477
20-500	391	874	30%	0.10	114	\$3,006
501+	10	16	30%	0.10	2	\$53
All Mines	624	1,321			172	\$4,536

### **Proposed § 75.371 Mine Ventilation Plan; Contents.**

Proposed § 75.371(yy), with approved OMB control #1219-0088, would require that the locations where doors are installed between air courses to establish an airlock be documented in the mine ventilation plan. MSHA estimates that 64 mines would be affected and that it would take 10 minutes (0.33 hours) of a supervisor's time (at an hourly wage of \$85.14) to revise the plan and another 3 minutes (0.05 hours) of a clerical employee's time (at an hourly wage of \$26.37) to photocopy and submit the plan. Table 8 shows MSHA's estimate of 15 first-year paper burden hours and associated costs of \$1,043 for mine operators to revise mine ventilation plans for this provision.



**Table 8: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plan in Accordance with Proposed § 75.371(yy)**

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	-	0.17	0.05	-	-	-	\$0
20-500	59	0.17	0.05	10	3	13	\$931
501+	5	0.17	0.05	1	1	2	\$112
All Mines	64			11	4	15	\$1,043

Proposed §§ 75.380(f)(1) and 75.381(e) would require that the primary escapeway have higher ventilation pressure than the belt air course unless the mine operator submits an alternative in the mine ventilation plan to protect the integrity of the primary escapeway, based on the mine specific conditions. Proposed § 75.371(zz), with approved OMB control #1219-0088, would allow a modification in the ventilation plan to include the locations where the pressure differential cannot be maintained from the primary escapeway to the belt entry. MSHA estimates that 474 mines would be affected and that it would take 20 minutes (0.33 hours) of a supervisor's time (at an hourly wage of \$85.14) to make revisions to the mine ventilation plan and 6 minutes (0.10 hours) of a clerical employee's time (at an hourly wage of \$26.37) to photocopy and submit revisions. Table 9 shows MSHA's estimate of 204 first-year burden hours and associated costs of \$14,606 for mine operators to revise mine ventilation plans for this provision.

**Table 9: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plan in Accordance with Proposed § 75.371(zz)**

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	112	0.33	0.10	37	11	48	\$3,440
20-500	352	0.33	0.10	117	35	152	\$10,884
501+	10	0.33	0.10	3	1	4	\$282
All Mines	474			157	47	204	\$14,606

**Proposed § 75.1103-5 Automatic Fire Warning Devices; Actions and Responses.**

Proposed § 75.1103-5 (a) would require that when the carbon monoxide level reaches 10 parts per million above the ambient level at any sensor location, an effective warning signal must be provided at specific locations. The ambient level must be included in the mine ventilation plan as required under existing § 75.371(hh) (approved OMB control # 1219-0088). MSHA estimates that for the 479 affected mines, it would take a mine supervisor, earning \$85.14 an hour, approximately 15 minutes (0.25 hours) to revise the mine ventilation plan and a clerical worker, earning \$26.37 an hour, six minutes (0.1 hours) to copy and submit a revision. Table 10 shows MSHA's estimate of 168 first-year paperwork burden hours and its associated costs of \$11,483 to revise the mine ventilation plan.

**Table 10: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plan in Accordance with Proposed § 75.1103-5(a)**

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Hours Per Mine)	Time for Clerical Employee to Copy & Submit Revision (Hours Per Mine)	Total First-Year Burden Hours for Supervisors	Total First-Year Burden Hours for Clerical Employees	Total First-Year Burden Hours	Total First-Year Cost
1-19	210	0.25	0.10	53	21	74	\$5,066
20-500	269	0.25	0.10	67	27	94	\$6,416
501+	0	0.25	0.10	-	-	-	\$0
All Mines	479			120	48	168	\$11,483

Proposed § 75.1103-5(a)(2)(ii) would require a map or schematic to show the locations of sensors and the intended direction of air flow. The map or schematic must also be updated within 24 hours of any changes. MSHA expects that these notations will be added to the mine map required under existing §§ 75.1200 and 75.372 (approved OMB control # 1219-0073). MSHA estimates, for the 479 non-AMS mines, that it would take 30 minutes of an engineer's time (at an hourly wage of \$50.00) to update the map in the first year and 5 minutes of an engineer's time to update the map monthly (or 1 hour a year). This task would need to be done annually starting in year one. Table 11 shows MSHA's estimate of 240 annual burden hours and costs of \$12,000 in the first year and 479 hours and \$23,950 annually for mine operators to update mine maps or schematics.

**Table 11: Estimated Annual Burden Hours and Costs for Mine Operators to Update Map or Schematic with Locations of CO Sensors in Accordance with Proposed § 75.1103-5(a)(2)(ii)**

Mine Size	# of Non-AMS Mines Revising Plan	Initial Burden Hours	Total First-Year Cost	Annual Burden Hours	Total Burden Hours	Total Annual Cost
1-19	210	105	\$5,250	210	315	\$10,500
20-500	269	135	\$6,750	269	404	\$13,450
501+	-	-	\$0	-		\$0
All Mines	479	240	\$12,000	479	719	\$23,950

**Proposed § 75.1103-8 Automatic Fire Sensor and Warning Device Systems; Inspection and Test Requirements.**

Proposed § 75.1103-8(b) would require that the operator maintain and keep a record of the test performed in proposed § 75.1103-8(a). This requirement is related to the paperwork requirements under existing § 75.1103-8 with approved OMB control #1219-0054. MSHA estimates that 479 mines would be affected and that it would take 48 seconds (0.80 minutes) of a supervisor's time (at an hourly wage of \$85.14) to record each alarm tested. In addition, MSHA estimates that mines with 1-19 employees test one alarm per week; mines with 20-500 employees test two alarms per week; and mines with over 500 employees test four alarms per week. Table 12 shows MSHA's estimate of 519 annual burden hours and associated costs of \$44,187 for mine operators to record the testing of carbon monoxide systems.

**Table 12: Estimated Annual Burden Hours and Costs for Mine Operators to Record Weekly Testing of Carbon Monoxide Systems in Accordance with Proposed § 75.1103-8(b)**

Mine Size	Incremental # of Mines Installing CO Systems	Alarms Tested Per Week	Recording Time per Test (Hours)	Total Annual Burden Hours	Total Annual Cost
1-19	210	1	0.013	146	\$12,430
20-500	269	2	0.013	373	\$31,757
501+	-	4	0.013	-	\$0
All Mines	479			519	\$44,187

Proposed § 75.1103-8(c) would require the calibration of carbon monoxide sensors at intervals of no more than 31 days. This requirement is included under approved OMB control #1219-0054. The operator would have to keep a record of the carbon monoxide sensor calibrations for one year. MSHA estimates that 8,451 carbon monoxide sensors would be affected and that it would take 48 seconds (0.80 minutes) of a supervisor's time (at an hourly wage of \$85.14) to record each calibration. Table 13 shows MSHA's estimate of 1,352 annual burden hours and associated costs of \$115,109 for mine operators to record the calibration of sensors.

**Table 13: Estimated Annual Burden Hours and Costs for Mine Operators to Record Monthly Calibration of Carbon Monoxide Systems in Accordance with Proposed § 75.1103-8(c)**

Mine Size	Incremental # of CO Sensors	Annual Hours Spent to Record Calibration (Per Sensor)	Total Annual Burden Hours	Total Annual Cost
1-19	1,068	0.16	171	\$14,559
20-500	7,076	0.16	1,132	\$96,378
501+	307	0.16	49	\$4,172
All Mines	8,451		1,352	\$115,109

**Summary of Proposed Part 75 Estimated Burden Hours and Responses.**

In Tables 14 and 15, MSHA estimates that the proposed rule would result for mine operators in 3,319 burden hours in the first year and 2,350 burden hours every year thereafter that the rule is in effect. MSHA estimates that the proposed rule would result in 135,106 responses in the first year and 132,068 responses every year thereafter that the rule is in effect.

**Table 14: Estimated First-Year # of Respondents, Responses, Burden Hours, and Costs to Mine Operators for the Proposed Part 75 Provisions**

Paperwork Requirements	Existing Approved Paperwork Packages	# of Respondents	# of Responses	Total First-Year Burden Hours	Total First-Year Cost
§ 75.350	1219-0088	240	304	170	\$12,418
§ 75.370	1219-0088	624	1,717	172	\$4,536
§ 75.371	1219-0088	474	538	219	\$15,649
§ 75.1103-5(a)	1219-0088	479	479	168	\$11,482
§ 75.1103-5(a)(2)(ii)	1219-0073	479	5,748	719	\$35,950
§ 75.1103-8(b)	1219-0054	479	24,908	519	\$44,187
§ 75.1103-8(c)	1219-0054	544	101,412	1,352	\$115,109
Total		624	135,106	3,319	\$239,331

**Table 15: Estimated Annual # of Respondents, Responses, Burden Hours, and Costs to Mine Operators Starting in Year Two for the Proposed Part 75 Provisions**

Paperwork Provisions	Existing Approved Paperwork Packages	# of Respondents	# of Responses	Total Annual Burden Hours	Total Annual Cost
§ 75.1103-5(a)(2)(ii)	1219-0073	479	5,748	479	\$23,950
§ 75.1103-8(b)	1219-0054	479	24,908	519	\$44,187
§ 75.1103-8(c)	1219-0054	8,451	101,412	1,352	\$115,109
<b>Total</b>		<b>9,409</b>	<b>132,068</b>	<b>2,350</b>	<b>\$183,246</b>

**Table 16: Summary Table of First Year Burden For Parts 14 and 75**

PART	TABLE	RESPONDENTS	RESPONSES	HOURS
14	1	10	120	540
75				
	3	240	240	105
	4	49	49	56
	5	12	12	7
	6	3	3	2
	7	624	1717	172
	8	64	64	15
	9	474	474	204
	10	479	479	168
	11	479	5748	719
	12	479	24,908	519
	13	544	101,412	1352
<b><i>SUBTOTAL 75</i></b>	<b><i>14</i></b>	<b><i>624</i></b>	<b><i>135,106</i></b>	<b><i>3,319</i></b>
<b>TOTAL</b>		<b>634</b>	<b>135,226</b>	<b>3,859</b>

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

#### **PROPOSED PART 14 ANNUAL COST BURDEN ESTIMATES**

##### **Proposed Part 14 – Requirements for the Approval of Flame-Resistant Conveyor Belts.**

Under proposed § 14.4(f), MSHA would charge applicants fees for testing and evaluating their conveyor belt applications. This requirement would be included with

the existing paperwork requirements with approved OMB control #1219-0066. MSHA's fees are \$84 per hour, which includes a 1.656 support factor. MSHA estimates that each original application involves 7 hours of testing and evaluation. MSHA further estimates that half of the applications for extension approval or approval of similar belt involve 6 hours of testing and evaluation, and the remaining half involve only 3 hours of evaluation.

Thus, MSHA would charge: \$588 for an original application; \$504 for an extension approval or approval of similar belt application that involves testing and evaluation; and \$252 for an extension approval or approval of similar belt application that involves only evaluation. In addition, MSHA assumes that, in 10 percent of the applications, the Agency would request additional information, resulting in double the time to test and evaluate those applications.

Table 16 shows that MSHA's testing and evaluation charges for applicants are: \$72,996 in the first year; \$36,498 in the second year; and \$23,562 in the third year that the rule is in effect.



**Table 17: Estimated MSHA Fee Cost for Conveyor Belt Application under Proposed § 14.4(f)**

(a) Detail	(b) No. of Applications	(c) Cost per Application	(d) Total Cost <sup>a</sup>	(e) Total Cost Increased by 10 Percent
First Year				
Original Applications	100	\$588	\$58,800	\$64,680
Application for Extension or Similar Belt Involving Testing & Evaluation	10	\$504	\$5,040	\$5,544
Application for Extension or Similar Belt Involving Evaluation	10	\$252	\$2,520	\$2,772
Total			\$66,360	\$72,996
Second Year				
Original Applications	50	\$588	\$29,400	\$32,340
Application for Extension or Similar Belt Involving Testing & Evaluation	5	\$504	\$2,520	\$2,772
Application for Extension or Similar Belt Involving Evaluation	5	\$252	\$1,260	\$1,386
Total			\$33,180	\$36,498
Third Year				
Original Applications	30	\$588	\$17,640	\$19,404
Application for Extension or Similar Belt Involving Testing & Evaluation	5	\$504	\$2,520	\$2,772
Application for Extension or Similar Belt Involving Evaluation	5	\$252	\$1,260	\$1,386
Total			\$21,420	\$23,562

<sup>a</sup> Cost = col. b x col. c.

Under proposed § 14.5, upon request by MSHA, the applicant must submit conveyor belt samples for flame testing. This requirement would be included with the existing paperwork requirements with approved OMB control #1219-0066. MSHA estimates that an applicant's cost to send MSHA conveyor belt samples for testing would be \$185 for each conveyor belt application (\$125 for the conveyor belt samples and \$60 for shipping costs). MSHA estimates that the number of applications requiring testing of the conveyor belt is: 110 in the first year; 55 in the second year; and 35 in the third year. In addition, MSHA assumes that for 10 percent of these applications, the applicant would need to submit additional conveyor belt samples. Table 17 shows that the cost for applicants to submit conveyor belt samples for testing is: \$22,385 in the first year; \$11,193 in the second year; and \$7,123 in the third year that the rule is in effect.

**Table 18: Estimated Cost to Test Conveyor Belt Samples under Proposed § 14.5**

(a) Year	(b) No. of Applications That Involve Testing	(c) Cost to Test Belt	(d) Total Cost <sup>a</sup>	(e) Total Cost Increased by 10 Percent
First Year	110	\$185	\$20,350	\$22,385
Second Year	55	\$185	\$10,175	\$11,193
Third Year	35	\$185	\$6,475	\$7,123

<sup>a</sup> Total Cost = col. b x col. c.

Under proposed § 14.10(b), no more than once a year, except for cause, the approval holder, at MSHA's request, must make available to the Agency samples of an approved conveyor belt for audit. This requirement would be included with the existing paperwork requirements with approved OMB control #1219-0066. MSHA estimates that 6 belts would be submitted each year for audit, starting with the second year. As noted above, the cost to submit conveyor belt samples is \$185 for each submission. Table 18 shows the cost for approval holders to submit conveyor belt samples for audit would be \$1,110 per year, beginning in the second year that the rule is in effect.

**Table 19: Estimated Cost to Submit Belt Samples for Audit under Proposed § 14.10(b)**

(a)	(b)	(c)	(d)
Year	No. of Belts Submitted for Audit	Cost to Submit Belt	Total Cost <sup>a</sup>
First	0	\$185	\$0
Second	6	\$185	\$1,110
Third	6	\$185	\$1,110

<sup>a</sup> Total Cost = col. b x col. c.

## PROPOSED PART 75 ANNUAL COST BURDEN ESTIMATES

### Proposed § 75.350 Belt Air Course Ventilation.

Proposed § 75.350(a)(2) would require air velocity in the belt entry be at least 50 feet per minute, unless otherwise approved in the mine ventilation plan. This requirement is related to the paperwork requirement under proposed § 75.371(jj) with approved OMB control #1219-0088, which would require that the mine ventilation plan provide the locations where approved velocities are below this limit. MSHA estimates it would take four pages for each of the 240 affected mines to make revisions to the mine ventilation plan. The postage and handling to send the revised training plan to the District Manager would be \$1.50. MSHA estimates \$504 in burden cost in the first year to revise mine ventilation plans for this provision.

$$(240 \text{ mines} \times 4 \text{ pages} \times \$0.15 \text{ per page}) + (240 \text{ mines} \times \$1.50) = \$504$$

Proposed § 75.350(b) would require the use air from the belt entry to ventilate a working section be evaluated and approved by the District Manager and justification provided in the mine ventilation plan. This requirement is related to the paperwork requirement under existing § 75.371 with approved OMB control #1219-0088. MSHA estimates that it would take two pages for each of the 49 affected mines to make revisions to the mine ventilation plan. The postage and handling to send the revised training plan to the District Manager would be \$1.50. MSHA estimates \$88 in burden cost in the first year to revise mine ventilation plans for this provision.

$$(49 \text{ mines} \times 2 \text{ pages} \times \$0.15 \text{ per page}) + (49 \text{ mines} \times \$1.50) = \$88$$

Proposed § 75.350(b)(7) would require air velocity in the belt entry must be at least 100 feet per minute in mines that use air from the belt entry, unless otherwise

approved in the mine ventilation plan. This requirement is related to the paperwork requirement under proposed § 75.371(jj) with approved OMB control #1219-0088. MSHA estimates that it would take three pages for each of the 12 affected mines to make revisions to the mine ventilation plan. The postage and handling to send the revised training plan to the District Manager would be \$1.50. MSHA estimates \$23 in burden cost in the first year to revise mine ventilation plans.

$$(12 \text{ mines} \times 3 \text{ pages} \times \$0.15 \text{ per page}) + (12 \text{ mines} \times \$1.50) = \$23$$

Proposed § 75.350(b)(8) would require that air velocity in the belt entry not exceed 1,000 feet per minute in mines that use air from the belt entry, unless otherwise approved in the mine ventilation plan. This requirement is related to the paperwork requirement under proposed § 75.370 with approved OMB control #1219-0088. MSHA estimates that it would take three pages for each of the three affected mines to make revisions to the mine ventilation plan. The postage and handling to send the revised training plan to the District Manager would be \$1.50. MSHA estimates \$6 in burden cost in the first year to revise mine ventilation plans for this provision.

$$(3 \text{ mines} \times 3 \text{ pages} \times \$0.15 \text{ per page}) + (3 \text{ mines} \times \$1.50) = \$6$$

### **Existing § 75.370 Mine Ventilation Plan; Submission and Approval.**

The proposed provisions that would require revising mine ventilation plans would also affect existing §§ 75.370(a)(3) and (f) with approved OMB control # 1219-0088, requiring mine operators to post all revisions of the mine ventilation plan and providing a copy to miners' representative, upon request, prior to submitting a mine ventilation plan and any revision to the mine ventilation plan. MSHA estimates that miners' representatives are going to make this request for 30 percent of the revisions. In addition, prior to implementing an approved ventilation plan or a revision to a ventilation plan, mine operators must post it on the mine bulletin board. This paperwork burden requirement is included under approved OMB control # 1219-0088. MSHA estimates that the 624 affected mines would generate 1,321 revisions. Combining the two paperwork requirements, MSHA estimates that mine operators would have to photocopy 6,556 pages in the first year. MSHA estimates \$983 in burden cost in the first year to comply with existing §§ 75.370(a)(3) and (f).

$$(6,556 \text{ pages} \times \$0.15 \text{ per page}) = \$983$$

### **Proposed § 75.371 Mine Ventilation Plan; Contents.**

Proposed § 75.371(yy), with approved OMB control # 1219-0088, would require that the locations where airlocks are installed between air courses be documented in the mine ventilation plan. MSHA estimates that it would take two pages for each of the 64 affected mines to make revisions to the mine ventilation plan. The postage and handling to send the revised training plan to the District Manager would be \$1.50. MSHA estimates \$115 in burden cost in the first year to revise mine ventilation plans for this provision.

$$(64 \text{ mines} \times 2 \text{ pages} \times \$0.15 \text{ per page}) + (64 \text{ mines} \times \$1.50) = \$115$$

Proposed §§ 75.380(f)(1) and 75.381(e) would require that the primary escapeway have higher ventilation pressure than the belt entry unless the mine operator submits an alternative in the mine ventilation plan to protect the integrity of the primary escapeway, based on the mine specific conditions, which is approved by the District Manager. Proposed § 75.371(zz), with approved OMB control #1219-0088, would require a modification in the ventilation plan to include the locations where the pressure differential cannot be maintained from the primary escapeway to the belt entry. MSHA estimates that it would take four pages for each of the 474 affected mines to make revisions to the mine ventilation plan. The postage and handling to send the revised training plan to the District Manager would be \$1.50. MSHA estimates \$995 in burden cost in the first year to revise mine ventilation plans for this provision.

$$(474 \text{ mines} \times 4 \text{ pages} \times \$0.15 \text{ per page}) + (474 \text{ mines} \times \$1.50) = \$995$$

### **Proposed § 75.1103-5 Automatic Fire Warning Devices; Actions and Responses.**

Proposed § 75.1103-5(a) would require that when the carbon monoxide level reaches 10 parts per million above the ambient level at any sensor location, an effective warning signal must be provided at specific locations. The ambient level must be included in the mine ventilation plan as required under existing § 75.371(hh) (approved OMB control # 1219-0088). MSHA estimates that for the 479 affected mines, it would take four pages to revise the mine ventilation plan and it would cost \$1.50 to mail it to the District Manager. MSHA estimates \$1,006 in burden cost in the first year to revise the mine ventilation plan.

$$(479 \text{ mines} \times 4 \text{ pages} \times \$0.15 \text{ per page}) + (479 \text{ mines} \times \$1.50) = \$1,006$$

Proposed § 75.1103-5(a)(2)(ii) would require a map or schematic to show the locations of sensors and the intended direction of air flow. The map or schematic must also be updated within 24 hours of any changes in sensor locations. MSHA expects that

these notations will be added to the mine map required under existing §§ 75.1200 and 75.372 (approved OMB control # 1219-0073). MSHA estimates, for the 479 non-AMS mines, it would initially cost \$10 in material to produce a map on special paper. MSHA estimates \$4,790 in burden cost in the first year to update mine maps or schematics.

$$(479 \text{ mines} \times \$10 \text{ per map}) = \$4,790$$

### **Proposed § 75.1103-8 Automatic Fire Sensor and Warning Device Systems; Inspection and Test Requirements.**

Proposed § 75.1103-8(b) would require that a record of the test performed in proposed § 75.1103-8(a) be maintained and kept by the operator for one year. This requirement is related to the paperwork requirement under existing § 75.1103-8 with approved OMB control #1219-0054. MSHA estimates that 479 mines would test 748 automatic fire sensors per week, and that it would take 8 pages, per automatic fire sensor, annually to record each alarm tested. MSHA estimates \$898 in burden cost annually to record the testing of carbon monoxide systems.

$$(748 \text{ automatic fire sensors tested} \times 8 \text{ pages per year} \times \$0.15 \text{ per page}) = \$898$$

Proposed § 75.1103-8(c) with approved OMB control #1219-0054 would require the calibration of sensors at intervals of no more than 31 days. This requirement is related to the paperwork requirement under existing § 75.1103-8 with approved OMB control #1219-0054. The operator would have to keep a record of the sensor calibrations for one year. MSHA estimates that 479 mines with 8,451 carbon monoxide sensors would be affected. In addition, each mine would need two pages per sensor to record the calibration each year. MSHA estimates \$2,535 in annual burden cost for mine operators to record the calibration of sensors.

$$(8,451 \text{ carbon monoxide sensors} \times 2 \text{ pages} \times \$0.15 \text{ per page}) = \$2,535$$

### **Summary of Burden Costs.**

Proposed Part 14 provisions would have a burden cost of \$95,381 in the first year, \$48,801 in the second year, and \$31,795 in the third year after the rule is finalized. In addition, proposed Part 75 provisions would have a burden cost of \$11,943 in the first year and \$3,433 annually starting in year two.

### **Table 20: Burden Costs**

SECTION	COST
14.4 (f)	\$72,996
14.5	\$22,385
14.10(b)	\$0
75.350(a)(2)	\$504
75.350(b)	\$88
75.350(b)(7)	\$23
75.350(b)(8)	\$6
75.370(a)(3)&(f)	\$983
75.371(yy)	\$115
75.380(f)(1)	\$995
75.381(e)	
75.1103-5	\$1,006
75.1103-5(a)(2)(ii)	\$4,790
75.1103-8(b)	\$898
75.1103-8(c)	\$2,535
<b>TOTAL BURDEN COST</b>	<b>\$107,324</b>

**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 anticipates that there would be no cost to the Federal government. Under the proposal, the cost of using MSHA's Approval and Certification Center to process applications for approval of conveyor belt would be covered fully by applicant testing and evaluation fees. MSHA currently processes conveyor belt applications under Part 18. When the rule becomes effective, MSHA will process these applications under Part 14, instead of Part 18.

**15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

The proposed rule would establish new approval requirements for conveyor belts under Part 14. The proposed rule would also establish additional information collection requirements for underground coal mine operators under Part 75.

Currently, conveyor belt applications are processed under Part 18 requirements that are included in OMB control number 1219-0066.

Under the new requirements, there will be an additional burden of 624 Respondents, 135,206 Responses, 3,849 Hours, and \$107,324 Cost. There is no cost to the Federal Government.

**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 results of this information collection.

**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.**

There are no forms associated with this information collection; therefore, 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 Submission," of OMB 83-I.**

There are no certification exceptions identified with this information collection.

## **B. Collection of Information Employment 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 methods 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 frequently 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 person(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.

### Proposed Regulations

For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA is proposing to amend chapter I of title 30 of the Code of Federal Regulations as follows.

For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA is proposing to amend chapter I of title 30 of the Code of Federal Regulations as follows.

Part 6 – Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards

1. The authority citation for part 6 continues to read as follows:

Authority: 30 U.S.C. 957.

2. Amend § 6.2 by revising the definition of “Equivalent non-MSHA product safety standards” to read as follows:

§ 6.2 Definitions.

\*\*\*\*\*

Equivalent non-MSHA product safety standards. A non-MSHA product safety standard, or group of standards, determined by MSHA to provide at least the same degree of protection as the applicable MSHA product approval requirements in parts 14, 18, 19, 20, 22, 23 27, 33, 35, and 36, or which in modified form provide at least the same degree of protection.

\*\*\*\*\*

3. Amend § 6.20 to revise paragraph (a)(1) to read as follows:

§ 6.20 MSHA acceptance of equivalent non-MSHA product safety standards.

(a) \*\*\*

(1) Provide at least the same degree of protection as MSHA’s product approval requirements in parts 14, 18, 19, 20, 33, 35 and 36 of this chapter; or

\*\*\*\*\*

4. Add new part 14 to subchapter B chapter I, title 30 of Code of Federal Regulations to read as follows:

PART 14--REQUIREMENTS FOR THE APPROVAL OF FLAME-RESISTANT CONVEYOR BELTS

Subpart A--General Provisions

Sec.

14.1 Purpose and effective date for approval holders.

14.2 Definitions.

14.3 Observers at tests and evaluations.

14.4 Application procedures and requirements.

14.5 Test samples.

14.6 Issuance of approval.

14.7 Approval marking and distribution records.

14.8 Quality assurance.

14.9 Disclosure of information.

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14.10 Post-approval product audit.

14.11 Revocation.

Subpart B--Technical Requirements

14.20 Flame resistance.

14.21 Laboratory-scale flame test apparatus.

14.22 Test for flame resistance of conveyor belts.

14.23 New technology.

Authority: 30 U.S.C. 957.

§ 14.1 Purpose and effective date for approval holders.

This part establishes the flame resistance requirements for MSHA approval of conveyor belts for use in underground coal mines. Applications for approval or extension of approval submitted after [Insert date XXX days after the date of publication in the FEDERAL REGISTER] must meet the requirements of this Part.

§ 14.2 Definitions.

The following definitions apply in this part:

Applicant. An individual or organization that manufactures or controls the production of a conveyor belt and applies to MSHA for approval of conveyor belt for use in underground coal mines.

Approval. A document issued by MSHA which states that a conveyor belt has met the requirements of this part and which authorizes an approval marking identifying the conveyor belt as approved.

Extension of approval. A document issued by MSHA which states that a change to a product previously approved by MSHA under this part meets the requirements of this part and which authorizes the continued use of the approval marking after the appropriate extension number has been added.

Flame-retardant ingredient. A material that inhibits ignition or flame propagation.

Flammable ingredient. A material that is capable of combustion.

Inert ingredient. A material that does not contribute to combustion.

Post-approval product audit. An examination, testing, or both, by MSHA of an approved conveyor belt selected by MSHA to determine if it meets the technical requirements and has been manufactured as approved.

Similar conveyor belt. A conveyor belt that shares the same cover compound, general carcass construction, and fabric type as another approved conveyor belt.

§ 14.3 Observers at tests and evaluations.

Only MSHA personnel, representatives of the applicant, and other persons agreed upon by MSHA and the applicant may be present during tests and evaluations conducted under this part.

§ 14.4 Application procedures and requirements.

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(a) Application address. Applications for approvals or extensions of approval under this Part may be sent to: U.S. Department of Labor, Mine Safety and Health Administration, Chief, Approval and Certification Center, P.O. Box 251, Industrial Park Road, Triadelphia, West Virginia 26059. Alternatively, applications for approval or extensions of approval may be filed online at [www.msha.gov](http://www.msha.gov) or faxed to: Chief, Mine Safety and Health Administration Approval and Certification Center at 304-547-2044.

(b) Approval application. Each application for approval of a conveyor belt for use in underground coal mines must include the information below, except any information submitted in a prior approval application need not be re-submitted, but must be noted in the application.

(1) A technical description of the conveyor belt which includes:

- (i) Trade name or identification number;
- (ii) Cover compound type and designation number;
- (iii) Belt thickness and thickness of top and bottom covers;
- (iv) Presence and type of skim coat;
- (v) Presence and type of friction coat;
- (vi) Carcass construction (number of plies, solid woven);
- (vii) Carcass fabric by textile type and weight (ounce per square yard);
- (viii) Presence and type of breaker or floated ply; and
- (ix) The number, type, and size of cords and fabric for metal cord belts.

(2) Formulation information on the compounds in the conveyor belt indicated by either:

- (i) Specifying each ingredient by its chemical name along with its percentage (weight) and tolerance or percentage range; or
- (ii) Specifying each flame-retardant ingredient by its chemical or generic name with its percentage and tolerance or percentage range or its minimum percent. List each flammable ingredient by chemical, generic, or trade name along with the total percentage of all flammable ingredients. List each inert ingredient by chemical, generic, or trade name along with the total percentage of all inert ingredients.

(3) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(4) Identification of any similar conveyor belt for which the applicant already holds an approval.

(i) The MSHA assigned approval number of the conveyor belt which most closely resembles the new one; and

(ii) An explanation of any changes from the existing approval.

(c) Extension of approval. Any change in an approved conveyor belt from the documentation on file at MSHA that affects the technical requirements of this part must be submitted for approval prior to implementing the change. Each application for an extension of approval must include:

- (1) The MSHA-assigned approval number for the conveyor belt for which the extension is sought;
- (2) A description of the proposed change to the conveyor belt; and
- (3) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.
- (d) MSHA will determine if testing, additional information, samples, or material is required to evaluate an application. If the applicant believes that flame testing is not required, a statement explaining the rationale must be included in the application.
- (e) Equivalent non-MSHA product safety standard. An applicant may request an equivalency determination to this part under § 6.20 of this chapter, for a non-MSHA product safety standard.
- (f) Fees. Fees calculated in accordance with part 5 of this chapter must be submitted in accordance with § 5.40.

#### § 14.5 Test samples.

Upon request by MSHA, the applicant must submit 3 precut, unrolled, flat conveyor belt samples for flame testing. Each sample must be  $60 \pm 1/4$  inches long ( $152.4 \pm 0.6$  cm) by  $9 \pm 1/8$  inches ( $22.9 \pm 0.3$  cm) wide.

#### § 14.6 Issuance of approval.

- (a) MSHA will issue an approval or notice of the reasons for denying approval after completing the evaluation and testing provided in this part.
- (b) An applicant must not advertise or otherwise represent a conveyor belt as approved until MSHA has issued an approval.

#### § 14.7 Approval marking and distribution records.

- (a) An approved conveyor belt must be marketed only under the name specified in the approval.
- (b) Approved conveyor belt must be legibly and permanently marked with the assigned MSHA approval number for the service life of the product. The approval marking must be at least  $1/2$  inch (1.27 cm) high, placed at intervals not to exceed 60 feet (18.3 m) and repeated at least once every foot (0.3 m) across the width of the belt.
- (c) Where the construction of a conveyor belt does not permit marking as prescribed above, other permanent marking may be accepted by MSHA.

(d) Applicants granted approval must maintain records of the initial sale of each belt having an approval marking. The records must be retained for at least 5 years following the initial sale.

#### § 14.8 Quality assurance.

Applicants granted an approval or an extension of approval under this part must:

(a)(1) Flame test a sample of each batch, lot, or slab of conveyor belts; or (2) Flame test or inspect a sample of each batch or lot of the materials that contribute to the flame-resistance characteristic. This will assure that the finished conveyor belt slab will meet the flame-resistance test.

(b) Calibrate instruments used for the inspection and testing in paragraph (a) of this section according to the instrument manufacturer's specifications. Instruments must be calibrated using standards set by the National Institute of Standards and Technology, U. S. Department of Commerce or other nationally or internationally recognized standards. The instruments used must be accurate to at least one significant figure beyond the desired accuracy.

(c) Control production so that the conveyor belt is manufactured in accordance with the approval document. If a third party is assembling or manufacturing all or part of an approved belt, the approval holder shall assure that the product is manufactured as approved.

(d) Immediately notify the MSHA Approval and Certification Center of any information that a conveyor belt has distributed that does not meet the specifications of the approval. This notification must include a description of the nature and extent of the problem, the locations where the conveyor belt has been distributed, and the approval holder's plans for corrective action.

#### § 14.9 Disclosure of information.

(a) All proprietary information concerning product specifications and performance submitted to MSHA by the applicant will be protected.

(b) MSHA will notify the applicant or approval holder of requests for disclosure of information concerning its conveyor belts, and provide an opportunity to present its position prior to any decision on disclosure.

#### § 14.10 Post-approval product audit.

(a) Approved conveyor belts will be subject to periodic audits by MSHA to determine conformity with the technical requirements upon which the approval was based. MSHA will select an approved conveyor belt to be audited; the selected belt will be representative of that distributed for use in mines. Upon request to MSHA, the approval-holder may obtain any final report resulting from the audit.

(b) No more than once a year, except for cause, the approval-holder, at MSHA's request, must make 3 samples of an approved conveyor belt of the size specified in § 14.5 available at no cost to MSHA for an audit. If a product is not available because it is not currently in production, the manufacturer will notify MSHA when it is available. The approval-holder may observe any tests conducted during the audit.

(c) A conveyor belt will be subject to audit for cause at any time MSHA believes the approval holder product is not in compliance with the technical requirements of the approval.

### § 14.11 Revocation.

(a) MSHA may revoke for cause an approval issued under this part if the conveyor belt--

- (1) Fails to meet the technical requirements; or
- (2) Creates a hazard when used in a mine.

(b) Prior to revoking an approval, the approval-holder will be informed in writing of MSHA's intention to revoke. The notice will--

- (1) Explain the reasons for the proposed revocation; and
- (2) Provide the approval-holder an opportunity to demonstrate or achieve compliance with the product approval requirements.

(c) Upon request to MSHA, the approval-holder will be given the opportunity for a hearing.

(d) If a conveyor belt poses an imminent hazard to the safety or health of miners, an approval may be immediately suspended without written notice of the Agency's intention to revoke. The suspension may continue until the revocation proceedings are completed.

### Subpart B--Technical Requirements

#### § 14.20 Flame resistance.

Conveyor belts for use in underground coal mines must be flame-resistant and:

- (a) Tested in accordance with § 14.22 of this part; or
- (b) Tested in accordance with an alternate test determined by MSHA to be equivalent under 30 CFR §§ 6.20 and 14.4(e).

#### § 14.21 Laboratory-scale flame test apparatus.

The principal parts of the apparatus used to test for flame resistance of conveyor belts are as follows--

(a) A horizontal test chamber 66 inches (167.6 cm) long by 18 inches (45.7 cm) square (inside dimensions) constructed from 1 inch (2.5 cm) thick Marinite I®, or equivalent insulating material.

(b) A 16-gauge (0.16 cm) stainless steel duct section which tapers over a length of at least 24 inches (61 cm) from a 20 inch (51 cm) square cross-sectional area at the test chamber connection to a 12 inch (30.5 cm) diameter exhaust duct, or equivalent. The interior surface of the tapered duct section must be lined with 1/2 inch (1.27 cm) thick ceramic blanket insulation, or equivalent insulating material. The tapered duct must be tightly connected to the test chamber.

(c) A U-shaped gas-fueled impinged jet burner ignition source, measuring 12 inches (30.5 cm) long and 4 inches (10.2 cm) wide, with two parallel rows of 6 jets each. Each jet is spaced alternately along the U-shaped burner tube. The 2 rows of jets are slanted so that they point toward each other and the flame from each jet impinges upon each other in pairs. The burner fuel must be at least 98 percent methane (technical

grade) or natural gas containing at least 96 percent combustible gases, which includes not less than 93 percent methane.

(d) A removable steel rack, consisting of 2 parallel rails and supports that form a  $7 \pm 1/8$  inches ( $17.8 \pm 0.3$  cm) wide by  $60 \pm 1/8$  inches ( $152.4 \pm 0.3$  cm) long assembly to hold a belt sample.

(1) The 2 parallel rails, with a  $5 \pm 1/8$  inches ( $12.7 \pm 0.3$  cm) space between them, comprise the top of the rack. The rails and supports must be constructed of slotted angle iron with holes along the top surface.

(2) The top surface of the rack must be  $8 \pm 1/8$  inches ( $20.3 \pm 0.3$  cm) from the inside roof of the test chamber.

§ 14.22 Test for flame resistance of conveyor belts.

(a) Test procedures. The test must be conducted in the following sequence using a flame test apparatus meeting the specifications of § 14.21:

(1) Lay three samples of the belt,  $60 \pm 1/4$  inches ( $152.4 \pm 0.6$  cm) long by  $9 \pm 1/8$ -inches ( $22.9 \pm 0.3$  cm) wide, flat at a temperature of  $70 \pm 10^\circ$  Fahrenheit ( $21 \pm 5^\circ$  Centigrade) for at least 24 hours prior to the test;

(2) For each of three tests, place one belt sample with the load-carrying surface facing up on the rails of the rack so that the sample extends  $1 \pm 1/8$  inch ( $2.5 \pm 0.3$  cm) beyond the front of the rails and  $1 \pm 1/8$  inch ( $2.5 \pm 0.3$  cm) from the outer lengthwise edge of each rail;

(3) Fasten the sample to the rails of the rack with steel washers and cotter pins. The cotter pins shall extend at least  $3/4$  inch (1.9 cm) below the rails. Equivalent fasteners may be used. Make a series of 5 holes approximately  $9/32$  inch (0.7 cm) in diameter along both edges of the belt sample, starting at the first rail hole within 2 inches (5.1 cm) from the front edge of the sample. Make the next hole  $5 \pm 1/4$  inches ( $12.7 \pm 0.6$  cm) from the first, the third hole  $5 \pm 1/4$  inches ( $12.7 \pm 0.6$  cm) from the second, the fourth hole approximately midway along the length of the sample, and the fifth hole near the end of the sample. After placing a washer over each sample hole, insert a cotter pin through the hole and spread it apart to secure the sample to the rail;

(4) Center the rack and sample in the test chamber with the front end of the sample  $6 \pm 1/2$  inches ( $15.2 \pm 1.27$  cm) from the entrance;

(5) Measure the airflow with a 4-inch (10.2 cm) diameter vane anemometer, or an equivalent device, placed on the centerline of the belt sample  $12 \pm 1/2$  inches ( $30.5 \pm 1.27$  cm) from the chamber entrance. Adjust the airflow passing through the chamber to  $200 \pm 20$  ft/min ( $61 \pm 6$  m/min);

(6) Before starting the test on each sample, the inner surface temperature of the chamber roof measured at points  $6 \pm 1/2$ ,  $30 \pm 1/2$ , and  $60 \pm 1/2$  inches ( $15.2 \pm 1.27$ ,  $76.2 \pm 1.27$ , and  $152.4 \pm 1.27$  cm) from the front entrance of the chamber must not exceed  $95^\circ$  Fahrenheit ( $35^\circ$  Centigrade) at any of these points with the specified airflow passing



through the chamber. The temperature of the air entering the chamber during the test on each sample must not be less than 50° Fahrenheit (10° Centigrade);

(7) Center the burner in front of the sample's leading edge with the plane, defined by the tips of the burner jets,  $3/4 \pm 1/8$  inch ( $1.9 \pm 0.3$  cm) from the front edge of the belt;

(8) With the burner lowered away from the sample, set the gas flow at  $1.2 \pm 0.1$  standard cubic feet per minute (SCFM) ( $34 \pm 2.8$  liters per minute) and then ignite the gas burner. Maintain the gas flow to the burner throughout the 5 to 5.1 minute ignition period;

(9) After applying the burner flame to the front edge of the sample for a 5 to 5.1 minute ignition period, lower the burner away from the sample and extinguish the burner flame;

(10) After completion of each test, determine the undamaged portion across the entire width of the sample. Blistering without charring does not constitute damage.

(b) Acceptable performance. Each tested sample must exhibit an undamaged portion across its entire width.

(c) MSHA may modify the procedures of the flammability test for belts constructed of thicknesses more than  $3/4$  inch (1.9 cm).

#### § 14.23 New technology.

MSHA may approve a conveyor belt that incorporates technology for which the requirements of this Part are not applicable if the Agency determines that the conveyor belt is as safe as those which meet the requirements of this part.

#### PART 18- ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

5. The authority citation for part 18 continues to read as follows:

Authority: 30 U.S.C. 957, 961.

#### § 18.1 [Amended]

6. Section 18.1 is amended by revising the phrase "hoses and conveyor belts" to read "hoses".

#### § 18.2 [Amended]

7. Section 18.2 is amended by revising the phrase "hose or conveyor belt" to read "hose" in the definitions of "Acceptance", "Acceptance Marking", and "Applicant" and removing the definition for "Fire-resistant".

#### § 18.6 [Amended]

8. Section 18.6(a) is amended by revising the phrase "hose or conveyor belt" to read "hose".

9. Section 18.6(c) is removed and reserved.

10. Section 18.6(i) is amended by revising the phrase "hose or conveyor belt" to read "hose" and removing the words "conveyor belt - a sample of each type 8 inches long cut across the entire width of the belt".

#### § 18.9 [Amended]

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11. Section 18.9(a) is amended by revising the phrase "hose or conveyor belt" to read "hose".

§ 18.65 [Amended]

12. Section 18.65 is amended by revising the phrase in the heading, "Flame test of conveyor belting and hose" to read "Flame test of hose" and by removing and reserving paragraph (a)(1) and removing and reserving paragraph (f)(1).

PART 48 – TRAINING AND RETRAINING OF MINERS

13. The authority citation for part 48 continues to read as follows:

Authority: 30 U.S.C. 811, 825.

Subpart B – Training and Retraining of Miners Working at Surface Mines and Surface Areas of Underground Mines

14. Amend § 48.27 to revise the first sentence in paragraph (a) to read as follows: § 48.27 Training of miners assigned to a task in which they have had no previous experience; minimum courses of instruction.

(a) Miners assigned to new work tasks as mobile equipment operators, drilling machine operators, haulage and conveyor systems operators, ground control machine operators, AMS operators, and those in blasting operations shall not perform new work tasks in these categories until training prescribed in this paragraph and paragraph (b) of this section has been completed.\* \* \*

\* \* \* \* \*

PART 75 – MANDATORY SAFETY STANDARDS – UNDERGROUND COAL MINES

Subpart B – Qualified and Certified Persons

15. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811.

16. Section 75.156 is added to read as follows:

\* \* \* \* \*

§ 75.156 AMS operator, qualifications.

(a) To be qualified as an AMS operator, a person shall be provided with task training on duties and responsibilities at each mine where an AMS operator is employed in accordance with the mine operator’s approved Part 48 training plan.

(b) An AMS operator must be able to demonstrate to an authorized representative of the Secretary that he/she is qualified to perform in the assigned position.

\* \* \* \* \*

Subpart D – Ventilation

17. In § 75.323, paragraph (f) is added to read as follows:

§ 75.323 Actions for excessive methane.

\* \* \* \* \*

(f) Belt Entry. For mines using air from a belt entry to ventilate the working section, changes or adjustments shall be made to reduce the concentration of methane

when 0.5 percent or more methane is present in the belt entry as measured 200 feet outby the section loading point.

18. In § 75.333, paragraph (c)(4) is added to read as follows:

§ 75.333 Ventilation controls.

\*\*\*\*\*

(c) \*\*\*

(4) An airlock shall be established where the air pressure differential between air courses creates a static force exceeding 125 pounds on closed personnel doors along escapeways.

\*\*\*\*\*

19. In § 75.350, paragraphs (a)(2), (b) introductory text, (b)(3), and (d)(1) are revised, and (b)(7), (b)(8), and (d)(7) are added to read as follows:

§ 75.350 Belt air course ventilation.

(a) \*\*\*

(1) \*\*\*

(2) Effective [insert date one year after date of publication of the final rule in the Federal Register], unless otherwise approved by the District Manager in the mine ventilation plan, the air velocity in the belt entry must be at least 50 feet per minute. Air velocities must be compatible with all fire detection systems and fire suppression systems used in the belt entry.

(b) The use of air from a belt air course to ventilate a working section or an area where mechanized mining equipment is being installed or removed shall be permitted only when evaluated and approved by the District Manager in the mine ventilation plan. The mine operator must provide justification in the plan that the use of air from a belt entry would afford at least the same measure of protection where belt haulage entries are not used to ventilate working places. In addition, the following requirements must be met:

(1) \*\*\*

(2) \*\*\*

(3)(i) The average concentration of respirable dust in the belt air course, when used as a section intake air course, must be maintained at or below 1.0 mg/m<sup>3</sup>.

(ii) Where miners on the working section are on a reduced standard below 1.0 mg/m<sup>3</sup>, the average concentration of respirable dust in the belt entry must be at or below the lowest applicable respirable dust standard on that section.

(iii) A permanent designated area (DA) for dust measurements must be established at a point no greater than 50 feet upwind from the section loading point in the belt entry when the belt air flows over the loading point or no greater than 50 feet upwind from the point where belt air is mixed with air from another intake air course near the loading point. The DA must be specified and approved in the ventilation plan.

(4) \*\*\*

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(5) \* \* \*

(6) \* \* \*

(7) The air velocity in the belt entry must be at least 100 feet per minute. When requested by the mine operator, the District Manager may approve lower velocities in the ventilation plan based on specific mine conditions.

(8) The air velocity in the belt entry must not exceed 1,000 feet per minute. When requested by the mine operator, the District Manager may approve higher velocities in the ventilation plan based on specific mine conditions.

\* \* \* \* \*

(d) \* \* \*

(1) The air current that will pass through the point-feed regulator must be monitored for carbon monoxide or smoke at a point within 50 feet upwind of the point-feed regulator. A second point must be monitored 1,000 feet upwind of the point-feed regulator unless the mine operator requests a lesser distance be approved by the District Manager in the mine ventilation plan based on mine specific conditions;

\* \* \* \* \*

(7) Where point-feeding air from a primary escapeway to a belt entry designated as an alternate escapeway, point-feed regulators must be equipped with a means to remotely close the regulator or remotely isolate the two escapeways. The AMS operator, from the designated surface location, must be capable of remotely closing the regulator or isolating the escapeways.

20. Paragraph (b)(2), (e), and (q) of § 75.351 are revised to read as follows:

§ 75.351 Atmospheric monitoring systems

\* \* \* \* \*

(b) \* \* \*

(2) The mine operator must designate an AMS operator to monitor and promptly respond to all AMS signals. The AMS operator must have as a primary duty the responsibility to monitor the malfunction, alert and alarm signals of the AMS, and to notify appropriate personnel of these signals.

\* \* \* \* \*

(e) Location of sensors – belt air course.

(1) In addition to the requirements of paragraph (d) of this section, any AMS used to monitor belt air courses under §75.350(b) must have approved sensors to monitor for carbon monoxide at the following locations:

(i) At or near the working section belt tailpiece in the air stream ventilating the belt entry. In longwall mining systems the sensor must be located upwind in the belt entry at a distance no greater than 150 feet from the mixing point where intake air is mixed with the belt air at or near the tailpiece;

(ii) No more than 50 feet upwind from the point where the belt air course is combined with another air course or splits into multiple air courses;

(iii) At intervals not to exceed 1,000 feet along each belt entry. However, in areas along each belt entry where air velocities are between 50 and 100 feet per minute, spacing of sensors must not exceed 500 feet. In areas along each belt entry where air velocities are less than 50 feet per minute, the sensor spacing must not exceed 350 feet;

(iv) Not more than 100 feet downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up. If the belt drive, tailpiece, and/or take-up for a single transfer point are installed together in the same air course, and the distance between the units is less than 100 feet, they may be monitored with one sensor downwind of the last component. If the distance between the units exceeds 100 feet, additional sensors are required downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up; and

(v) At other locations in any entry that is part of the belt air course as required and specified in the mine ventilation plan.

(2) Smoke sensors must be installed to monitor the belt entry under §75.350(b) at the following locations:

(i) At or near the working section belt tailpiece in the air stream ventilating the belt entry. In longwall mining systems the sensor must be located upwind in the belt entry at a distance no greater than 150 feet from the mixing point where intake air is mixed with the belt air at or near the tailpiece;

(ii) Not more than 100 feet downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up. If the belt drive, tailpiece, and/or take-up for a single transfer point are installed together in the same air course, and the distance between the units is less than 100 feet, they may be monitored with one sensor downwind of the last component. If the distance between the units exceeds 100 feet, additional sensors are required downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up; and

(iii) At intervals not to exceed 3,000 feet along each belt entry.

(iv) This provision shall be effective one year after the Secretary has determined that a smoke sensor is available to reliably detect fire in underground coal mines.

\* \* \* \* \*

(q) Training.

(1) All AMS operators must be trained annually in the proper operation of the AMS. This training must include the following subjects:

(i) Familiarity with underground mining systems;

(ii) Basic atmospheric monitoring system requirements;

(iii) The mine emergency evacuation and firefighting program of instruction;

(iv) The mine ventilation system including planned air directions;

(v) Appropriate response to alert, alarm and malfunction signals;

(vi) Use of mine communication systems including emergency notification procedures;

and

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(vii) AMS recordkeeping requirements.

(2) At least once every six months, all AMS operators must travel to all working sections.

(3) A record of the content of training, the person conducting the training, and the date the training was conducted, must be maintained at the mine for at least two years by the mine operator.

\*\*\*\*\*

21. Section 75.352 is amended by revising paragraph (f) and by adding paragraph (g) to read as follows:

§ 75.352 Actions in response to AMS malfunction, alert, or alarm signals.

\*\*\*\*\*

(f) If the minimum air velocity is not maintained when required under § 75.350(b)(7), immediate action must be taken to return the ventilation system to proper operation. While the ventilation system is being corrected, operation of the belt may continue only while a trained person(s) patrols and continuously monitors for carbon monoxide or smoke as set forth in §§ 75.352(e)(3) through (7), so that the affected areas will be traveled each hour in their entirety.

(g) The AMS shall automatically provide both a visual and audible signal in the belt entry at the point-feed regulator location, at affected sections, and at the designated surface location when carbon monoxide concentrations reach:

- (1) The alert level at both point-feed intake monitoring sensors; or
- (2) The alarm level at either point-feed intake monitoring sensor.

22. Section 75.371 is amended by revising paragraphs (jj), (mm), (nn), and by adding paragraphs (yy) and (zz) to read as follows:

§ 75.371 Mine ventilation plan; contents.

\*\*\*\*\*

(jj) The locations and approved velocities at those locations where air velocities in the belt entry are above or below the limits set forth in §75.350(a)(2) or §§75.350(b)(7) and 75.350(b)(8).

\*\*\*\*\*

(mm) The location of any diesel-discriminating, and additional carbon monoxide or smoke sensors installed in the belt air course.

(nn) The length of the time delay or any other method used to reduce the number of non-fire related alert and alarm signals from carbon monoxide sensors.

\*\*\*\*\*

(yy) The locations where airlock doors are installed between air courses.

(zz) The locations where the pressure differential cannot be maintained from the primary escapeway to the belt entry.

23. Section 75.380 is amended by revising paragraphs (d)(7)(v) and (vi) and (f)(1) and adding (d)(7)(vii), (viii) and (ix) to read as follows:

§ 75.380 Escapeways; bituminous and lignite mines.

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(d) \*\*\*

\*\*\*\*\*

(7) \*\*\*

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(v) Equipped with one directional indicator cone, signifying the route of escape, placed at intervals not exceeding 100 feet. Cones shall be installed so that the tapered section points inby;

(vi) Securely attached to and marked to provide tactile feedback indicating the location of any SCSR storage locations in the escapeways. The tactile feedback for SCSR storage locations shall be six back-to-back directional cones;

(vii) Marked to provide tactile feedback distinguishable from other markings to indicate the location of readily accessible personnel doors installed in adjacent crosscuts connecting escapeways. The tactile feedback for personnel doors shall be four back-to-back directional cones;

(viii) Marked to provide tactile feedback distinguishable from other markings to indicate the location of physical impediments in the escapeway. The tactile feedback for physical impediments shall be two back-to-back directional cones; and

(ix) Marked to provide tactile feedback distinguishable from other markings to indicate the location of refuge alternatives. The tactile feedback for a refuge alternative location shall be a two-foot length of rigid spiraled coil (cork-screw style). Another line must be attached from the lifeline to the refuge alternative.

\*\*\*\*\*

(f) Primary escapeway. (1) One escapeway that is ventilated with intake air shall be designated as the primary escapeway. The primary escapeway shall have a higher ventilation pressure than the belt entry unless the mine operator submits an alternative in the mine ventilation plan to protect the integrity of the primary escapeway, based on mine specific conditions, which is approved by the District Manager.

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24. Section 75.381 is amended by revising paragraphs (c)(5)(v) and (vi) and (e), and adding (c)(5)(vii), (viii) and (ix) to read as follows:

§ 75.381 Escapeways; anthracite mines.

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(c) \*\*\*

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(5) \*\*\*

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(v) Equipped with one directional indicator cone, signifying the route of escape, placed at intervals not exceeding 100 feet. Cones shall be installed so that the tapered section points inby;

(vi) Securely attached to and marked to provide tactile feedback indicating the location of any SCSR storage locations in the escapeways. The tactile feedback for SCSR storage locations shall be six back-to-back directional cones;

(vii) Marked to provide tactile feedback distinguishable from other markings to indicate the location of readily accessible personnel doors installed in adjacent crosscuts connecting escapeways. The tactile feedback for personnel doors shall be four back-to-back directional cones;

(viii) Marked to provide tactile feedback distinguishable from other markings to indicate the location of physical impediments in the escapeway. The tactile feedback for physical impediments shall be two back-to-back directional cones; and

(ix) Marked to provide tactile feedback distinguishable from other markings to indicate the location of refuge alternatives. The tactile feedback for a refuge alternative location shall be a two-foot length of rigid spiraled coil (cork-screw style). Another line must be attached from the lifeline to the refuge alternative.

\* \* \* \* \*

(e) Primary escapeway. One escapeway that shall be ventilated with intake air shall be designated as the primary escapeway. The primary escapeway shall have a higher ventilation pressure than the belt entry unless the mine operator submits an alternative in the mine ventilation plan to protect the integrity of the primary escapeway, based on mine specific conditions, which is approved by the District Manager.

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#### Subpart L - Fire Protection

25. Section 75.1103-4 is amended by revising paragraphs (a) and (b) to read as follows:

§ 75.1103-4 Automatic fire sensor and warning device systems; installation; minimum requirements.

(a) Effective [insert date one year after date of publication of the final rule in the Federal Register], automatic fire sensor and warning device systems that use carbon monoxide sensors shall provide identification of fire along all belt conveyors.

(1) Carbon monoxide sensors shall be installed at the following locations:

(i) Not more than 100 feet downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up. If the belt drive, tailpiece, and/or take-up for a single transfer point are installed together in the same air course, and the distance between the units is less than 100 feet, they may be monitored with one sensor downwind of the last component. If the distance between the units exceeds 100 feet,



additional sensors are required downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up;

(ii) Not more than 100 feet downwind of each section loading point;

(iii) Along the belt entry so that the spacing between sensors does not exceed 1,000 feet. Where air velocities are less than 50 feet per minute, spacing must not exceed 350 feet; and

(iv) No more than 50 feet upwind from the point where the belt air course is combined with another air course or splits into multiple air courses.

(2) Where used, sensors responding to radiation, smoke, gases, or other indications of fire, shall be spaced at regular intervals to provide protection equivalent to carbon monoxide sensors, and installed within the time specified in paragraph (a)(3) of this section.

(3) When the distance from the tailpiece at loading points to the first outby sensor reaches the spacing requirements in § 75.1103-4(a)(1)(iii), an additional sensor shall be installed and put in operation within 24 production shift hours. When sensors of the kind described in paragraph (a)(2) of this section are used, such sensor shall be installed and put in operation within 24 production shift hours after the equivalent distance which has been established for the sensor from the tailpiece at loading points to the first outby sensor is first reached.

(b) Automatic fire sensor and warning device systems shall be installed so as to minimize the possibility of damage from roof falls and the moving belt and its load. Sensors must be installed near the center in the upper third of the entry, in a manner that does not expose personnel working on the system to unsafe conditions. Sensors must not be located in abnormally high areas or in other locations where air flow patterns do not permit products of combustion to be carried to the sensors.

\* \* \* \* \*

26. The section heading and paragraph (a) of § 75.1103-5 is revised and paragraphs (d), (e), (f), (g) and (h) are added to read as follows:

§ 75.1103-5 Automatic fire warning devices; actions and response.

(a) When the carbon monoxide level reaches 10 parts per million above the established ambient level at any sensor location, automatic fire sensor and warning device systems shall upon activation provide an effective warning signal at the following locations:

(1) At working sections and other work locations where miners may be endangered from a fire in the belt entry.

(2) At a manned surface location where personnel have an assigned post of duty. The manned surface location must have:

(i) A telephone or equivalent communication with all miners who may be endangered and

(ii) A map or schematic that shows the locations of sensors, and the intended air flow direction at these locations. This map or schematic must be updated within 24 hours of any change in this information.

(3) The automatic fire sensor and warning device system shall be monitored for a period of 4 hours after the belt is stopped, unless an examination for hot rollers and fire is made as prescribed in §75.1103-4(e).

(b) \* \* \*

(c) \* \* \*

(d) When a malfunction or warning signal is received at the manned surface location, the sensors that are activated must be identified and appropriate personnel immediately notified.

(e) Upon notification of a malfunction or warning signal, appropriate personnel must immediately initiate an investigation to determine the cause of the malfunction or warning signal and take the required actions set forth in paragraph (f) of this section.

(f) If any sensor indicates a warning, the following actions must be taken unless the mine operator determines that the signal does not present a hazard to miners:

(1) Appropriate personnel must notify miners in affected working sections, in affected areas where mechanized mining equipment is being installed or removed, and at other locations specified in the approved mine emergency evacuation and firefighting program of instruction; and

(2) All miners in the affected areas, unless assigned emergency response duties, must be immediately withdrawn to a safe location identified in the mine emergency evacuation and firefighting program of instruction.

(g) If the warning signal will be activated during calibration of sensors, personnel manning the surface location must be notified prior to and upon completion of calibration. Miners on affected working sections, areas where mechanized mining equipment is being installed or removed, or other areas designated in the approved emergency evacuation and firefighting program of instruction must be notified at the beginning and completion of calibration.

(h) If any fire detection component becomes inoperative, immediate action must be taken to repair the component. While repairs are being made, operation of the belt may continue if the following requirements are met:

(1) If one sensor becomes inoperative, a trained person must continuously monitor for carbon monoxide at the inoperative sensor;

(2) If two or more adjacent sensors become inoperative, trained persons must patrol and continuously monitor the affected areas for carbon monoxide so that they will be traveled each hour in their entirety. Alternatively, a trained person must be stationed at each inoperative sensor to monitor for carbon monoxide;

(3) If the complete fire detection system becomes inoperative, trained persons must patrol and continuously monitor the affected areas for carbon monoxide so that they will be traveled each hour in their entirety;

(4) Trained persons who conduct monitoring under this section must have two-way voice communication capability, at intervals not to exceed 2,000 feet, and must report carbon monoxide concentrations to the surface at intervals not to exceed one hour;

(5) Trained persons who conduct monitoring under this section must immediately report to the surface, any concentration of carbon monoxide that reaches 10 parts per million above the established ambient level, unless the mine operator knows that the source of the carbon monoxide does not present a hazard to miners; and

(6) Handheld detectors used to monitor the belt entry under this section must have a detection level equivalent to that of the system's carbon monoxide sensors.

27. Section 75.1103-6 is revised to read as follows:

§ 75.1103-6 Automatic fire sensors; actuation of fire suppression systems.

Point-type heat sensors or automatic fire sensor and warning device systems may be used to actuate deluge-type water systems, foam generator systems, multipurpose dry-powder systems, or other equivalent automatic fire suppression systems.

28. Section 75.1103-8 is revised to read as follows:

§ 75.1103-8 Automatic fire sensor and warning device systems; inspection and test requirements.

(a) Automatic fire sensor and warning device systems shall be examined at least once each shift when belts are operated as part of a production shift. A functional test of the warning signals shall be made at least once every seven days. Inspection and maintenance of such systems shall be by a qualified person.

(b) A record of the functional test conducted in accordance with paragraph (a) of this section shall be maintained by the operator and kept for a period of one year.

(c) Sensors shall be calibrated at intervals not to exceed 31 days in accordance with the manufacturer's calibration instructions. A record of the sensor calibrations shall be maintained by the operator and kept for a period of one year.

29. Amend § 75.1108 to revise it to read as follows:

§ 75.1108 Approved conveyor belts.

(a) Until (insert date one year after date of publication in the Federal Register) conveyor belts shall be:

- (1) Approved under Part 14; or
- (2) Accepted under Part 18.65.

(b) Effective (insert date one year after date of publication in the Federal Register) all conveyor belts purchased for use in underground coal mines shall be approved under Part 14.

30. Remove § 75.1108-1.

Subpart R - Miscellaneous

31. Section 75.1731 is added to read as follows:

§ 75.1731 Maintenance of belt conveyors and belt conveyor entries.

(a) Damaged rollers and other malfunctioning belt conveyor components must be immediately repaired or replaced.

(b) Conveyor belts must be properly aligned to prevent the moving belt from rubbing against the structure or components.

(c) Noncombustible materials shall not be allowed to accumulate in the belt conveyor entry.

(d) Splicing of any approved conveyor belt must maintain flame-resistant properties of the belt.