

7- 2014

SUPPORTING STATEMENT

Sealing of Abandoned Areas:

30 CFR 75.335 – Seal strengths, design applications, and installation

30 CFR 75.336 – Sampling and monitoring requirements

30 CFR 75.337 – Construction and repair of seals

30 CFR 75.338 – Training

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses or employ statistical methods” is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

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.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Section 101 (a) of the Mine Act, 30 U.S.C. 811 authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

MSHA's standards for sealing abandoned areas in underground coal mines include requirements addressing the design and construction of new seals and the examination, maintenance and repair of all seals.

Section 75.335(b) sets forth procedures for the approval of seal design applications.

Section 75.335(c) requires the submission and certification of information for seal installation.

Section 75.336(a)(2) requires the mine operator to evaluate the atmosphere in the sealed area to determine whether sampling through the sampling pipes in seals provides appropriate sampling locations of the sealed area. The mine operator will make an evaluation for each area that has seals.

Section 75.336(c) requires that mine operators immediately notify MSHA after a sample indicates that the oxygen concentration is 10 percent or greater and methane is between 4.5 percent and 17 percent and after taking the required additional sample from the sealed atmosphere with seals of less than 120 psi.

Section 75.336(e) requires a certified person to record each sampling result, including the location of the sampling points and the oxygen and methane concentrations. Also, any hazardous conditions found must be corrected and recorded in accordance with existing Section 75.363.

Section 75.337(c)(1) – (c)(5) requires a certified person to perform several tasks during seal construction and repair and certify that the tasks were done in accordance with the approved ventilation plan. In addition, a mine foreman or equivalent mine official must countersign the record.

Section 75.337(d) requires a senior mine management official to certify that the construction, installation, and materials used were in accordance with the approved ventilation plan.

Section 75.337(e) requires the mine operator to notify MSHA of certain activities concerning the construction of a set of seals. Section 75.337(e)(1) requires the mine operator to notify the District Manager between 2 and 14 days prior to commencement of seal construction. Section 75.337(e)(2) requires the mine operator to notify the District Manager, in writing, within 5 days of completion of a set of seals and provide a copy of the certifications required in Section 75.337(d). Section 75.337(e)(3) requires the mine operator to submit a copy of the quality control test results for seal material properties specified by Section 75.335 within 30 days of completion of such tests.

Section 75.337(g)(3) requires the mine operator to label sampling pipes to indicate the location of the sampling point when the mine operator installs more than one sampling pipe through a seal.

Section 75.338(a) requires mine operators to certify that persons conducting sampling were trained in the use of appropriate sampling equipment, techniques, the location of sampling points, the frequency of sampling, the size and condition of sealed areas, and the use of continuous monitoring systems, if applicable, before they conduct sampling, and annually thereafter.

Section 75.338(b) requires mine operators to certify that miners constructing or repairing seals, designated certified persons, and senior mine management officials were trained prior to constructing or repairing a seal and annually thereafter.

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.

Seals must be designed to withstand elevated pressures from explosions, and the atmosphere behind the seal must be monitored to prevent the sealed atmosphere from reaching the explosive range. Adequate seal design and monitoring of areas behind seals are crucial requirements to prevent potentially explosive or toxic gases from migrating into the active working areas of underground coal mines. Miners rely on seals to protect them from the hazardous, and sometimes explosive, environments within the sealed area. MSHA inspectors use the records to determine that tests and examinations, required by the standards, are being done correctly.

Records collected under these standards will help assure that the construction and maintenance of seals are done correctly; certified persons conducting sampling in sealed areas are adequately trained; and results from sampling in sealed areas are recorded, so that problems can be found and fixed.

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.

This rule does not specify how records must be kept. Operators may retain records using any method they choose. Records may be kept in the traditional manner or stored electronically, provided they are secure and not susceptible to loss or alteration. No improved information technology has been identified 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 purposes described in Item 2 above.

The information collection requirements in these standards are not duplicative of any existing MSHA requirements, and the information collected is unique to each mine.

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

Various sources of information, such as "Technical Assistance," <http://www.msha.gov/TechnicalAssistance.HTM>, "Best Practice Pocket Cards,"

<http://www.msha.gov/s&hinfo/bpcards/bpcards.htm>, and “Accident Prevention,” http://www.msha.gov/Accident_Prevention/appmain.htm, are available to assist with compliance and minimize the burden on small businesses. These sites provide tips and general compliance information.

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 standards provide for recordkeeping requirements addressing seal design, monitoring of sealed atmospheres, construction and repair of seals, and training. Seal designs must be submitted to MSHA for approval. A seal design application, a supporting engineering analyses, and test results for approval by MSHA Technical Support Division for each type of seal that will be used in underground coal mines are submitted. Mine operators must revise the ventilation plan to address the installation of any new set of seals. A set of seals will range from two to more than twenty individual seals in a contiguous area. The seal installation portion of the ventilation plan must be reviewed and approved prior to the construction of any new set of seals. The ventilation plan documents mine-specific policies that affect the health and safety of miners

Mine operators are required to evaluate the methane and oxygen concentrations of the of sealed atmospheres for areas with seals less than 120 psi. This atmospheric testing includes areas with 120 psi or greater seals that have not cured to the design strength. The mine operator is required to record the methane and oxygen concentrations of the sealed atmospheric samples and the actions taken to correct the conditions. This documentation allows the review of the effectiveness of the seals by the mine operator and MSHA.

The mine operator must immediately notify MSHA when a sample of the sealed atmosphere contains an oxygen concentration of 10 percent or greater and a methane concentration between 4.5 percent and 17 percent. MSHA will have the opportunity to provide additional resources and information and verify safe working conditions for miners. In addition, if a potentially hazardous sealed atmosphere is reported to MSHA, the mine operator must revise their ventilation plan to specify actions to remediate the potential explosion hazard.

Mine operators must notify MSHA prior to seal construction. Miners constructing or repairing seals, designated certified persons, senior mine management officials, and certified persons who conduct atmospheric sampling must be trained prior to performing their tasks and annually thereafter. Annual training helps these persons retain the necessary knowledge and skills to assure that the tasks are done correctly.

If the information collection is not conducted, or conducted less frequently, seal-related hazards could develop, risking the health and safety of miners.

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 secrets, 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 a 60-day *Federal Register* notice on April 8, 2014 (79 FR 19387). No comments were received.

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

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

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

There is no assurance of confidentiality provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

*** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

*** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

*** 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 under 'Annual Cost to Federal Government.'**

Respondents: 301

MSHA estimates that approximately 8,000 seals are installed in 301 underground coal mines.

All wage rate calculations are based on data from U.S. Coal Mine Salaries, Wages, & Benefits - 2012 Survey Results.

30 CFR 75.335 – SEAL STRENGTHS, DESIGN APPLICATIONS, AND INSTALLATION

Annual Burden Hours and Cost for Preparation and Submission of Seal Approval Applications under Section 75.335(b):

Section 75.335(b) sets forth procedures for the approval of seal designs. MSHA estimates that seal manufacturers or mine operators will submit an average of 10 applications for seal design approval per year. MSHA estimates that, on average, a supervisor engineer earning \$97.60/hour, takes approximately 2 hours to prepare each application, and a clerical employee earning \$28.05/hour, takes 1 hour to compile and submit the application.

10 applications x 2 hr x \$97.60/hr = \$1,952

10 applications x 1 hr x \$28.05/hr = \$281

Reporting Burden

Responses = 10

Burden Hours = (20 + 10) = 30 hours

Burden Hour Cost = (\$1,952 + \$281) = \$2,233

Annual Burden Hours and Costs to Certify Seal Design and Revise the Ventilation Plan Concerning Seal Installation under Section 75.335(c)(2) and (c)(3):

Section 75.335(c)(2) requires that a professional engineer certify that the provisions in the approved seal design are addressed and a copy of the certification is submitted with the revisions to the ventilation plan for seal installation. Section 75.335(c)(3) requires the mine operator to provide information concerning seals that will be constructed for approval in the ventilation plan, including a mine map that shows the proposed seal locations. Section 75.335(c)(3)(iii) requires that a professional engineer or land surveyor certify the locations of the seals on the mine map. MSHA estimates that mine operators submit this information each time a mine has worked-out an area of the mine that it plans to seal and includes a copy of the required certifications with this information.

MSHA estimates that each underground coal mine that uses seals submits a ventilation plan revision at least annually for the construction of new seals, and the District Manager, in reviewing the proposed ventilation plan revisions, will require some changes. The mine operator will need to revise and resubmit these ventilation plans for approval. MSHA estimates that the initial and subsequent revisions and the required certifications take a professional engineer, earning \$72.23/hour, 6 hours to complete. In addition, MSHA estimates that it takes a clerical employee, earning \$28.05/hour, 0.5 hours (30 minutes) to compile and submit the initial and subsequent revision materials.

301 plan revisions x (6 + 0.5)hr/revision = 1,806 hr + 151 hr = 1,957 hours
 (1,806 hr x \$72.23/hr) + (151 hr x \$28.05/hr) = \$130,447 + \$4,236 = \$134,683

Reporting Burden

Responses = 301

Burden Hours = 1,957 hours

Burden Hour Cost = \$134,683

30 CFR 75.336 – SAMPLING AND MONITORING REQUIREMENTS

Annual Burden Hours and Cost to Write Evaluation Results under Section 75.336(a)(2):

Section 75.336(a)(2) requires the mine operator to evaluate the atmosphere in the sealed area to determine whether sampling through pipes in seals provides appropriate sampling locations of the sealed area. When the results of the evaluation indicate the need for additional locations or frequencies of sampling sealed atmospheres, the mine operator must have them approved in the mine ventilation plan. MSHA estimates that, on average, each of the 301 mines with seals would have one new worked-out area to be sealed annually. MSHA estimates that it will take a chief engineer 1 hour to write the results of the evaluation. MSHA estimates that a chief engineer earns \$72.23 per hour.

Record Keeping Burden

Responses = 301

Burden Hours = 301 mines x 1 area/mine x 1 hr/area = 301 hours

Burden Hour Cost = 301 hr x \$72.23/hr = \$21,741

Annual Burden Hours and Cost to Notify MSHA under Section 75.336(c):

Section 75.336(c) requires that mine operators immediately notify MSHA and withdraw miners from the affected area after a sample indicates that the oxygen concentration is 10 percent or greater and methane is between 4.5 percent and 17 percent and after taking the required additional sample from the sealed atmosphere with seals of less than 120 psi. MSHA estimates mine operators will immediately notify MSHA and withdraw miners approximately 50 times per year. MSHA estimates that a supervisor earning \$97.60/hour will take 0.1 hours (6 minutes) to notify MSHA by telephone.

Reporting Burden

Responses = 50

Burden Hours = 50 x 0.1 hr = 5 hours

Burden Hour Cost = 5 hr x \$97.60/hr = 488

Annual Burden Hours and Cost to Revise Ventilation Plan To Allow Miners to Re-enter the Mine under Section 75.336(c):

Section 75.336(c) requires that before miners re-enter the mine after a withdrawal, the mine operator must have a ventilation plan revision approved by the District Manager specifying the corrective action to be taken. MSHA estimates that, on average, the total time for a supervisor earning \$97.60/hour to make initial and subsequent revisions to the ventilation plan is 1 hour. In addition, MSHA estimates that a clerical person earning \$28.05/hour takes a total of 0.5 hours (30 minutes) to copy and submit the initial and subsequent revisions.

50 revisions x (1 + 0.5)hr/revision = 75 hours
 (50 hr x \$97.60/hr) + (25 hr x \$28.05/hr) = \$4,880 + \$701 = \$5,581

Reporting Burden**Responses = 50****Burden Hours = 75 hours****Burden Hour Cost = \$5,581**Annual Burden Hours and Cost to Make a Sampling Record under Section 75.336(e):

Under Section 75.336(e), a certified person must record each sampling result, including the location of the sampling points and the oxygen and methane concentrations. MSHA estimates that approximately 50,000 samples of sealed atmospheres will be collected and recorded per year. MSHA estimates that it takes a certified person earning \$97.60/hour 0.05 hours (3 minutes) to record a sample.

Record Keeping Burden**Responses = 50,000****Burden Hours = 50,000 x 0.05 hr = 2,500 hours****Burden Hour Cost = 2,500 hr x \$97.60/hr = \$244,000****30 CFR 75.337 – CONSTRUCTION AND REPAIR OF SEALS**Annual Burden Hours and Cost To Certify Exams, Make Record, and Countersign Seal Construction and Repair Records under Section 75.337(c):

Section 75.337(c) applies to both the construction of new seals and the repair of existing seals. Under Section 75.337(c)(1) – (c)(5), a certified person must perform several tasks during seal construction and repair, certify that the tasks were done in accordance with the approved ventilation plan, and record the results of exams and tests. A mine foreman or equivalent mine official must countersign the record. MSHA estimates that it takes 0.75 hours (45 minutes) for the certified person to perform the tasks required under Section 75.337(c)(1) through (c)(5), which include certifying that the tasks were done and making a record; and 0.1 hours (6 minutes) for a mine foreman or equivalent mine official to countersign the record made by the certified person. The

certified person and mine foreman are estimated to earn \$97.60/hour. MSHA estimates that mine operators will construct or repair approximately 1,500 seals per year.

$$1,500 \text{ seals} \times (0.75 \text{ hr} + 0.1 \text{ hr})/\text{seal} = 1,275 \text{ hr} \times \$97.60/\text{hr} = \$124,440$$

Record Keeping Burden

Responses = 1,500

Burden Hours = 1,275 hours

Burden Hour Cost = \$124,440

Annual Burden Hours and Cost, under Section 75.337(d), to Certify that Construction, Installation, and Materials Used in Constructing Seals Is in Accordance with the Ventilation Plan:

MSHA estimates that mine operators will construct or repair approximately 1,500 seals per year in underground coal mines. Under Section 75.337(d), a senior mine management official must certify that the construction, installation, and materials used were in accordance with the approved ventilation plan. MSHA estimates that, on average, certification under Section 75.337(d) takes a senior mine management official 0.05 hours (3 minutes). MSHA estimates that a senior mine management official earns \$97.60/hour.

$$1,500 \text{ seals} \times 0.05 \text{ hr/seal} = 75 \text{ hr} \times \$97.60/\text{hr} = \$7,320$$

Record Keeping Burden

Responses = 1,500

Burden Hours = 75 hours

Burden Hour Cost = \$7,320

Annual Burden Hours and Cost to Notify MSHA Concerning Constructing Sets of Seals under Section 75.337(e):

Under Section 75.337(e), the mine operator must notify MSHA of certain activities concerning the construction of a set of seals. MSHA estimates approximately 300 sets of seals will be constructed or repaired per year.

Section 75.337(e)(1) requires the mine operator to notify the District Manager between 2 and 14 days prior to starting seal construction. MSHA estimates that a supervisor, earning \$97.60/hour, takes 0.05 hours (3 minutes) to notify the District Manager between 2 and 14 days prior to commencement of seal construction.

Under Section 75.337(e)(2) requires the mine operator to notify the District Manager, in writing, within 5 days of completion of a set of seals and provide a copy of the certifications required in paragraph (d). (*The burden hours and related cost for submitting a copy of the certifications required by paragraph (d) were determined above.*) Section 75.337(e)(3) requires the mine operator to submit a copy of the quality

control test results for seal material properties specified by Section 75.335 within 30 days of completion of such tests. MSHA estimates that a clerical employee, earning \$28.05/hour, takes 0.2 hours (12 minutes) to prepare and send a letter notifying the District Manager of the completion of a set of seals and to copy and send the quality control test results.

300 sets of seals x (0.05 + 0.2) hr/set = (15 + 60) = 75 hours
 (15 hr x \$97.60/hr) + (60 hr x \$28.05/hr) = (\$1,464 + \$1,683) = \$3,147

Reporting Burden

Responses = 300

Burden Hours = 75 hours

Burden Hour Cost = \$3,147

Annual Burden Hours and Cost to Revise Ventilation Plan to Permit Welding, Cutting, and Soldering Within 150 Feet of a Seal under Section 75.337(f):

Section 75.337(f) prohibits welding, cutting, and soldering within 150 feet of a seal, unless such work is approved by the District Manager in the ventilation plan. MSHA estimates that mine operators submit, on average, five revisions annually to the ventilation plan to permit welding, cutting, and soldering within 150 feet of a seal. MSHA estimates that a supervisor takes 0.25 hours (15 minutes) to write the revision and a clerical worker takes 0.1 hours (6 minutes) to copy and submit the revision.

5 revisions x (0.25 + 0.1) hrs/revision = 2 hours
 (1 hr x \$97.60/hr) + (1 hr x \$28.05/hr) = \$126

Reporting Burden

Responses = 5

Burden Hours = 2 hours

Burden Hour Cost = \$126

Annual Burden Hours and Cost to Label Sampling Pipes under Section 75.337(g)(3):

Section 75.337(g)(3) requires that sampling pipes be labeled to indicate the location of the sampling point when more than one sampling pipe is installed through a seal. MSHA estimates approximately 6 sets of multiple sample pipes will be labeled per year. MSHA estimates that a miner earning \$40.56 per hour will take approximately 0.17 hours (10 minutes) to label the sample pipes.

6 sets of pipes labeled x 0.17 hours/set = 1 hour * \$40.56/hour = \$41

3rd party Disclosure Burden**Responses = 6****Burden Hours = 1 hour****Burden Hour Cost = 1 hour x \$40.56/hr = \$41****30 CFR 75.338 – TRAINING****Annual Burden Hours and Cost to Certify that Persons Were Trained to Sample under Section 75.338(a):**

Section 75.338(a) requires mine operators to certify that persons conducting sampling receive training on the use of appropriate sampling equipment, procedures, the location of sampling points, the frequency of sampling, the size and condition of sealed areas, and the use of continuous monitoring systems, if applicable, before conducting sampling, and annually thereafter. MSHA estimates that a supervisor, earning \$97.60/hour, takes 0.1 hours (6 minutes) to certify that persons conducting sampling of seals received the required training.

MSHA estimates that, on average, there are four certified persons trained in the use of appropriate sampling equipment, procedures, the location of sampling points, the frequency of sampling, the size and condition of sealed areas, and the use of continuous monitoring systems, if applicable, at each of the 301 underground coal mines with seals. MSHA estimates that 7 percent of the certified persons are replaced annually due to turnover. Where a miner is trained due to turnover, the certification is estimated to take 0.1 hours (6 minutes) for each person trained.

$$301 \text{ mines} + (301 \times 4 \text{ persons/mine} \times 7\%) = 301 + 84 = 385 \text{ certifications}$$

$$385 \text{ certifications} \times 0.1 \text{ hr/certification} = 39 \text{ hours}$$

$$39 \text{ hr} \times \$97.60/\text{hr} = \$3,806$$
Record Keeping Burden**Responses = 385****Burden Hours = 39 hours****Burden Hour Cost = \$3,806****Annual Burden Hours and Cost to Certify That Persons Were Trained in Seal Construction and Repair under Section 75.338(b):**

Under Section 75.338(b), mine operators must train miners constructing or repairing seals, designated certified persons, and senior mine management officials in seal construction and repair. MSHA estimates that an instructor takes 0.1 hours to certify that persons were trained in seal construction and repair under Section 75.338(b). The training instructor's hourly wage rate is estimated to be \$97.60.

MSHA estimates that, on average, there are seven persons trained in seal construction and repair at each of the 301 underground coal mines with seals. MSHA estimates that 7 percent of the persons trained in seal construction and repair are replaced annually due to turnover. Where a miner is trained due to turnover, the certification is estimated to take 0.1 hours (6 minutes) for each person trained.

301 mines + (301 x 7 persons/mine x 7%) = 301 + 148 = 449 certifications

449 certifications x 0.1 hr/certification = 45 hours

45 hr x \$97.60/hr = \$4,392

Record Keeping Burden

Responses = 449

Burden Hours = 45 hours

Burden Hour Cost = \$ 4,392

SUMMARY OF PAPERWORK BURDEN HOURS AND BURDEN HOUR COSTS

Section in 30 CFR	Responses	Burden Hours	Burden Hour Costs
Requirements			
75.336(a)(2) (Record Keeping)	301	301	\$21,741
75.336(e) (Record Keeping)	50,000	2,500	\$244,000
75.337(c) (Record Keeping)	1,500	1,275	\$124,440
75.338(a) (Record Keeping)	385	39	\$3,806
75.338(b) (Record Keeping)	449	45	\$4,392
Record Keeping Burden Hours Subtotal		4,160	
75.337(g)(3) (3 rd Party Disclosure)	6	1	\$41
3rd Party Disclosure Burden Hours Subtotal		1	
75.335(b) (Reporting)	10	30	\$2,233
75.335(c)(3) (Reporting)	301	1,957	<u>\$134,683</u>
75.336(c) (Reporting)	50	5	<u>\$488</u>
75.336(c) (re-entry) (Reporting)	50	<u>75</u>	<u>\$5,581</u>
75.337(d) (Reporting)	1,500	75	<u>\$7,320</u>
75.337(e) (Reporting)	300	75	\$3,147
75.337(f) (Reporting)	5	<u>2</u>	\$126
Reporting Burden Hours Subtotal		2,219	
Recordkeeping, 3rd Party			

Disclosure and Reporting Total	54,857	6,380	\$551,998
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13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

*** 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 collections 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.**

Annual Cost for a Professional Engineer to Certify that Seal Designs are in Accordance with Current, Prudent Engineering Practices under Section 75.335(b):

Section 75.335(b) provides procedures for the approval of seal designs submitted to MSHA. The Agency estimates that 10 applications would be filed every year. Under Section 75.335(b)(1)(ii), for each application filed, a professional engineer must certify that the design of the seal is in accordance with current, prudent engineering practices. The professional engineer would be a contractor who works for the company filing the seal application. MSHA estimates that a professional engineer, earning \$125/hour, would need 80 hours to review the application and perform the certification, which results in a cost of \$10,000/application. In addition, each application would need to

have 30 quality control tests analyzed at a price of \$90 for each test, which results in a cost of \$2,700/application. MSHA estimates that two copies will be made of the application at a cost of \$20 (\$10/copy), and postage is estimated at \$16/application.

10 applications x (\$10,000 + \$2,700 tests + \$20 copies + \$16 postage) = \$127,360

Annual Cost for a Professional Engineer to Examine Mine-Specific Seal Installation and the Revised Mine Map under Section 75.335(c):

Section 75.335(c)(2) requires that a professional engineer conduct or have oversight of seal installation and certify that the provisions in the approved seal design have been addressed and are applicable to the conditions at the mine. Also, Section 75.335(c)(3) (iii) requires that a professional engineer certify the mine map of the sealed area and seal locations. For these certifications, the professional engineer must examine the locations where seals will be constructed and revise the mine map. MSHA estimates that, on average, these activities will take a professional engineer 40 hours/mine. MSHA estimates that, on average, each of the 301 mines would have one new worked-out area to be sealed annually.

301 mines with sealed areas x 40 hr/mine x \$125/hr = \$1,505,000

Annual Cost to Notify MSHA of Constructing Sets of Seals, Certifications, and Test Results under Section 75.337(e):

Under Section 75.337(e), the mine operator must notify MSHA of certain activities concerning the construction of a set of seals. Section 75.337(e)(1) requires the mine operator to notify the District Manager between 2 and 14 days prior to starting seal construction. Under Section 75.337(d), on completion of the construction of each seal, a senior mine manager must certify that the construction, installation, and materials used were in accordance with the approved ventilation plan. Section 75.337(e)(2) requires the mine operator to notify the District Manager, in writing, within 5 days of completion of a set of seals and provide a copy of the certifications required in paragraph (d). Section 75.337(e)(3) requires the mine operator to submit a copy of the quality control test results for seal material properties specified by Section 75.335 within 30 days of completion of such tests.

MSHA estimates that 301 sets of five seals will be constructed by mine operators annually. MSHA estimates that the letter of completion and the certification of construction, installation, and materials are each one page, and the quality control test results are 15 pages. Copy costs are \$0.15/page and postage costs are \$1 for 15 pages and \$0.50 for each single page. Separate postage will be charged because the letter, certification, and test results are not sent at the same time. Total copy and postage cost for the notification of the start of construction or completion of each set of seals is estimated to be \$1.30/set ((2 page x \$0.15/page) + \$1 postage). Total copy and postage cost for quality assurance tests of each seal is estimated to be \$3.25 ((15 pages at \$0.15/page) + \$1.00 postage)

602 notifications of seal sets started and completed x \$1.30/set of seals = \$783

1,505 (301 mines x 5 seals/set) x \$3.25 per seal for copying and postage = \$4,891

Responses = 2,107

Copying and Postage Cost = \$5,661

SUMMARY OF PAPERWORK COST BURDEN

Section in 30 CFR	Cost
Recordkeeping Requirements	
75.335(c)(2)	\$1,505,000
Subtotal	\$1,505,000
Reporting Requirements	
75.335(b)	\$783
75.337(e)	\$4,891
Subtotal	\$5,674
Total	\$1,510,674

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.

“Applicants will need to submit seal designs to MSHA for approval. In addition, mine operators will need to modify their ventilation plans to address the requirements for sampling behind the seals, and seal design, construction, maintenance, and repair. MSHA expects to review seal designs and ventilation plan revisions with existing personnel. Thus, the Federal costs associated with this collection of information is 1 GS 13-5 employee spending approximately 90 hours per review x 10 reviews per year x 45.75 per hour (Pittsburgh locality wage) = \$41,175 x 1.343 fully-loaded wage rate = \$55,298.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

The number of producing underground coal mines has decreased from 361 to 301. In addition, the percentage of sealed areas with seals of less than 120 psi strength continues to decrease as operators build new, stronger seals. Due to the decrease in

respondents, responses decreased as well from 90,360 to 54,857, and burden hours decreased from 9,057 to 6,380. Response time increased for annual burden hours and to notify MSHA under section 75.336(c) but this increase in burden hours did not offset the overall decrease in burden hours.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the results of this information collection.

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

There are no additional forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no certification exceptions identified with this information collection.

B. Collection of Information Employing Statistical Methods

The collection of this information does not employ statistical methods.