

NOTE TO REVIEWER:

RE: OMB Paperwork Approval No. 1219-0144 and 1219-0078

MSHA last submitted paperwork package 1219-0144 to OMB in May 2009, under the emergency review procedures in 5 CFR 1320.13. MSHA is now requesting standard review under 5 CFR 1320.12.

- Section 4 of the Mine Improvement and New Emergency Response (MINER) Act of 2006 required MSHA to promulgate standards for mine rescue teams for underground coal mines.
- Paperwork package 1219-0144 addressed only the increased burden associated with these revised and new standards. Paperwork package 1219-0144 did not include the information collection burden for the existing mine rescue team standards not addressed by the MINER Act, which had been approved under paperwork package 1219-0078 for both coal and metal and nonmetal mines.
- Because the standards promulgated under the MINER Act did not address metal and nonmetal mines, the revised mine rescue teams rule retained the existing standards for metal and nonmetal mines in 30 CFR 49.2 through 49.9 in subpart A and added the renumbered existing, revised, and new standards for underground coal mines as subpart B.

This paperwork package 1219-0144 combines the additional burden from the revised and new standards for underground coal mine rescue teams and the existing information collection burden, which was removed from paperwork package 1219-0078.

The metal and nonmetal mine rescue teams paperwork package 1219-0078 is currently at OMB for renewal under 5 CFR 1320.12.

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSIONS**

Mine Rescue Teams; Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements

INCORPORATES BURDEN FOR COAL MINES MOVED FROM OMB # 1219-0078

30 CFR Section

- 49.12 Availability of mine rescue teams;
- 49.13 Alternative mine rescue capability for small and remote mines;
- 49.16 Equipment and maintenance requirements;
- 49.17 Physical requirements for mine rescue team;
- 49.18 Training for mine rescue teams;
- 49.19 Mine emergency notification plan; and
- 49.50 Certification of coal mine rescue teams.

75.1713-1(a), (b), and (e) Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.

77.1702 (a), (b), and (e) Arrangements for emergency medical assistance and transportation for injured persons; reporting requirements; posting requirements.

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 of each regulation mandating or authorizing the collection of information.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires the Secretary of Labor (Secretary) to publish regulations which provide that mine rescue teams be available for rescue and recovery work to each underground coal mine in the event of an emergency. Congress considered the ready availability of mine rescue in the event of an accident to be vital protection for miners. In responding to Congressional concerns, the Mine Safety and Health Administration (MSHA) promulgated 30 CFR Part 49, Mine Rescue Teams. OMB approved these requirements under OMB Control Number 1219-0078.

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

The Mine Improvement and New Emergency Response (MINER) Act of 2006, which amended the Mine Act, became effective on June 15, 2006. The goal of the MINER Act was “to improve the safety of mines and mining.” To accomplish this goal, section 4 of the MINER Act, which applied only to underground coal mines, included provisions to improve mine emergency response time, improve mine rescue team effectiveness, and increase the quantity and quality of mine

rescue team training. MSHA published a final rule revising the Agency's requirements for mine rescue teams for underground coal mines on February 8, 2008.

The United Mine Workers of America challenged the final rule in the U.S. Court of Appeals for the District of Columbia Circuit (Court). On February 10, 2009, the Court vacated several of the rule's provisions. Consistent with the Court's decision, MSHA revised its requirements for mine rescue teams for underground coal mines on June 17, 2009. The 2008 mine rescue teams rule and 2009 revision added burden to existing information collection requirements and imposed two new information collection requirements.

The 2008 mine rescue team rule separated the requirements for underground coal mines from those for underground metal and nonmetal mines, and moved the requirement for coal mine rescue teams from §§ 49.2 – 49.9 to §§ 49.12 – 49.19.

- § 49.12 provides that each underground coal mine operator establish at least two mine rescue teams to be available at all times that miners are underground, or the operator must enter into an arrangement for mine rescue services which assures that at least two teams are available at all times when miners are underground. Among other things, this standard also requires each operator of an underground coal mine who provides rescue teams under this section to send the District Manager a statement describing the mine's method of compliance with this subpart. The operator must post a copy of the statement at the mine for the miners' information and provide a copy of the statement to the miners' representative.
- § 49.13 includes that operators of small and remote mines may submit an application to MSHA for approval of an arrangement for alternative mine rescue capability. Typically, a small and remote mine is one where the total underground employment of the mine and any surrounding mine(s) within 1 hour ground travel time is less than 36.
- § 49.16 includes a detailed listing of equipment that is to be provided for each mine rescue station; requires that the equipment be maintained to ensure that it is ready to use when needed; and requires that a person trained in the use and care of the breathing apparatus inspect and test it at least every 30 days, certify by signature and date that the inspections and tests were done, take corrective action if indicated, and record any corrective action taken. This provision also requires that the certification and the record of corrective action be kept at the mine rescue station for a period of one year and made available to an authorized representative of the Secretary.
- § 49.17 requires that each member of a mine rescue team be examined annually by a physician who shall certify that each person is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first physical examination must be completed within 60 days prior to scheduled initial training. The operator must have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team and keep the forms on file at the mine rescue station for a period of one year.
- § 49.18 requires that prior to serving on a mine rescue team, each member must complete an initial 20 hour course of instruction in the use, care, and maintenance of the type of breathing apparatus that will be used by the mine rescue team. On completion of the initial training, all team members must receive at least 96 hours of refresher training annually, which shall include participation in local mine rescue contests and training at the covered mine. Training shall be given at least 8 hours every 2 months. A record of the training received by each mine rescue team member must be made and kept on file at the mine

rescue station for a period of one year. The operator must provide the District Manager information concerning the schedule of upcoming training when requested.

- § 49.19 requires that each mine have a mine rescue notification plan outlining the procedures to be followed in notifying the mine rescue teams when there is an emergency that requires their services and that a copy of the plan be posted at the mine and a copy provided for the miners' representative.
- § 49.50 requires underground coal mine operators to certify that each designated coal mine rescue team meets the requirements of 30 CFR part 49 subpart B. This annual certification can be used as a substitute for the statement required by § 49.12.
- § 75.1713-1 requires operators of underground coal mines to make arrangements for 24-hour emergency medical assistance and transportation for injured persons and to post this information at appropriate places at the mine, including the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements.
- § 77.1702 requires operators of surface coal mines and surface coal mine facilities to make arrangements for 24-hour emergency medical assistance and transportation for injured persons and to post this information at appropriate places at the mine, including the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements.

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 rule are underground coal mine operators. The records will be used by coal mine operators, supervisors, miners, and State and Federal mine inspectors to provide assurance that each mine operator and mine rescue team is prepared for a mine emergency. The records show that the mine rescue team equipment has been examined and tested and is in good working order. The training records show that the mine rescue team members are competent to respond to a mine emergency involving a fire, an explosion, or a gas or water inundation. The records greatly assist those who use them in making decisions that ultimately may affect the safety of all persons working underground.

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 mine rescue team rule does not specify how records must be kept, and mine operators may retain the records by whatever method they choose. Records could be kept in a bound book or stored electronically, provided they are secure and not susceptible to loss or alteration. The mine rescue team rule requires some hand-written annotation in the form of a signature and date certifying that the mine rescue equipment inspections and tests were done.

MSHA requires that a Certificate of Physical Qualification for Mine Rescue Work (MSHA Form 5000-3) must be completed and signed by the examining physician for each team member. MSHA Form 5000-3 is available at <http://www.msha.gov/forms/elawsforms/5000-3.htm>. MSHA also has developed an optional form that the mine operator may use for certification of mine

rescue teams (MSHA Form 2000-224). This form is available at <http://www.msha.gov/30cfr/MineRescueTeamsform2008.pdf>. Both forms may be downloaded, printed, filled-in, or submitted electronically through MSHA's website. MSHA has not identified any other improved information technology that would reduce the burden.

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

To avoid duplication, MSHA will allow the mine operator to use the annual certification that each designated coal mine rescue team meets the requirements of 30 CFR part 49 to substitute for the statement required by § 49.12. The annual statement prepared for § 49.12 cannot substitute for the certification required by § 49.50 because § 49.12 does not require comparable information.

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.

In accordance with the Regulatory Flexibility Act at 5 U.S.C. 605(b), MSHA determined that the mine rescue team rule will not have a significant adverse economic impact on a substantial number of small entities. Nevertheless, the mine rescue team rule included alternatives for small anthracite coal mines to provide smaller mine rescue teams and less equipment. To minimize paperwork burden on small mines, MSHA developed an optional form for the mine operator to use for certification of mine rescue teams.

As stated above, provisions have been made for small and remote mines to submit alternative plans for mine rescue capability. MSHA considers these plans on an individual basis. Also, in certain states, small operators have gained relief through agreements through which state-sponsored teams and state-maintained mine rescue stations provide mine rescue capability. Where mines use state-sponsored teams, the mine operator does not bear the recordkeeping burden associated with §§ 49.16 through 49.18 or the costs of training, equipping, and maintaining rescue teams or a rescue station.

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

If the information collections discussed in Question 1 were not conducted, MSHA would be unable to assure that mine rescue team members received the appropriate training and that mine rescue equipment was properly maintained. A reduction in the frequency of inspections and tests could jeopardize the safety of mine rescue team members, as well as the trapped or injured miners whose lives they are trying to save. Section 101(a)(9) of the Mine Act prohibits any regulatory action that would reduce the protection afforded miners by an existing standard. In addition, Section 4 of the MINER Act specified that mine rescue teams be certified.

Mine operators need only post or submit much of the information once. However, information must be kept current and when changes in circumstances occur, the plan or notice must be updated and posted or resubmitted. Records of the inspection and testing of rescue equipment, physical examinations, and training sessions, are the minimum necessary to ensure the readiness and availability of mine rescue teams.

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

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This collection of information 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 preamble to the proposed rule on September 6, 2007, and held four public hearings concerning the proposed rule. The final rule was published on February 8, 2008. As a result of a court ruling on February 10, 2009, MSHA amended the final rule by notice in the *Federal Register* on June 17, 2009. The public was given an opportunity to comment on the public information collection burden impact by means of a separate notice published in the *Federal Register* pursuant to emergency review procedures under the Paperwork Reduction Act of 1995. (See 5 CFR 1320.13.)

MSHA did not receive any comments on the information collection or recordkeeping burden.

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 by 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. Mine rescue team records are maintained at the mine rescue station and MSHA inspectors review the records during inspections. Certifications of mine rescue teams are submitted to MSHA.

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.

This collection of information contains 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 13.**

All information collection requirements in §§ 49.12 – 49.19 of the mine rescue teams rule are renumbered from information collection requirements formerly in §§ 49.2 – 49.9.

At the end of 2008 there were approximately 583 active underground coal mines serviced by 106 mine rescue stations and 193 mine rescue teams. MSHA estimates that approximately 105 new underground coal mines are opened each year. Salary estimates are based on 2008 wage rates.

§ 49.12 Availability of Mine Rescue Teams.

Under § 49.12 in Part 49 Subpart B (formerly § 49.2), each operator of an underground coal mine must send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. The statement must include the name and the location of the provider of the services. A copy of the statement must be posted at the mine for the miner’s information. Where a miner’s representative has been designated, the operator must also provide the representative with a copy of the statement. The statement needs to be submitted only once, and revised only when a change to the method of compliance occurs.

MSHA estimates that the method of compliance changes at 5% of the mines in any given year. MSHA estimates that it requires an average of 1 hour to prepare, mail, post, and provide a new or revised statement to the miners' representative, assuming the mine has a miner’s representative. This work is usually performed by a safety department manager earning \$76.21 per hour for coal mines.

Hour Burden

105 new mines x 1 hr/statement =	105 hr
583 existing mines x 0.05 changes/yr x 1 hr/statement =	<u>29 hr</u>
Total Hour Burden	134 hr

Hour Burden Cost

134 hr x \$76.21/hr =	\$10,212
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§ 49.13 Alternative Mine Rescue Capability for Small and Remote Mines.

Under § 49.13 in Part 49 Subpart B (formerly § 49.3), the operator may provide for an alternative mine rescue capability if an underground mine is small and remote.

- The operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. A copy of the operator's application must be posted at the mine. Where a miner’s representative has been designated, the operator also must provide the representative with a copy of the application.
- Where alternative compliance is approved by MSHA, the operator is required to adopt the alternative plan and post a copy of the approved plan at the mine for the miners' information. Where a miner’s representative has been designated, the operator must also provide the representative with a copy of the approved plan.
- The mine operator is required to notify the MSHA District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

MSHA estimates that each year one new underground coal mine will submit an application under § 49.13 and one existing underground coal mine will submit a revised application. MSHA estimates that it takes an average of 2 hours to prepare, mail, post, and where a miner’s representative has been designated, provide a copy of a new or revised application for alternative mine rescue capability to the miners' representative, and to post and provide a copy of the approved plan to the miners' representative. This work is usually performed by a safety manager earning \$76.21 per hour for coal mines.

Hour Burden

2 applications x 2 hr/application = 4 hr

Hour Burden Cost

4 hr x \$76.21/hr = \$305

§ 49.16 Equipment and Maintenance Requirements.

Under § 49.16 in Part 49 Subpart B (formerly § 49.6), a person trained in the use and care of mine rescue equipment must inspect and test the apparatus at intervals not exceeding 30 days and certify by signature and date that the inspections and tests were done. When the inspection or test indicates that a corrective action is necessary, the trained person must take corrective action and make a record of the corrective action taken. The certification and the record of corrective action must be maintained at the mine rescue station for a period of one year and made available on request to an MSHA inspector.

This requirement imposes paperwork burden on the 193 mine rescue teams located at 106 mine rescue stations. MSHA requires that each mine rescue station have at least 12 breathing apparatus. MSHA estimates that it takes an average of 6 minutes (0.1 hours) to certify and file the certification for each apparatus. MSHA further estimates that, on average, each apparatus requires corrective action six times a year and that it would take approximately 15 minutes (0.25 hours) to record and file each corrective action. MSHA’s experience is that team members, earning \$55.19 per hour, inspect, maintain, and certify the apparatus and record the corrective actions.

Hour Burden

Inspect and Certify Apparatus

193 teams x 6 apparatus/team x 12 inspections/yr x 0.1 hr/inspection = 1,390 hr

Record Corrective Actions

193 teams x 6 apparatus/team x 6 defects/yr x 0.25 hr/defect = 1,737 hr

Total Hour Burden = 3,127 hr

Hour Burden Cost

3,127 hr x \$55.19/hr = \$172,579

§ 49.17 Physical Requirements for Mine Rescue Team.

Under § 49.17 in Part 49 Subpart B (formerly § 49.7), each mine rescue team member must be examined by a physician annually, with the first examination being completed within 60 days prior to scheduled initial training. The examining physician must complete and sign MSHA Form 5000-3 for each team member. The forms must be kept on file at the mine rescue station for one year.

There are approximately 193 mine rescue teams with at least six members per team. MSHA estimates that, on the average, each mine rescue team will have one new or replacement member each year. In MSHA’s experience, the captains of the rescue teams gather and maintain the forms. This requires no more than 15 minutes (0.25 hour) per form. The hour burden cost for this recordkeeping requirement is based on an average hourly wage of \$76.21 for a coal mine rescue team captain. The cost for the physician is addressed in Item 13.

Hour Burden

193 teams x 6 members/team x 0.25 hr/record =	290 hr
193 teams x 1 new member/team x 0.25 hr/record =	<u>48</u> hr
Total Hour Burden =	338 hr

Hour Burden Cost

338 hr x \$76.21/hr =	\$25,759
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§ 49.18 Training for Mine Rescue Teams

Under § 49.18 in Part 49 Subpart B (formerly § 49.8), each team member must receive 20 hours of initial training before serving on a mine rescue team and an additional 96 hours of refresher training annually. The training must be conducted by an MSHA approved instructor. Mine rescue team training is frequently conducted by the team captain or mine safety manager. In addition, some State agencies provide the training free of charge. Occasionally, a mine operator will hire a training contractor to provide the training. A record of training of each team member must be kept on file at the mine rescue station for a period of one year.

MSHA estimates that there are 106 mine rescue stations that maintain 193 teams, averaging six members per team. MSHA estimates that, on the average, each mine rescue team will have one new or replacement member each year. Training records are usually maintained by the team captain. MSHA estimates that the trainer needs approximately 12 minutes (0.20 hours) to make, file, and maintain a record of training for each team member. The hour burden cost of the training and recordkeeping provided by team captains and safety managers is based on an average hourly wage of \$76.21 for coal mines.

Hour Burden

193 teams x 6 members/team x 0.20 hr/record =	232 hr
193 teams x 1 new member/team x 0.20 hr/record =	<u>39</u> hr
Total Hour Burden =	271 hr

Hour Burden Cost

271 hr x \$76.21/hr =	\$20,653
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§ 49.19 Mine Emergency Notification Plan

Under § 49.19, each underground mine must have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services. A copy of the mine rescue notification plan is required to be posted at the mine for the miners' information. Where a miner's representative has been designated, the operator must also provide the representative with a copy of the plan. The plan needs to be developed only once, and revised only when a change in notification procedures occurs. MSHA estimates that the notification procedures change at 5% of the mines in any given year.

MSHA estimates new and revised notification plans require an average of 2 hours to prepare, mail, post, and provide to the miners' representative. This work is usually performed by a safety manager earning \$76.21 per hour for coal mines.

Hour Burden

105 new mines x 2 hr/statement =	210 hr
583 existing mines x 0.05 changes/yr x 2 hr/statement =	<u>58 hr</u>
Total Hour Burden	268 hr

Hour Burden Cost

268 hr x \$76.21/hr =	\$20,424
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§ 49.50 Certification of Coal Mine Rescue Teams.

Under § 49.50, the operator of an underground coal mine must send the District Manager an annual statement certifying that each mine rescue team designated to provide mine rescue coverage meets the requirements of this subpart B as listed in Table 49.50: *Criteria to Certify the Qualifications of Mine Rescue Team*. Each underground coal mine operator has to certify two mine rescue teams.

MSHA estimates that it will take a mine supervisor approximately 30 minutes (0.5 hours) to certify two mine rescue teams, and a clerical employee one minute (0.02 hours) to send in the statement certifying the two mine rescue teams.

Hour Burden

Certifying

583 mines x 0.5 hour/annual statement =	292 hr
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Clerical Work

583 mines x 0.02 hr to send annual statement =	<u>12 hr</u>
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Total Hour Burden =	304 hr
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Hour Burden Cost

292 hr x \$76.21/hr =	\$22,253
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12 hr x \$24.17/hr =	<u>\$290</u>
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Total Hour Burden Cost =	\$22,543
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§75.1713-1 Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements.

Under 75.1713-1(a), (b), and (e), operators of underground coal mines are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine. The required information needs to be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. MSHA estimates that the arrangements change at not more than 5% of the mines in any given year.

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information

about those arrangements. This work is generally performed by safety managers or mine superintendents with an estimated average hourly wage of \$76.21.

Hour Burden

105 new mines x 2 hr/agreement =	210 hours
583 existing mines x 0.05 revisions/mine x 2 hr/revised agreement =	<u>58</u> hours
Total Hour Burden =	268 hours

Hour Burden Cost

268 hr x \$76.21 =	\$20,424
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§ 77.1702 Arrangements for emergency medical assistance and transportation for injured persons; reporting requirements; posting requirements.

Under § 77.1702(a), (b), and (e), operators of surface coal mines, surface areas of underground coal mines, and surface coal mine facilities are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine. The required information needs to be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. Approximately 1,472 surface coal mines and facilities reported employment in 2008. MSHA estimates that approximately 5% of these surface mines or facilities experience changes in circumstances that require revising and posting new medical emergency arrangements and that 160 new surface operations open each year.

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

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by safety managers with an estimated average hourly wage of \$70.29 for surface coal mine managers.

Hour Burden

160 new mines or facilities x 2 hr/agreement =	320 hr
1,472 existing mines or facilities x 0.05 revisions/mine x 2 hr/revision =	<u>147</u> hr
Total Hour Burden =	467 hr

Hour Burden Cost

467 hr x \$70.29 hr =	\$32,825
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**SUMMARY OF PAPERWORK BURDEN HOURS, RELATED COSTS,
AND ANNUAL RESPONSES**

Section	Hour Burden	Hour Burden Cost	Annual Responses
§ 49.12	134	\$10,212	134
§ 49.13	4	\$305	2
§ 49.16	3,127	\$172,579	20,844
§ 49.17	338	\$25,759	1,351
§ 49.18	271	\$20,653	1,351
§ 49.19	268	\$20,424	134
§ 49.50	304	\$22,543	583
Part 49 Subtotal	4,446	\$272,475	24,399
§ 75.1713-1	268	\$20,424	134
§ 77.1702	467	\$32,825	234
Total	5,181	\$325,724	24,767

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 13 and 15.)

- **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.**

MSHA does not expect that mine operators will incur any capital or start-up costs as a result of this information collection requirement.

§ 49.12 Availability of mine rescue teams.

Under § 49.12, each operator of an underground coal mine who provides mine rescue teams must send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. MSHA estimates that 105 new underground coal mines open each year and that the method of compliance changes at 5% of the mines in any given year. MSHA estimates that it would cost \$0.70 for postage and supplies to send the statement to MSHA. This cost would be offset if the operator submitted the statement electronically.

Burden Cost

$$(105 \text{ new} + 29 \text{ existing underground coal mines}) \times \$0.70/\text{statement} = \$94$$

§ 49.13 Alternative mine rescue capability for small and remote mines.

Under § 49.13, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. The operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. MSHA estimates that underground coal mine operators will submit an average of 2 new or revised applications each year. MSHA estimates that it would cost \$4.90 for postage and supplies to send the application to MSHA. This cost would be offset if the operator submitted the application electronically.

Burden Cost

$$2 \text{ new or revised applications/yr} \times \$4.90/\text{application} = \$10$$

§ 49.17 Physical requirements for mine rescue team.

Under § 49.17, each mine rescue team member must be examined by a physician annually, and the examining physician must complete and sign an MSHA Form 5000-3 for each team member. MSHA estimates that, on average, each mine rescue team will have six members and, on average, one new or replacement member each year. MSHA estimates that the cost of the physical examination, including completing and signing the form, is \$250.

Burden Cost

193 teams x 6 members/team x \$250/examination =	\$289,500
193 teams x 1 member/team x \$250/examination =	<u>\$48,250</u>
Total Burden Cost =	\$337,750

§ 49.18 Training for mine rescue teams.

Under § 49.18, each mine rescue team member must receive 20 hours of initial training before serving on a team and an additional 96 hours of refresher training annually. The training must be conducted by an MSHA approved instructor. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 10% of the mine rescue team training is conducted by an independent training contractor. MSHA estimates that a trainer normally trains two teams concurrently and new members individually, and completes the required records of

training. MSHA estimates that the average rate for a training contractor is \$400 per hour and that there is no additional charge for the contractor's preparation time.

Burden Cost

193 teams/2 x 96 hr/team x 0.10 x \$400/hr =	\$370,560
193 teams x 1 new member/team x 20 hr/new member x 0.10 x \$400/hr =	<u>\$154,400</u>
Total Burden Cost =	\$524,960

§ 49.50 Certification of Mine Rescue Teams.

The mine rescue team rule requires all underground coal mine operators with underground miners to send the District Manager an annual statement certifying that each of the mine’s two designated mine rescue teams meets the requirements in Table 49.50: Criteria to Certify the Qualifications of Mine Rescue Team. MSHA estimates that it would cost \$1 for postage and handling to send the certification of mine rescue teams to MSHA. The total burden cost for 583 underground coal mines would be \$583. This cost would be offset if the operator submitted the certification electronically.

TOTAL ANNUAL BURDEN COST

Section	Burden Cost
§ 49.12	\$94
§ 49.13	\$10
§ 49.17	\$337,750
§ 49.18	\$524,960
§ 49.50	\$583
Total	\$863,397

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

MSHA inspectors examine most records related to mine rescue teams and arrangements for emergency medical assistance and transportation for injured persons during routine inspections at the mine or the mine rescue station. MSHA estimates that the time expended for reviewing these records is minimal and, therefore, no cost burden has been assigned. MSHA estimates that it takes an Agency safety specialist (GS 12/5) earning \$31.34 per hour, approximately 1 hour to review and acknowledge the average statement or certification, and an Agency clerk (GS 5/5), earning \$14.26 per hour, approximately 15 minutes (0.25 hour) to process and file the statement.

The costs for the Agency's review of statements of rescue team availability under § 49.12, review and approval of applications for alternative mine rescue capability under § 49.13, and review of certifications of rescue team qualifications under § 49.50 are as follows:

§ 49.12 Availability of Mine Rescue Teams.

Hour Burden

134 statements x 1 hr/review and acknowledge = 134 hr
 134 statements x 0.25 hr/process and file = 34 hr
 Total Hour Burden = 168 hr

Hour Burden Cost

134 hr x \$31.34 hr = \$4,200
 34 hr x \$14.26 hr = \$485
 Total Hour Burden Cost \$4,685

§ 49.13 Alternative Mine Rescue Capability for Small and Remote Mines.

Hour Burden

2 applications x 1 hr/review and acknowledge = 2 hr
 2 applications x 0.25 hr/process and file = 0.5 hr
 Total Hour Burden = 2.5 hr

Hour Burden Cost

2 hr x \$31.34 hr = \$63
 0.5 hr x \$14.26 hr = \$7
 Total Hour Burden Cost = \$70

§ 49.50 Certification of Mine Rescue Teams.

Hour Burden

583 certifications x 1 hr/review and acknowledge = 583 hr
 583 applications x 0.25 hr/process and file = 146 hr
 Total Hour Burden = 729 hr

Hour Burden Cost

583 hr x \$31.34 hr = \$18,271
 146 hr x \$14.26 hr = \$2,082
 Total Hour Burden Cost = \$20,353

TOTAL ANNUAL COST TO THE FEDERAL GOVERNMENT

Section	Cost
§ 49.12	\$4,685
§ 49.13	\$70
§ 49.50	\$20,353
Total	\$25,108

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

The burden hours, number of responses and respondents has increased since the last submissions as the result of moving the burden hours for coal mines from OMB No. 1219-00078 to this collection. The 2008 mine rescue team rule separated the requirements for underground coal mines from those for underground metal and nonmetal mines, and moved the requirement for coal mine rescue teams from §§ 49.2 – 49.9 to §§ 49.12 – 49.19. The burden for metal/nonmetal mines remained in OMB No. 1219-00078.

Respondents decreased by **306** mines (156 underground coal mines and 150 surface coal mines & facilities) from 2,361 (739 underground coal mines + 1622 surface coal mines & facilities) to 2,055 (583 underground coal mines + 1,472 surface coal mines & facilities)

Annual Responses increased by **22,565** responses from 2,202 to 24,767

Hour Burden increased by **3,631** hours from 1,550 to 5,181

Hour Burden Cost increased by **\$862,744** from \$653 to \$863,397

Cost to the Federal Government increased from \$0 to \$25,108.

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.

MSHA is not seeking approval to not display the expiration date or OMB approval number for this collection of information.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

- Statistical methodology for stratification and sample selection,
- Estimation procedure,
- Degree of accuracy needed for the purpose described in the justification,
- Unusual problems requiring specialized sampling procedures, and
- Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

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

The collection of this information does not employ statistical methods.

**COAL DIFFERENCE IN PAPERWORK BURDEN HOURS, 2005-2010
RELATED COSTS, AND ANNUAL RESPONSES**

Section	Hour Burden	Hour Burden Cost	Annual Responses
§ 49.12	-3	\$2,291	-3
§ 49.13	0	\$74	0
§ 49.16	-1,842	-\$37,013	4,464
§ 49.17	-3,530	-\$140,959	441
§ 49.18	-1,777	-\$97,762	-6,969
§ 49.19	-6	\$4,581	-3
§ 49.50	304	\$22,543	583
Part 49 Subtotal	-\$6,854	-\$246,245	-1,487
§ 75.1713-1	-6	\$4,581	-3
§ 77.1702	-113	-\$711	-56
Total	-6,973	-\$242,375	-1,546

Respondents = -350

**COAL SUMMARY OF PAPERWORK BURDEN HOURS, 2008-2009
RELATED COSTS, AND ANNUAL RESPONSES**

Section	Hour Burden	Hour Burden Cost	Annual Responses
§ 49.12	134	\$10,212	134
§ 49.13	4	\$305	2
§ 49.16	3,127	\$172,579	20,844
§ 49.17	338	\$25,759	1,351
§ 49.18	271	\$20,653	1,351
§ 49.19	268	\$20,424	134
§ 49.50	304	\$22,543	583
Part 49 Subtotal	4,446	\$272,475	24,399
§ 75.1713-1	268	\$20,424	134
§ 77.1702	467	\$32,825	234
Total	5,181	\$325,724	24,767

Respondents = 583 existing UG + 105 new UG + 1472 existing SF + 160 new SF = 2320

**COAL SUMMARY OF PAPERWORK BURDEN HOURS, 2005-2007
RELATED COSTS, AND ANNUAL RESPONSES**

Section	Hour Burden	Hour Burden Cost	Annual Responses
§ 49.12	137	\$7,921	137
§ 49.13	4	\$231	2
§ 49.16	4,969	\$209,592	16,380
§ 49.17	3,868	\$166,718	910
§ 49.18	2,048	\$118,415	8,320
§ 49.19	274	\$15,843	137
§ 49.50	0	\$0	0
Part 49 Subtotal	11,300	\$518,720	25,886
§ 75.1713-1	274	\$15,843	137
§ 77.1702	580	\$33,536	290
Total	12,154	\$568,099	26,313

Respondents = 739 existing UG + 100 new UG + 1622 existing SF + 209 new SF = 2670