

NOTE TO REVIEWER

MSHA is requesting approval of the attached collections of information under OMB control number 1219-0145. This package contains paperwork burden that will be fully allocated to existing ICRs under the following OMB control numbers: 1219-0066, 1219-0009, 1219-0127, 1219-0088, 1219-0054, and 1219-0073. The burden for conveyor belt applications is already covered under the approved OMB control number of 1219-0066 under existing Part 18; the final rule will just shift this burden to a new Part 14, within the same package. 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 final rule sections that contain information collection requirements along with the OMB control number that they apply to are as follows:

OMB Control Number	Final Section
1219-0066	§ 14.4 § 14.5 § 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), 75.371(jj); 75.371(mm); 75.371(nn); 75.371(yy); 75.380(f)(1); 75.381(e); and 75.1103-5(a)
1219-0054	§§ 75.1103-8(b); (c)
1219-0073	§ 75.1103-5(a)(2)(ii)

SUPPORTING STATEMENT

Final rule: Flame-Resistant Conveyor Belt, Fire Prevention and Detection, and Use of Air from the Belt Entry

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.

The final rule implements 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. Under the Consolidated Appropriations Act of 2008, the Secretary must issue a final rule consistent with the recommendations of the Panel not later than December 31, 2008.

MSHA proposed new standards on June 19, 2008 (73 FR 35026) for: conveyor belt flammability; training 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 control number 1219-0145. This package contains paperwork burden that will be fully allocated to existing information collection requests (ICRs) under the following OMB control numbers: 1219-0066, 1219-0009, 1219-0127, 1219-0088, 1219-0054, and 1219-0073.

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

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

Final § 14.5 requires that the applicant submit conveyor belt samples for flame testing if requested by MSHA. Final § 14.10(b) requires 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

Final § 48.27(a) prohibits miners from working as AMS operators until they receive the training required by this section. Training should 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 requirement are negligible since mine operators only have to make minor changes to training plans submitted for approval under existing Part 48.

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

Final § 75.156 requires 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 requirement are negligible; mine operators will 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 will need to update information in their mine ventilation plans submitted under existing §§ 75.370(a) and (f) to include the requirements contained in §§ 75.350(a)(2), 75.350(b), 75.350(b)(7), 75.350(b)(8), 75.350(d)(1), 75.371(jj), 75.371(mm), 75.371(nn), 75.371(yy), 75.380(f)(1), 75.381(e), and 75.1103-5(a). Final § 75.350(a)(2) requires that, unless otherwise approved by the District Manager in the mine ventilation plan, the air velocity in the belt entry be at least 50 feet per minute. The District Manager may approve different velocities under modified § 75.371(jj). Final § 75.350(b) permits 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. Final § 75.350(b)(7) requires 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 modified § 75.371(jj). Final § 75.350(b)(8) requires 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 modified § 75.371(jj). Final §§ 75.380(f)(1) and 75.381(e) 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 mine specific conditions. The alternative must be approved by the District Manager. Final § 75.371(yy) requires the mine ventilation plan to include the

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locations where the pressure differential cannot be maintained from the primary escapeway to the belt entry. Final § 75.1103-5(a) requires 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 existing § 75.371(hh).

The following final requirements also relate to OMB control number 1219-0088. However, MSHA anticipates that the costs of these requirements are negligible. Final § 75.350(d)(1) modifies an existing requirement. It requires the monitoring of the air current that passes through the point-feed regulator 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. Final § 75.371(jj) requires that the locations and approved air velocities at those locations are above or below the limits set forth in final § 75.350(a)(2) or § 75.350(b)(7) and § 75.350(b)(8). Final § 75.371(mm) modifies an existing requirement that the location of any diesel-discriminating sensors, and additional carbon monoxide or smoke sensors, installed in the belt air course be identified in the mine ventilation plan. Final § 75.371(nn) modifies an existing requirement 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.

Final § 75.351(e)(1)(iv) requires that other sensor locations in any entry that is part of the belt air course be specified in the mine ventilation plan. This burden cost is already included in the estimates in 1219-0088 since it is simply renumbered from existing § 75.351(e)(4).

1219-0054 – Fire Protection

Final § 75.1103-8(b) requires 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.

Final § 75.1103-8(c) requires 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

Final § 75.1103-5(a)(2)(ii) requires 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
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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 requirements of the final rule are conveyor belt manufacturers and underground coal mine operators. Adjustments will be made to existing information collections under the following OMB control 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 (final § 48.27) and AMS operator qualifications (final § 75.156). Mine operators also provide annual retraining for AMS operators (final § 75.351(q)). The training plans are necessary to assure AMS operators perform their jobs effectively during a mine emergency.

Existing § 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 under part 18 and will reduce fire hazards when used in an underground coal mine. Conveyor belt acceptance application requirements are currently contained in Part 18 and the associated paperwork is accounted for in OMB control number 1219-0066. These records assist MSHA in evaluating and accepting conveyor belts as meeting the Part 18 flame test.

The records collected under OMB numbers 1219-0088, 1219-0054, and 1219-0073 will be used by coal mine operators, miners, and state and federal mine inspectors. The records 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; and locations where the pressure differential cannot be maintained between the primary escapeway and belt entry. In addition, the information contained on a mine map or schematic shows the locations of sensors and intended air flow direction in the belt entry. These additional requirements will assist mine operators in tracking changes to their mines' ventilation systems in order 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 final rule does not specify how records are to 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 will duplicate the reporting requirements contained in the final rule. Approvals are granted on individual conveyor belts and are unique to that belt. However, final § 14.4(c) provides that an applicant for an extension of an approval only needs 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 final §§ 48.27(a) and 75.156. These sections complement each other and are not duplicative, even though the requirements are under two different OMB control 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 will have to meet MSHA's requirements for flame resistance in order for their product to be approved.

Under the final rule, a manufacturer will 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 will be minimized. In addition, a manufacturer can also apply for an extension of approval. Both of these types of approval will aid small manufacturers by reducing the amount of paperwork that is needed to be submitted to the Agency as part of the application, and also will reduce the amount of testing that is needed to be conducted.

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 was required to propose regulations consistent with the recommendations of the Panel not later than June 20, 2008, and to 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 finalize 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 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 the final 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 published the information collection requirements in the proposed rule on June 19, 2007 (73 FR 35026). This document notified the public that these information collection requirements were being reviewed in accordance with the Paperwork Reduction Act of 1995, and gave interested persons 60 days to submit comments.

Paperwork requirements contained in proposed §§ 14.4(b) and 75.350(b) received comments. A commenter stated that the actual formulation data required to be submitted to MSHA under proposed § 14.4(b) is more extensive than currently required and includes competitively sensitive information. MSHA reviewed the commenters concern and while existing § 18.6(c) does not specifically address the submission of the information the commenter was concerned about, the Agency's current application procedures for acceptance of conveyor belts provide that the same formulation information be submitted on the application form as is required in the final rule (Standard Application Procedure - ASAP 5002). This policy was put into effect approximately 30 years ago as a way of implementing requirements under Part 18 and provides the application procedures for applying to MSHA for acceptance of flame-resistant conveyor belts. This information is critical to the thorough evaluation of the application.

Another commenter stated that proposed § 14.4(b)(4) was confusing and that all applications for approval under Part 14 should required the testing of all belt products, regardless of the number of plies to see how each one reacts under a controlled lab test. MSHA's acceptance testing of belts over the last 30 years, under part 18, includes the evaluation of similar belts. The use of the BELT method will also greatly increase safety to miners by the approval of more-flame-resistant belting. Each belt application that is submitted to MSHA is thoroughly evaluated according to existing application procedures

to determine if additional testing is necessary or if an extension is justified. MSHA is requiring the information under this section so that a full evaluation of such belting can be conducted.

A commenter stated that MSHA doesn't need the information required in § 14.4(b) since approval is based solely on the BELT results using the submitted conveyor belt samples. It is MSHA's position that when requesting the approval of a flame-resistant conveyor belt, the applicant submits all information necessary to properly evaluate a conveyor belt. If, after receipt of an approval, the applicant requests approval of a similar conveyor belt or an extension of approval for the original conveyor belt, the applicant will not be required to submit documentation duplicative of previously submitted information. Only information related to changes in the previously approved conveyor belt will be required, avoiding unnecessary paperwork and duplicative testing. MSHA's evaluation of whether a belt is similar will determine if the application has to be processed as an extension of approval or a new approval. This additional information will also be used to evaluate applications for similar belts and extensions of approval.

Other commenters also were concerned with proposed § 75.350(b) that set out additional requirements on the use of air from the belt entry to ventilation working sections. They stated that the Agency should not allow the use of this air until MSHA establishes standards, as part of the conveyor belt approval process, for smoke density and smoke toxicity. The Agency recognizes that smoke density and toxicity can impact escape during a mine fire. To address these matters, MSHA published a Request for Information (73 FR 35057) to solicit input from the mining community and other interested parties. The Agency will review all relevant information received in this separate rulemaking and make an independent determination on potential MSHA actions.

However, MSHA believes that the use of air from the belt entry to ventilate working sections is safer than not using belt air to ventilate working sections under very specific conditions. As noted by the Panel, conditions such as high methane levels and deep ground cover can present serious safety hazards to miners. The use of all available air in these circumstances results in a safer mine environment respectively by reducing levels of explosive methane and increasing the amount of air to the working section.

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

MSHA does not provide payments or gifts to the respondents identified in the collection of information.

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 the final 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 with the collection of information associated with the final rule.

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.**

FINAL PART 14 PAPERWORK ESTIMATES

Final § 14.4 - Application procedures and requirements.

Under final § 14.4, manufacturers must submit applications for conveyor belt approvals. This requirement is included with the existing paperwork requirements with approved OMB control number 1219-0066. MSHA estimates that the number of original applications filed in the first year will be 100; in the second year 50; and in the third year 30. 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, it 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 a similar conveyor belt.

Table 1 shows MSHA estimates 540 first-year burden hours and associated costs of \$27,000; 270 second-year burden hours and associated costs of \$13,500; and 170 third year burden hours and associated costs of \$8,500 for manufacturers to submit applications for conveyor belt approvals.

Table 1: Estimated Burden Hours and Cost under Final § 14.4

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

^a Burden hours = col. b x col. c.

^b Burden cost = col. d x col. e.

FINAL PART 75 PAPERWORK ESTIMATES

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Final § 75.350 Belt Air Course Ventilation.

Final § 75.350(a)(2) requires that the belt entry air velocity be at least 50 feet per minute. This requirement is related to the paperwork requirement under final § 75.371(jj) with approved OMB control number 1219-0088, which requires 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 2 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 requirement.

Table 2: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plans in Accordance with Final § 75.350(a)(2); Impact on Existing § 75.370(a)(2) via Final § 75.371(jj)

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	\$3270
20-500	135	0.33	0.10	45	14	59	\$4,200
500+	-	0.33	0.10	-	-	-	\$0
TOTAL	240			80	25	105	\$7,470

Final § 75.350(b) requires 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 number 1219-0088. This provision requires that the mine ventilation plan provide all information required by the District Manager. MSHA estimates that 49 mines will 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 3 shows MSHA’s estimate of 56 first-year burden hours and associated costs of \$4,357 for mine operators to revise mine ventilation plans for this requirement.

Table 3: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plans in Accordance with Final § 75.350(b) Impact on Existing § 75.370(a)(2) via Final § 75.371

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	3	1.00	0.10	3	1	4	\$282
20-500	45	1.00	0.10	45	5	50	\$3,963
500+	1	1.00	0.10	1	1	2	\$112
TOTAL	49			49	7	56	\$4,357

Final § 75.350(b)(7) requires 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 information collection requirement under final § 75.371(jj) with approved OMB control number 1219-0088, which requires that the mine ventilation plan provide the locations where approved velocities are below this limit. MSHA estimates that 12 mines will be affected and that it takes 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 4 shows MSHA's estimate of 7 first-year burden hours and associated costs of \$479 for mine operators to revise mine ventilation plans for this requirement.

Table 4: Estimated First-Year Burden Hours and Cost for Mine Operators to Revise Mine Ventilation Plans in Accordance with Final § 75.350(b)(7) Impact on Existing § 75.370(a)(2) via Final § 75.371(jj)

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
500+	-	0.33	0.10	-	-	-	\$0
TOTAL	12			5	2	7	\$479

Final § 75.350(b)(8) requires 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 information collection requirement under final § 75.371(jj) with approved OMB control number 1219-0088, which requires that the mine ventilation plan provide the locations where approved velocities are above this limit. MSHA estimates that 3 mines will be affected and that it will 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 2 first-year burden hours and associated costs of \$112 for mine operators to revise mine ventilation plans for this requirement.

Table 5: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plans in Accordance with Final § 75.350(b)(8) Impact on Existing § 75.370(a)(2) via Final § 75.371(jj)

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
500+	-	0.33	0.10	-	-	-	\$0
TOTAL	3			1	1	2	\$112

Final §§ 75.380(f)(1) and 75.381(e) Primary Escapeway.

Final §§ 75.380(f)(1) and 75.381(e) 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. Final § 75.371(yy), with approved OMB control number 1219-0088, allows 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 will be affected and that it takes 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 204 first-year burden hours and associated costs of \$14,606 for mine operators to revise mine ventilation plans for this requirement.

Table 6: Estimated First-Year Burden Hours and Costs for Mine Operators to Revise Mine Ventilation Plans in Accordance with Final §§ 75.380(f)(1) and 75.381(e) Impact on Existing § 75.370(a)(2) via Final § 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	112	0.33	0.10	37	11	48	\$3,440
20-500	352	0.33	0.10	117	35	152	\$10,884
500+	10	0.33	0.10	3	1	4	\$282
TOTAL	474			157	47	204	\$14,606

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

Final § 75.1103-5 (a) requires 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 number 1219-0088). MSHA estimates that for the 479 affected mines, it will take a mine supervisor, earning \$85.14 an hour, 20 minutes (0.33 hours) to revise the mine ventilation plan and a clerical worker, earning \$26.37 an hour, 6 minutes (0.1 hours) to photocopy and submit a revision. Table 7 shows MSHA's estimate of 208 first-year burden hours and its associated costs of \$14,889 to revise the mine ventilation plan.

Table 7: Estimated First-Year Burden Hours and Cost for Mine Operators to Revise Mine Ventilation Plans in Accordance with Final § 75.1103-5 (a) Impact on Existing § 75.370(a)(2) via Existing § 75.371(hh)

Mine Size	# of Mines Revising Ventilation Plan	Time for Supervisor to Make Revision (Per Mine)	Time for Clerical Employee To Copy & Submit Revision (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	0.33	0.10	70	21	91	\$6,514
20-500	269	0.33	0.10	90	27	117	\$8,375
500+	0	0.33	0.10	-	-	-	\$0
TOTAL	479			160	48	208	\$14,889

Final § 75.370 Mine Ventilation Plan; Submission and Approval.

The final requirements that requires revising mine ventilation plans also affect existing §§ 75.370(a)(3) and (f) with approved OMB control number 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 burden requirement is also included under approved OMB control number 1219-0088. MSHA estimates that it will take a clerical worker (at an hourly wage of \$26.37) 6 minutes to either photocopy and post a plan, or provide a revised copy of mine ventilation plan to miners' representative. Table 8-A shows MSHA's estimate of 126 first-year burden hours and its associated costs of \$3,322 to comply with existing § 75.370(a)(3) and (f) requirements to post the revisions. Table 8-B shows MSHA's estimate of 39 first-year burden hours and its associated costs of \$1,028 to comply with existing § 75.370(a)(3) and (f) requirements to provide copies to miners' representatives upon request.

Table 8-A: Estimated First-Year Burden Hours and Costs for Mine Operators to Post Mine Ventilation Plans in Accordance with Existing § 75.370(a)(3) and (f)

Mine Size	# of Mines Revising Plans	# of Revisions to Mine Ventilation Plans	Time to Copy & Post Revisions (Hours Per Revision)	Total First-Year Burden Hours	Total First-Year Cost
1-19	223	431	0.10	43	\$1,134
20-500	391	815	0.10	82	\$2,162
500+	10	11	0.10	1	\$26
All Mines	624	1,257		126	\$3,322

Table 8-B: Estimated First-Year Burden Hours and Costs for Mine Operators to Provide Copies to Miners' Representatives in Accordance with Existing § 75.370(a)(3) and (f)

Mine Size	# of Mines Revising Plans	# of Revisions to Mine Ventilation Plans	Percentage of Revisions Where a Copy is Provided to Miners' Representative	Number of Revisions Where a Copy is Provided to Miners' Representative	Time to Copy & Provide Revisions to Miners' Representative (Hours Per Revision)	Total First-Year Burden Hours	Total First-Year Cost
1-19	223	431	30%	129	0.10	13	\$343
20-500	391	815	30%	245	0.10	25	\$659
500+	10	11	30%	3	0.10	1	\$26
All Mines	624	1,257		377		39	\$1,028

Final § 75.1103-5(a)(2)(ii) requires 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 number 1219-0073). MSHA estimates, for the 479 non-AMS mines, that it will take 30 minutes of an engineer's time (at an hourly wage of \$50.00) to update the map initially and 5 minutes of an engineer's time to update the map monthly (or 1 hour a year) every year starting in the first year. Table 9-A shows MSHA's estimate of initial burden hours and costs of 240 hours and \$12,000. Table 9-B shows MSHA's estimate of annual burden hours and costs of 479 hours and \$23,950 in the first year and every year thereafter, for mine operators to update mine maps or schematics. The first year burden hours and costs are the sum of the initial

costs and the annual costs for monthly updating, 719 hours and \$35,950.

Table 9-A: Estimated Initial Burden Hours and Costs for Mine Operators to Update Map or Schematic with Locations of CO Sensors in Accordance with Final § 75.1103-5(a)(2)(ii)

Mine Size	# of Non-AMS Mines Revising Plan	Initial Hours Per Mine	Initial Burden Hours	Initial Cost
1-19	210	0.5	105	\$5,250
20-500	269	0.5	135	\$6,750
500+	-	0.5	0	0
All Mines	479		240	\$12,000

Table 9-B: Estimated Annual Burden Hours and Costs for Mine Operators to Update Map or Schematic with Locations of CO Sensors in Accordance with Final § 75.1103-5(a)(2)(ii)

Mine Size	# of Non-AMS Mines Revising Plan	Initial Hours Per Mine	Annual Burden Hours	Annual Cost
1-19	210	1.0	210	\$10,500
20-500	269	1.0	269	\$13,450
500+	-	1.0	-	\$0
All Mines	479		479	\$23,950

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

Final § 75.1103-8(b) requires that the operator maintain a record of the test performed in final § 75.1103-8(a). This requirement is related to the burden requirements under existing § 75.1103-8 with approved OMB control number 1219-0054. MSHA estimates that 479 mines will be affected and that it will take 48 seconds (0.0133 hours) 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 10 shows MSHA's estimate of 517 annual burden hours and associated costs of \$44,017 for mine operators to record the testing of carbon monoxide systems.

Table 10: Estimated Annual Burden Hours and Costs for Mine Operators to Record Weekly Testing of Carbon Monoxide Systems in Accordance with Final § 75.1103-8(b)

Mine Size	Incremental # of Mines Installing CO Systems	Alarms Tested Per Week	Recording Time per Test (Hours)	Weeks per Year	Total Annual Burden Hours	Annual Cost
1-19	210	1	0.0133	52	145	\$12,345
20-500	269	2	0.0133	52	372	\$31,672
500+	-	4	0.0133	52	-	\$0
All Mines	479				517	\$44,017

Final § 75.1103-8(c) requires the calibration of carbon monoxide sensors at intervals of no more than 31 days. This burden requirement is included under approved OMB control number 1219-0054. The operator must keep a record of the carbon monoxide sensor calibrations for one year. MSHA estimates that 8,451 carbon monoxide sensors will be affected and that it will take 48 seconds (0.16 hours) of a supervisor's time (at an hourly wage of \$85.14) to record each calibration. Table 11 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 11: Estimated Annual Burden Hours and Costs for Mine Operators to Record Monthly Calibration of Carbon Monoxide Systems in Accordance with Final § 75.1103-8(c)

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

Summary of Final Parts 14 and 75 Estimated Burden Hours and Responses.

In Tables 12, 13 and 14, MSHA estimates that the final rule will result for manufacturers and mine operators in 3,875 burden hours in the first year, 2,618 burden hours in the second year, and 2,518 burden hours in the third and subsequent years that the rule is in effect. MSHA estimates that the final rule will result in 148,690 responses in the first year, 146,116 responses in the second year, and 146,096 responses every year

thereafter that the rule is in effect.

Table 12: Estimated First-Year Number of Respondents, Responses, Burden Hours, and Costs

Paperwork Requirements	Existing Approved Paperwork Packages	# of Respondents	# of Responses	First-Year Burden Hours	First-Year Cost
§14.4	1219-0066	10	120	540	\$27,000
§75.350(a)(2)	1219-0088	240	240	105	\$7,470
§75.350(b)	1219-0088	49	49	56	\$4,357
§75.350(b)(7)	1219-0088	12	12	7	\$479
§75.350(b)(8)	1219-0088	3	3	2	\$112
§75.370(a)(3) & (f)	1219-0088	624	1,257	165	\$4,350
§§75.380(f)(1) & 75.381 (e)	1219-0088	474	474	204	\$14,606
§75.1103-5(a)	1219-0088	479	479	208	\$14,889
§75.1103-5(a)(2)(ii)	1219-0073	479	5,748	719	\$35,950
§75.1103-8(b)	1219-0054	479	38,896	517	\$44,017
§75.1103-8(c)	1219-0054	544	101,412	1,352	\$115,109
TOTAL		634	148,690	3,875	\$268,339

Table 13: Estimated Second-Year Number of Respondents, Responses, Burden Hours, and Costs

Paperwork Requirements	Existing Approved Paperwork Packages	# of Respondents	# of Responses	Second-Year Burden Hours	Second-Year Cost
§14.4	1219-0066	10	60	270	\$13,500
§75.1103-5(a)(2)(ii)	1219-0073	479	5,748	479	\$23,950
§75.1103-8(b)	1219-0054	479	38,896	517	\$44,017
§75.1103-8(c)	1219-0054	544	101,412	1,352	\$115,109
TOTAL		554	146,116	2,618	\$196,576

Table 14: Estimated Third-Year Number of Respondents, Responses, Burden Hours, and Costs

Paperwork Requirements	Existing Approved Paperwork Packages	# of Respondents	# of Responses	Third-Year Burden Hours	Third-Year Cost
§14.4	1219-0066	10	40	170	\$8,500
§75.1103-5(a)(2)(ii)	1219-0073	479	5,748	479	\$23,950
§75.1103-8(b)	1219-0054	479	38,896	517	\$44,017
§75.1103-8(c)	1219-0054	544	101,412	1,352	\$115,109
TOTAL		554	146,096	2,518	\$191,576

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.

FINAL PART 14 ANNUAL COST BURDEN ESTIMATES

Final Part 14 – Requirements for the Approval of Flame-Resistant Conveyor Belts.

Under final § 14.4(f), MSHA charges applicants fees for testing and evaluating their conveyor belt applications. This requirement includes with the existing paperwork requirements with approved OMB control number 1219-0066. MSHA's fees are \$84 per hour, and a support factor of 1.617 applies only to the evaluation time. MSHA estimates that each original application involves 4 hours of evaluation, and 3 hours of testing. MSHA further estimates that half of the applications for extension approval or approval of similar belt involve 3 hours of testing and 3 hours of evaluation, and the other half involve only 3 hours of evaluation.

Thus, MSHA's fee includes: \$795 for an original application; \$659 for an extension approval or approval of similar belt application that involves testing and evaluation; and \$407 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 will request additional information, resulting in double the time to test and evaluate those applications.

Table 15 shows that MSHA's testing and evaluation fees for applicants are: \$99,176 in the first year; \$49,589 in the second year; and \$32,099 in the third year that the rule is in effect.

Table 15: Estimated MSHA Fee Cost for Conveyor Belt Application under Final § 14.4(f)

(a)	(b)	(c)	(d)	(e)
Detail	No. of Applications	Costs per Application	Total Cost ^a	Total Cost Increased by 10 percent
FIRST YEAR				
Original Application	100	\$795	\$79,500	\$87,450
Application for Extension or Similar Belt Involving Testing & Evaluation	10	\$659	\$6,590	\$7,249
Application for Extension or Similar Belt Involving Evaluation	10	\$407	\$4,070	\$4,477
Total	120		\$90,160	\$99,176
SECOND YEAR				
Original Application	50	\$795	\$39,750	\$43,725
Application for Extension or Similar Belt Involving Testing & Evaluation	5	\$659	\$3,295	\$3,625
Application for Extension or Similar Belt Involving Evaluation	5	\$407	\$2,035	\$2,239
Total	60		\$45,080	\$49,589
THIRD YEAR				
Original Application	30	\$795	\$23,850	\$26,235
Application for Extension or Similar Belt Involving Testing & Evaluation	5	\$659	\$3,295	\$3,625
Application for Extension or Similar Belt Involving Evaluation	5	\$407	\$2,035	\$2,239
Total	40		\$29,180	\$32,099

a Cost = col.b x col.c.

Under final § 14.5, upon request by MSHA, the applicant must submit conveyor belt samples for flame testing. This requirement includes with the existing paperwork requirements with approved OMB control number 1219-0066. MSHA estimates that an applicant's cost to send MSHA conveyor belt samples for testing will 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 will need to submit

additional conveyor belt samples. Table 16 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 16: Estimated Cost to Test Conveyor Belt Samples under Final § 14.5

(a)	(b)	(c)	(d)	(e)
Year	No. of Applications That Involve Testing	Costs to Test Belt	Total Cost ^a	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

a Cost = col.b x col.c.

Under final § 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 will be included with the existing burden requirements with approved OMB control number 1219-0066. MSHA estimates that 6 belts will 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 17 shows the cost for approval holders to submit conveyor belt samples for audit is \$1,110 per year, beginning in the second year that the rule is in effect.

Table 17: Estimated Cost to Submit Belt Samples for Audit under Final § 14.10(b)

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

a Total Cost = col.b x col.c.

FINAL PART 75 ANNUAL COST BURDEN ESTIMATES

Final § 75.350 Belt Air Course Ventilation.

Final § 75.350(a)(2) requires air velocity in the belt entry be at least 50 feet per
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minute, unless otherwise approved in the mine ventilation plan. This requirement is related to the burden requirement under final § 75.371(jj) with approved OMB control number 1219-0088, which will require that the mine ventilation plan provide the locations where approved velocities are below this limit. MSHA estimates it will 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 will be \$1.50. MSHA estimates \$504 in burden cost in the first year to revise mine ventilation plans for this requirement.

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

Final § 75.350(b) requires 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 burden requirement under existing § 75.371 with approved OMB control number 1219-0088. MSHA estimates that it takes four 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 will be \$1.50. MSHA estimates \$103 in burden cost in the first year to revise mine ventilation plans for this requirement.

$$(49 \text{ mines} \times 4 \text{ pages} \times \$0.15 \text{ per page}) + (49 \text{ mines} \times \$1.50) = \$103$$

Final § 75.350(b)(7) requires 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 burden requirement under final § 75.371(jj) with approved OMB control number 1219-0088. MSHA estimates that it takes four 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 will be \$1.50. MSHA estimates \$25 in burden cost in the first year to revise mine ventilation plans.

$$(12 \text{ mines} \times 4 \text{ pages} \times \$0.15 \text{ per page}) + (12 \text{ mines} \times \$1.50) = \$25$$

Final § 75.350(b)(8) requires 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 burden requirement under final § 75.370 with approved OMB control number 1219-0088. MSHA estimates that it takes four 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 will be \$1.50. MSHA estimates \$6 in burden cost in the first year to revise mine ventilation plans for this requirement.

$$(3 \text{ mines} \times 4 \text{ pages} \times \$0.15 \text{ per page}) + (3 \text{ mines} \times \$1.50) = \$6$$

Final § 75.370 Mine Ventilation Plan; Submission and Approval.

The final requirements that require revising mine ventilation plans also affect existing §§ 75.370(a)(3) and (f) with approved OMB control number 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 burden requirement is included under approved OMB control number 1219-0088. MSHA estimates that the 624 affected mines will generate 1,257 revisions. Combining the two burden requirements, MSHA estimates that mine operators will photocopy 6,285 pages in the first year. MSHA estimates \$943 in burden cost in the first year to comply with existing § 75.370(a)(3) and (f).

$$6,285 \text{ pages} \times \$0.15 \text{ per page} = \$943$$

Final §§ 75.380(f)(1) and 75.381(e) Primary Escapeway.

Final §§ 75.380(f)(1) and 75.381(e) 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. Final § 75.371(yy), with approved OMB control number 1219-0088, will 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 takes 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 will be \$1.50. MSHA estimates \$995 in burden cost in the first year to revise mine ventilation plans for this requirement.

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

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

Final § 75.1103-5(a) requires 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 number 1219-0088). MSHA estimates that for the 479 affected mines, it takes four pages to revise the mine ventilation plan and it will 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.

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

Final § 75.1103-5(a)(2)(ii) requires 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 number 1219-0073). MSHA estimates, for the 479 non-AMS mines, it initially costs \$10 in material to produce a map on special paper. The annual cost for mine map paper is not part of this estimate because it is currently required by existing § 75.1200. MSHA estimates \$4,790 in burden cost in the first year to update mine maps or schematics.

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

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

Final § 75.1103-8(b) will require that a record of the test performed in final § 75.1103-8(a) be maintained and kept by the operator for one year. This requirement is related to the burden requirement under existing § 75.1103-8 with approved OMB control number 1219-0054. MSHA estimates that 479 mines test 748 automatic fire sensors per week, and that it takes 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.

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

Final § 75.1103-8(c) with approved OMB control number 1219-0054 requires the calibration of sensors at intervals of no more than 31 days. This requirement is related to the burden requirement under existing § 75.1103-8 with approved OMB control number 1219-0054. The operator must keep a record of the sensor calibrations for one year. MSHA estimates that 479 mines with 8,451 carbon monoxide sensors will be affected. In addition, each mine needs 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.

Final rule requirements will have a burden cost of \$133,366 in the first year, \$65,325 in the second year, and \$43,765 in the third year after the rule is finalized. Tables 18 and 19 summarize these burden costs by section.

Table 18: Estimated First-Year Burden Costs

Paperwork Requirements	Existing Approved Paperwork Packages	First-Year Burden Cost
§14.4(f)	1219-0066	\$99,176
§14.5	1219-0066	\$22,385
§75.350(a)(2)	1219-0088	\$504
§75.350(b)	1219-0088	\$103
§75.350(b)(7)	1219-0088	\$25
§75.350(b)(8)	1219-0088	\$6
§75.370(a)(3) & (f)	1219-0088	\$943
§§75.380(f)(1) & 75.381 (e)	1219-0088	\$995
§75.1103-5(a)	1219-0088	\$1,006
§75.1103-5(a)(2)(ii)	1219-0073	\$4,790
§75.1103-8(b)	1219-0054	\$898
§75.1103-8(c)	1219-0054	\$2,535
TOTAL		\$133,366

Table 19: Estimated Second- and Third-Year Burden

Paperwork Requirements	Existing Approved Paperwork Packages	Second-Year Burden Cost	Third-Year Burden Cost
§14.4(f)	1219-0066	\$49,589	\$32,099
§14.5	1219-0066	\$11,193	\$7,123
§14.10(b)	1219-0066	\$1,110	\$1,110
§75.1103-8(b)	1219-0054	\$898	\$898
§75.1103-8(c)	1219-0054	\$2,535	\$2,535
TOTAL		\$65,325	\$43,765

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 currently processes conveyor belt applications under Part 18. When the final rule becomes effective, MSHA will process these applications under Part 14, instead of Part 18. MSHA anticipates that there will be no additional cost to the Federal government. Concerning the information collection requirements of the final rule, the cost of using

MSHA's Approval and Certification Center to process applications for approval of conveyor belt will be covered fully by applicant testing and evaluation fees; therefore, there is no additional cost to the Federal Government.

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

The final rule establishes additional information collection requirements for conveyor belt approvals under Part 14. The final rule also establishes 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 for 634 Respondents and 148,690 Responses. MSHA estimates that in the first year that the final rule will be in effect, there will be 3,875 burden hours, and \$133,366 in burden costs.

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 the information collection associated with the final rule.

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 the information collection associated with the final rule; 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 the information collection associated with the final rule.

B. Collection of Information Employment Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in

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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.

Final Regulations

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