

Supporting Statement

Information Collection Title: Ventilation Plans, Tests, and Examinations in Underground Coal Mines

Citations: 30 CFR 75.310, 75.312, 75.342, 75.351, 75.360, 75.361, 75.362, 75.363, 75.364, 75.370, 75.371, 75.382

Collection Instruments: None

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.

Under Section 101(a) of the Federal Mine Safety and Health Act of 1977 (the Mine Act), the Secretary may by rule in accordance with procedures set forth in this section and in accordance with section 553 of Title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), 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. In addition, Section 303 requires that all underground coal mines be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized

representative of the Secretary and such equipment be examined daily and a record be kept of such examination.

Underground coal mines usually present harsh and hostile working environments. The ventilation system is the most vital life support system in underground mining and a properly operating ventilation system is essential for maintaining a safe and healthful working environment. Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and explosions.

An underground mine is a maze of tunnels that must be adequately ventilated with fresh air to provide a safe environment for miners. Methane is liberated from the strata, and noxious gases and dusts from blasting and other mining activities may be present. The explosive and noxious gases and dusts must be diluted, rendered harmless, and carried to the surface by the ventilating currents. Sufficient air must be provided to maintain the level of respirable dust at or below specific exposure limits and air quality must be maintained in accordance with the Mine Safety and Health Administration (MSHA) standards. Mechanical ventilation equipment of sufficient capacity must operate at all times while miners are in the mine. Ground conditions are subject to frequent changes, thus sufficient tests and examinations are necessary to ensure the integrity of the ventilation system and to detect any changes that may require adjustments in the system. Records of tests and examinations are necessary to ensure that the ventilation system is being maintained and that changes which could adversely affect the integrity of the system or the safety of the miners are not occurring. These examination, reporting and recordkeeping requirements of Sections 75.310, 75.312, 75.342, 75.351, 75.360 through 75.364, 75.370, 75.371, and 75.382 also incorporate examinations of other critical aspects of the underground work environment such as roof conditions and electrical equipment which have historically caused numerous fatalities if not properly maintained and operated.

Section 75.362, On-shift Examinations, was revised at subsection 75.362(a)(2) and (g)(2)-(4) by MSHA's rule titled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors," published May 1, 2014. This rule also revised subsection 75.371(f) and (j).

Subsection 75.362(a)(2) requires that a person designated by the operator conduct an examination and record the results and the corrective actions taken to assure compliance with the respirable dust control parameters specified in the approved mine ventilation plan. Subsection 75.362(a)(2) requires operators to perform an examination and take corrective actions, but it does not require a record of the examination or corrective actions.

Under subsection 75.362(g)(2)(i), the certified person directing the on-shift examination must certify by initials, date, and time on a board maintained at the section load out or similar location showing that the examination was made prior to resuming production. No increased burden is estimated for Section 75.362(g)(2)(i) in this Information Collection Request (ICR) because MSHA does not expect the burden to be different

from the burden in existing Section 75.362(g)(2)).

Under Section 75.362(g)(2)(ii), the certified person directing the on-shift examination must verify, by initials, date and time, the record of the results of the examination required under Section 75.362(a)(2) to assure compliance with the respirable dust control parameters specified in the mine ventilation plan. Further, Section 75.362(g)(3) requires a mine foreman or equivalent mine official to countersign each examination record required under Section 75.362(a)(2) after it is verified by the certified person under Section 75.362(g)(2)(ii), and no later than the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift. Section 75.362(g)(2)(ii) and (g)(3) are additional burdens that are accounted for in this ICR and 75.362(g)(2)(ii) (4) requires the records be retained at a surface location at the mine for at least 1 year and shall be made available for inspection by authorized representatives of the Secretary and the representative of miners.

Section 75.371 Mine Ventilation Plan; Contents

Paragraph (a)(2) in Section 75.370 (Mine ventilation plan; submission and approval) contains the burden for underground coal mine operators to submit mine ventilation plan revisions for District Manager approval. Each mine ventilation plan must include information that is specified by Section 75.371 (Mine ventilation plan; contents).

Section 75.371(f) adds the following information that a mine operator must include in the mine ventilation plan: the minimum quantity of air that will be delivered to the working section for each mechanized mining unit (MMU), and the identification by make and model, of each different dust suppression system used on equipment on each working section, including: (1) the number, types, location, orientation, operating pressure, and flow rate of operating water sprays; (2) the maximum distance that ventilation control devices will be installed from each working face when mining or installing roof bolts in entries and crosscuts; (3) procedures for maintaining the roof bolter dust collection system in approved condition; and (4) recommended best work practices for equipment operators to minimize dust exposure.

Section 75.371(j) adds a requirement that for machine mounted dust collectors, the ventilation plan must include the type and size of dust collector screens used and a description of the procedures to be followed to properly maintain dust collectors used on the equipment.

Section 75.370(a)(2) requires all underground coal mine operators to submit revisions for mine ventilation plans to MSHA. The burden to submit the additional information required by Section 75.371(f) and (j) as proposed revisions to the plan is accounted for in this package under Section 75.370(a)(2). In addition, Section 75.370(a)(3)(i) requires underground coal mine operators to notify the miners' representative at least 5 days prior to submission of mine ventilation plan revisions and, if requested, provide a copy of the revisions to the miners' representative at the time of notification. Section

75.370(a)(3)(iii) and (f)(3) require the operator to post a copy of the plan revisions, and Section 75.370(f)(1) requires that the operator provide a copy of the revisions to the miners' representative, if requested. MSHA assumes that a copy of the revisions will be requested. The burdens for notification, providing requested copies, and posting associated with mine ventilation plan revisions resulting from Section 75.371(f) and (j) are accounted for in this package under Section 75.370(a)(3)(i), (f)(1), (a)(3)(iii), and (f)(3) respectively.

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.

Each underground coal mine operator is required to keep records of on-shift examinations to assure compliance with respirable dust control parameters specified in the mine ventilation plan.

These records would be used by coal mine operators, miners, and state and federal mine inspectors. The records would provide notice to mine management and miners on the oncoming shift of mine conditions, identify hazards and violations of health or safety standards on working sections during the previous shift, and verify that proper ventilation is being maintained. The information is available to all interested persons at the mine to assure them that the integrity of the ventilation system is being maintained. MSHA inspectors use the records to determine that required tests and examinations are made and that systems used to ventilate underground coal mines are maintained.

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.

Mine operators may use a computer to satisfy the recordkeeping requirements of these standards. Also, a computer-based main mine fan monitoring system can be used to reduce the required examination of the main mine fan from daily to weekly, thus reducing the associated recordkeeping 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.

MSHA knows of no other Federal or State reporting requirements that would duplicate the reporting requirements. The records are the results of tests and examinations conducted at individual mines by the mine operator. Similar examinations, tests, and records required by more than one section of Subpart D of 30 CFR Part 75 can be

conducted simultaneously. Also, where similar tests and examinations are required by both State agencies and MSHA, the tests would be conducted simultaneously and one record would be accepted by both agencies. The agency has clarified that state approved books are acceptable for records required by MSHA.

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

This information does not have a significant impact on small businesses or other small entities.

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.

Because mining conditions are constantly changing, miners could be exposed to hazards or violations of health and safety standards that develop as mining progresses. MSHA believes that the recordkeeping requirements for ventilation tests and examinations and violations of health and safety standards observed are the minimum necessary to ensure that mines are safe and adequately ventilated and that miners' health is protected. Reduction in these requirements may result in the development of unsafe and unhealthy conditions, thus jeopardizing miners. Section 101(a)(9) of the Mine Act prohibits the agency from reducing the protection given miners by any existing standard. The agency has clarified that once a ventilation plan is approved, the mine operator need only to submit the revised pages or sketches of the plan when proposing revisions unless the District Manager has requested, in writing, that a fully revised plan be submitted.

Records and signatures required under Sections 75.362(a)(2), (g)(2), and (g)(3) ensure that the required on-shift examinations are made. The frequency of the information collection requirements is necessary to ensure that respirable dust control parameters specified in the mine's approved ventilation plan are maintained on every shift so that miners are not overexposed to respirable coal mine dust.

Section 75.371(f) and (j) requires additional information regarding dust control measures to be included in the mine ventilation plan. This information assists miners in determining the types of dust controls being used, assists on-shift mine examiners in conducting adequate on-shift examinations of the dust controls, and allows operators, miners, and MSHA to observe and measure specific dust control parameters to better evaluate the effectiveness of dust control systems. In addition, if a respirable dust standard were exceeded, the operator and MSHA could better evaluate and adjust, as necessary, dust controls to protect miners from exposure to excessive dust levels. Revisions to mine ventilation plans resulting from Section 75.371(f) and (j) are submitted under Section 75.370(a)(2) to ensure miners are protected by up-to-date mine ventilation plans.

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.

Conditions in underground coal mines change as mining progresses. Ventilation system and methane and dust control plans are statutory requirements, some of which are required to be recorded and/or reported more frequently than quarterly.

The mine operator is required to conduct examinations at various intervals in accordance with existing regulations. Under the Mine Act, violations of mandatory health and safety standards are required to be reported continually as they occur and are observed.

This collection of information is otherwise 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 14, 2015 (80 FR 20015). MSHA received no comments.

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

MSHA provides 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. Records are maintained by the mine operator and reviewed by MSHA inspectors during routine inspections.

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 under Item 13.**

The following estimation of burden hours is based on MSHA's records and the mine ventilation experience of Coal Mine Inspectors under the existing standards. There are approximately 434 underground coal mines. Of that number, 397 underground coal mines report active employment (105 mines with 1-19 employees, 274 mines with 20-500 employees and 18 mines with more than 500 employees) and are affected by these provisions. On average, there is 1 fan, 1 working section and 1 shift per day at mines with 1-19 employees; 1.5 fans, 2.5 working sections and 2 shifts per day at mines with 20-500 employees; 1.5 fans, 2.5 working sections and 3 shifts per day at mines with 501+ employees. There are an average of 200 working days in mines with 1-19 employees; 300 working days in mines with 20-500 employees; 350 working days in mines with 501+ employees. All mines work an average of 50 weeks per year. However, the burden hour estimates are based on the total number of weeks fans operate yearly, rather than on the average number of workweeks.

30 CFR 75.310 - Installation of Main Mine Fans. Each mine is required to be ventilated by one or more main mine fans. This section sets forth requirements and specifications for the installation of main mine fans. Section 75.310(a)(4) requires that each main mine fan be equipped with a pressure recording device, which may be a part of a fan monitoring system, and that the resulting records be maintained for one year. The record, a pressure recording chart, will be generated an average of 50 weeks per year at mines with 1-19 employees and every week (52 weeks) at mines with 20-500 employees and mines with 501+ employees. MSHA estimates that it takes 7 minutes (0.1166 hour) per week to generate and maintain the record for each fan. A miner earning \$41.39¹ per hour typically performs this task.

Responses

| | | |
|---------------------------------|---|-----------------------|
| 105 mines x 1 fan x 50 weeks | = | 5,250 records |
| 274 mines x 1.5 fans x 52 weeks | = | 21,372 records |
| 18 mines x 1.5 fans x 52 weeks | = | <u>1,404 records</u> |
| TOTAL | = | 28,026 records |

Burden Hours

| | | |
|------------------------------|---|-------------|
| 28,026 records x 0.1166 hour | = | 3,268 hours |
|------------------------------|---|-------------|

Burden Hour Cost

¹ The wage rate (including benefits) was developed from tabulations in the *U.S. Coal Mines Salaries, Wages, and Benefits - 2012 Survey Results*, InfoMine USA, Inc., 2012 < <http://costs.infomine.com/laborcompensationreports/>>; adjusted to 2013 using the Bureau of Labor Statistics' 2013 Employment Cost Index (ECI) for the "Goods-producing: natural resources, construction, and maintenance" industries < <http://www.bls.gov/ect/>>.

$$3,268 \text{ hours} \times \$41.39 \text{ per hour} = \$135,263$$

30 CFR 75.312 - Main Mine Fan Examinations. Section 75.312(a) and (b) require that examinations be conducted daily on main mine fans not using a monitoring system to ensure electrical and mechanical reliability and every 7 days on main mine fans where monitoring systems are used. Fan examinations are not required on days when no one enters the mine. Although production may not occur, persons enter the mine for maintenance and examinations 240 days per year at mines with 1-19 employees, 365 days per year at mines with 20-500 employees and 365 days at mines with 501+ employees.

Sections 75.312(f)(1) and 75.321(f)(2) require that persons making main mine fan examinations certify that the examinations were made. The fan examination certification time is estimated at 1 minute (0.02 hours). A miner earning \$41.39 per hour typically performs this task.

Responses

| | |
|---------------------------------|-------------------------------|
| 105 mines x 240 days x 1 fan | = 25,200 certifications |
| 274 mines x 365 days x 1.5 fans | = 150,015 certifications |
| 18 mines x 365 days x 1.5 fans | = <u>9,855 certifications</u> |
| TOTAL | 185,070 certifications |

Burden Hours

$$185,070 \text{ certifications} \times 0.02 \text{ hours} = 3,701 \text{ hours}$$

Burden Hour Cost

$$3,701 \text{ hours} \times \$41.39 \text{ per hour} = \$153,184$$

Section 75.312(c) requires that the automatic fan signal device for each main mine fan be tested at least once every 31 days. Section 75.312(d) requires that automatic closing doors in multiple main mine fan systems be tested at least once every 31 days. A record of these tests is required under 75.312(g)(3), taking 5 minutes (0.0833 hours) per mine, 12 times yearly. This record can be performed by a miner earning \$41.39 per hour.

Responses

$$397 \text{ mines} \times 12 \text{ monthly records} = 4,764 \text{ records}$$

Burden Hours

$$4,764 \text{ records} \times 0.0833 \text{ hours} = 397 \text{ hours}$$

Burden Hour Cost

$$397 \text{ hours} \times \$41.39 = \$16,432$$

Section 75.312(g)(1) requires a record of uncorrected defects found during an examination. Estimated recordkeeping is 5 minutes (0.0833 hour) and MSHA estimates that 221 mines will have uncorrected defects requiring a record each month.

Responses

221 mines x 12 defects per year = 2,652 records

Burden Hours

2,652 records x 0.0833 hour = 221 hours

Burden Hour Cost

221 hours x \$41.39 = \$9,147

Section 75.312(g)(2)(ii) requires that mines using monitoring systems to monitor fan pressure must make a record concerning monitoring system malfunctions and electrical or mechanical deficiencies, and any sudden increase or loss in mine ventilating pressure. MSHA estimates the recordkeeping to take 10 minutes (0.1666 hour).

Responses

32 mines x 12 defects per year = 384 records

Burden Hours

384 records x 0.1666 hour = 64 hours

Burden Hour Cost

64 hours x \$41.39 = \$2,649

30 CFR 75.342 - Methane Monitors. Operators must install MSHA approved methane monitors on all face cutting machines, continuous miners, longwall face equipment, loading machines, and other mechanized equipment used to extract or load coal within the working place. In addition, methane monitors must be maintained in permissible and proper operating condition and be calibrated with a known methane-air mixture at least once every 31 days. Under Section 75.342(a)(4)(ii), operators are required to keep records of calibration tests. Records are required to be retained for one year from date of the test. Estimated time to make a record is 5 minutes (0.0833 hour) per month mines with 1-19 employees, and 8 minutes (0.1333 hours) for mines with 20-500 and 501+ employees. The record can be made by a certified/qualified electrician earning \$41.39 per hour.

Responses

105 mines x 12 months = 1,260 records

274 mines x 12 months = 3,288 records

18 mines x 12 months = 216 records

TOTAL = 4,764 records

Burden Hours

1,260 records x 0.0833 hours = 105 hours

3,288 records x 0.1333 hours = 438 hours

216 records x 0.1333 hours = 29 hours

TOTAL = 572 hours

Burden Hour Cost

572 hours x \$41.39 = \$23,675

30 CFR 75.351(o) - Recordkeeping. This section applies to mines performing monitoring which is permitted as an alternative compliance option in accordance with Sections 75.323(d)(1)(ii), 75.340(a)(1)(ii), 75.340(a)(2)(ii), and 75.362(f), and to mines with approval to ventilate working sections with air from the belt air course under section 75.350(b) and associated point-feed regulators under Section 75.350(d). If an alarm is generated by the system, the provision requires that an examination be conducted to determine its cause, Section 75.351(d)(2), and a record must be made, Section 75.351(o). The recordkeeping burden has been estimated for 42 mines averaging 7 alarm activations annually. MSHA estimates that it will take 2 minutes (0.033 hour) to make a record of the occurrence. The record can be made by a miner earning \$41.39 per hour.

Responses

42 mines x 7 alarms = 294 records

Burden Hours

294 records x 0.033 hours = 10 hours

Burden Hour Cost

10 hours x \$41.39 = \$414

30 CFR 75.360 - Preshift Examinations. Preshift examinations are required to be conducted within 3 hours prior to the beginning of each shift. On average, a mine with 1-19 employees will conduct 1 examination per day, mines with 20- 500 employees will conduct 2 examinations per day, and mines with 501+ employees will conduct 3 examinations per day. Under the standard, records of the results of preshift examinations, including hazardous conditions observed during the examinations and their locations, are required to be made. Section 75.360 also requires operators to record violations of nine specific mandatory health or safety standards found during these examinations. The nine standards represent the conditions or practices that, if uncorrected, present the greatest unsafe conditions and the most serious risks to miners. Records are also required to be made of the action taken to correct hazardous conditions and violations of the nine standards observed during the preshift examination. MSHA estimates the recordkeeping activity to take about 18 minutes (0.30 hour) in mines with 1-19 employees and 33 minutes (0.55 hour) in mines with 20 or more employees. Records are typically made by examiners earning \$41.39 per hour. Countersigning by the mine foreman, earning \$99.60 per hour², is required and takes an estimated 5 minutes (0.0833 hour) for mines with 1-19 employees, 10 minutes (0.1666 hour) for mines with 20-500 employees, and 15 minutes (0.25 hour) for mines with 501+ or more employees.

Responses

105 mines x 1 exam x 200 days = 21,000 records

274 mines x 2 exams x 300 days = 164,400 records

² The wage rate (including benefits) was developed from tabulations in the *U.S. Coal Mines Salaries, Wages, and Benefits - 2012 Survey Results*, InfoMine USA, Inc., 2012 < <http://costs.infomine.com/laborcompensationreports/>>; adjusted to 2013 using the Bureau of Labor Statistics' 2013 Employment Cost Index (ECI) for the "Goods-producing: natural resources, construction, and maintenance" industries < <http://www.bls.gov/ect/>>.

| | | |
|-------------------------------|---|--------------------------|
| 18 mines x 3 exams x 350 days | = | <u>18,900 records</u> |
| TOTAL | = | 204,300 records |
| TOTAL Responses | = | 204,300 responses |

Burden Hours

Recordkeeping:

| | | |
|-----------------------------|---|----------------------|
| 21,000 records x 0.30 hour | = | 6,300 hours |
| 164,400 records x 0.55 hour | = | 90,420 hours |
| 18,900 records x 0.55 hour | = | <u>10,395 hours</u> |
| TOTAL | = | 107,115 hours |

Countersigning:

| | | |
|----------------------------------|---|---------------------|
| 21,000 signatures x 0.0833 hour | = | 1,749 hours |
| 164,400 signatures x 0.1666 hour | = | 27,389 hours |
| 18,900 signatures x 0.25 hour | = | <u>4,725 hours</u> |
| TOTAL | = | 33,863 hours |

| | | |
|---------------------------|---|----------------------|
| TOTAL Burden Hours | = | 140,978 hours |
|---------------------------|---|----------------------|

Burden Hour Cost

Recordkeeping:

| | | |
|-------------------------------|---|--------------------|
| 107,115 hours x \$41.39 | = | \$4,433,490 |
| Countersigning: | | |
| 33,863 hours x \$99.60 | = | <u>\$3,372,755</u> |
| TOTAL Burden Hour Cost | = | \$7,806,245 |

30 CFR 75.361 - Supplemental Examinations. This requires a certified person to make a supplemental examination for hazardous conditions before any person enters an area of the mine that has not been preshift examined. This section has no explicit recordkeeping requirement, but if a hazard is found or a violation of one or more of the nine specific health or safety standards is identified then a record must be kept under Section 75.363. The burden for Section 75.363 is discussed below.

On-Shift Examinations – Section 75.362

Record Results of On-Shift Examinations – Section 75.362

Section 75.362(a)(2) requires that a person designated by the operator conduct an examination and record the results and the corrective actions taken to assure compliance with the respirable dust control parameters specified in the mine ventilation plan. This requirement impacts only underground coal mines.

MSHA estimates that a supervisor, earning \$99.60 per hour, takes 3 minutes (0.05 hours) to make a record of the examination for the average mine in all mine sizes. On average, MSHA estimates that: 56 MMUs in mines with 1-19 employees have 1 shift per day (or 56 shifts per day); 632 MMUs in mines

with 20-500 employees have 2 shifts per day (or 1,264 shifts per day); and 103 MMUs in mines with 501+ employees have 2 shifts per day (or 206 shifts per day). Records of the examinations will need to be made of these shifts each working day. On average, MSHA estimates that the number of workdays per year is: 200 days for mines with 1-19 employees; 300 days for mines with 20-500 employees; and 350 days for mines with 501+ employees. The annual burden hours and burden hour costs for underground coal mines are shown below.

Underground Coal Mine Operators

Responses

| | | |
|------------------------------------|---|-----------------------|
| 56 MMUs x 1 shift/day x 200 days | = | 11,200 records |
| 632 MMUs x 2 shifts/day x 300 days | = | 379,200 records |
| 103 MMUs x 2 shifts/day x 350 days | = | <u>72,100 records</u> |
| TOTAL | | 462,500 records |

Burden Hours

| | | |
|------------------------------|---|--------------|
| 462,500 records x 0.05 hours | = | 23,125 hours |
|------------------------------|---|--------------|

Burden Hour Costs

| | | |
|----------------------------------|---|-------------|
| 23,125 hours x \$99.60 wage rate | = | \$2,303,250 |
|----------------------------------|---|-------------|

Section 75.362(g)(2)(i) requires that the record required under Section 75.362(a)(2) be certified by initials, date and time on a board maintained at the section load-out or similar location showing that the examination was made prior to resuming production. This standard does not add any additional burden because the record is already required under Section 75.362(g)(2).

Section 75.362(g)(2)(ii) requires that the record required under Section 75.362(a)(2) be verified, by initials, date and time, by the certified person directing the on-shift examination. Section 75.362(g)(3) requires that the mine foreman or equivalent official countersign each examination record under Section 75.362(a)(2) after it is verified by a certified person in accordance with Section 75.362(g)(2)(ii). MSHA estimates that it takes 1 minute (0.0167 hours) for a certified person earning \$99.60 per hour to verify the record; and another 1 minute (0.0167 hours) for a mine foreman or equivalent mine official earning \$99.60 per hour to review and countersign the record.

The annual burden hours and burden hour costs for underground coal mines are shown below.

Underground Coal Mine Operators

Responses

No new responses

Burden Hours

462,500 records x 0.0167 hours (verify) = 7,724 hours

462,500 records x 0.0167 hours (sign) = 7,724 hours

Burden hours = 15,448 hours

Burden Hour Costs

7,724 hours x \$99.60 wage rate = \$ 769,310

7,724 hours x \$99.60 wage rate = \$ 769,310

Burden hour cost = \$ 1,538,620

30 CFR 75.362 - On-Shift Examinations. The recordkeeping requirement for hazardous conditions and violations of the nine mandatory health or safety standards found during on-shift examinations under 75.362(a)(1) are accounted for in 75.363. Recordkeeping required under 75.362(g)(2)(i), 75.362(g)(2)(ii) and 75.362(g)(3) and (g)(4) are included below.

These requirements include that a person designated by the operator must conduct an examination and record the results and the corrective actions taken to assure compliance with the respirable dust control parameters specified in the mine ventilation plan. These requirements impact only underground coal mines. The examinations are made on the sections and these sections include MMUs.

MSHA estimates that a supervisor, earning \$99.60 per hour, takes 3 minutes (0.05 hours) to make a record of the examination for the average mine in all mine sizes. On average, MSHA estimates that: 56 MMUs in mines with 1-19 employees have 1 shift per day (or 56 shifts per day); 632 MMUs in mines with 20-500 employees have 2 shifts per day (or 1,264 shifts per day); and 103 MMUs in mines with 501+ employees have 2 shifts per day (or 206 shifts per day). Records of the examinations will need to be made of these shifts each working day. On average, MSHA estimates that the number of workdays per year is: 200 days for mines with 1-19 employees; 300 days for mines with 20-500 employees; and 350 days for mines with 501+ employees and these records are retained at a surface location at the mine for at least 1 year.

Underground Coal Mine Operators

Responses = 462,500

Burden Hours
462,500 records x 0.05 hrs. = 23,125 hours

Hour Burden Costs
23,125 hours x \$99.60 wage rate = \$2,303,250

30 CFR 75.362 75.362(g)(2)(i) requires that the record required under section 75.362(a)(2) be certified by initials, date and time on a board maintained at the section load-out or similar location showing that the examination was made prior to resuming production. This standard does not add any new burden because the record is already required under existing section 75.362(g)(2).

30 CFR 75.362(g)(2)(ii) requires that the record required under section 75.362(a)(2) be verified, by initials, date and time, by the certified person directing the on-shift examination. 30 CFR 75.362(g)(3) requires that the mine foreman or equivalent official countersign each examination record under section 75.362(a)(2) after it is verified by a certified person in accordance with section 75.362(g)(2)(ii). MSHA estimates that it takes 1 minute (0.0167 hours) for a certified person earning \$99.60 per hour to verify the record; and another 1 minute (0.0167 hours) for a mine foreman or equivalent mine official earning \$99.60 per hour to review and countersign the record.

MSHA estimates that 462,500 records will be verified and countersigned per year: 11,200 records in mines with 1-19 employees (56 shifts per day x 200 days per year); 379,200 records in mines with 20-500 employees (1,264 shifts per day x 300 days per year); and 72,100 records in mines with 501+ employees (206 shifts per day x 350 days per year). The annual burden hours and hour burden costs for underground coal mines are shown below.

Underground Coal Mine Operators

Burden Hours
462,500 records x 0.0167 hrs. = 7,724 hours
462,500 records x 0.0167 hrs. = 7,724 hours
Burden Hours =15,448 hours

Hour Burden Costs

7,724 hours x \$99.60 wage rate = \$769,310
 7,724 hours x \$99.60 wage rate = \$769,310
 = \$1,538,620

TOTAL Burden Hours = 77,146
TOTAL Burden Cost = \$7,683,740
TOTAL Responses = 925,000

30 CFR 75.363 - Hazardous conditions; posting, correcting and recording. The provision requires a record of hazardous conditions found, including any found during Section 75.361 supplemental examinations and any of the nine mandatory health or safety standards found during 75.362 on-shift examinations must be recorded along with corrective actions taken to abate the conditions. Under Section 75.363, a record is required for any hazardous condition found by the mine examiner. This record must be countersigned by the mine foreman. The time to record a hazard is estimated to be 5 minutes (0.0833 hour), and 3 minutes (0.05 hours) to countersign the record. The record can be made by a person earning \$41.39 per hour and signed by the mine foreman estimated to earn \$99.60 per hour. MSHA estimates that 100 hazards per year will be recorded at large mines and 50 hazards per year will be recorded in small mines.

Responses

105 mines x 50 hazards per yr. = 5,250 records
 274 mines x 100 hazards per yr. = 27,400 records
 18 mines x 100 hazards per yr. = 1,800 records
 TOTAL = **34,450 records**

TOTAL Responses = 34,450 responses

Burden Hours

Recordkeeping
 34,450 records x 0.0833 hour = 2,870 hours
 Countersigning
 34,450 signatures x 0.05 hour = 1,723 hours

TOTAL Burden Hours = 4,593 hours

Burden Hour Cost

Recordkeeping
 2,870 hours x \$41.39 = \$118,789

| | | |
|-------------------------------|---|------------------|
| Countersigning | | |
| 1,723 hours x \$99.60 | = | <u>\$171,611</u> |
| TOTAL Burden Hour Cost | = | \$290,400 |

Section 75.363 requires operators to record any violations of nine mandatory health or safety standards found on supplemental and on-shift examinations and any corrective actions taken. The nine standards represent the conditions or practices that, if uncorrected, present the greatest unsafe conditions and the most serious risks to miners. The supplemental (Section 75.361) and on-shift (Section 75.362) standards contain new recordkeeping requirements if a violation of any of the nine noted mandatory health or safety standards is found. During FY 2009 through 2013, MSHA inspectors found an annual average of 22,286 violations of the nine standards MSHA believes are most likely to be identified on preshift, supplemental, on-shift, and weekly examinations. Because conditions resulting in these violations can occur and require corrective action multiple times during the year (e.g., insufficient rock dust), MSHA multiplied the 22,286 violations found by MSHA inspectors by a factor of 1.5 to arrive at an estimated 33,429 violations that could be found by mine examiners. MSHA assumes that half of these violations, 16,715 violations, would be identified on the preshift and weekly examinations and the other half would be identified on supplemental and on-shift examinations.

MSHA estimates that 80 percent of these (13,372 violations) would be found on the on-shift examinations and 20 percent (3,343 violations) would be found on the supplemental examinations. MSHA estimates that it would take 3 minutes (0.05 hour) to record any violations identified and the corrective actions taken. Supervisors earning \$99.60 an hour perform on-shift exams and certified examiners earning \$41.39 perform supplemental exams.

MSHA's estimates of underground coal operators' annual burden hours and related costs are presented below.

Responses

| | | |
|-------------------|---|----------------------|
| 13,372 violations | = | 13,372 records |
| 3,343 violations | = | <u>3,343 records</u> |
| Total Responses | = | 16,715 records |

Burden Hours

| | | |
|----------------------------|---|------------------|
| 16,715 records x 0.05 hour | = | 669 hours |
| 3,343 records x 0.05 hour | = | <u>167 hours</u> |
| Total Hours | = | 836 hours |

Burden Hour Costs

| | | |
|-------------------------------|---|-----------------|
| 669 hours x \$99.60 wage rate | = | \$66,632 |
| 167 hours x \$41.39 wage rate | = | <u>\$ 6,912</u> |
| Total Burden Hour Cost | = | \$73,544 |

30 CFR 75.364 - Weekly Examinations. MSHA estimates the time required to make the record to be 35 minutes (0.58 hour) in mines with 1-19 employees and 60 minutes (1.0 hour) in mines with 20 or more employees. Records are completed by examiners earning \$41.39 per hour. The time needed to review and countersign the record by the mine foreman (\$99.60 per hour) is 5 minutes (0.0833 hours) at mines with 1-19 employees and 10 minutes (0.1666 hours) at mines with 20 or more employees.

Responses

| | | |
|------------------------|---|-------------------------|
| 105 mines x 50 weeks | = | 5,250 records |
| 274 mines x 52 weeks | = | 14,248 records |
| 18 mines x 52 weeks | = | <u>936 records</u> |
| TOTAL | = | 20,434 records |
| TOTAL Responses | = | 20,434 responses |

Burden Hours

| | | |
|---------------------------------|---|---------------------|
| <u>Recordkeeping</u> | | |
| 5,250 records x 0.58 hour | = | 3,045 hours |
| 14,248 records x 1.0 hour | = | 14,248 hours |
| 936 records x 1.0 hour | = | <u>936 hours</u> |
| TOTAL | = | 18,229 hours |
| <u>Countersigning</u> | | |
| 5,250 signatures x 0.0833 hour | = | 437 hours |
| 14,248 signatures x 0.1666 hour | = | 2,374 hours |
| 936 signatures x 0.1666 hour | = | <u>156 hours</u> |
| TOTAL | = | 2,967 hours |
| TOTAL Burden Hours | = | 21,196 hours |

Burden Hour Cost

| | | |
|-------------------------------|---|--------------------|
| <u>Recordkeeping</u> | | |
| 18,229 hours x \$41.39 | = | \$ 754,498 |
| <u>Countersigning</u> | | |
| 2,968 hours x \$99.60 | = | <u>\$ 295,613</u> |
| TOTAL Burden Hour Cost | = | \$1,050,111 |

Section 75.364 requires operators to also record violations of nine mandatory health or safety standards found along with the corrective actions taken. The nine standards represent the conditions or practices that, if uncorrected, present the greatest unsafe conditions and the most serious risks to miners. MSHA estimates that it would take a certified examiner 3 minutes (0.05 hours) to record violations along with any corrective actions taken. An examiner conducting these examinations earns a non-supervisory

wage of \$41.39 per hour³ (includes benefits). MSHA also estimates that, on average, mines with 1-19 employees operate for 50 weeks out of the year and mines with 20+ employees operate 52 weeks out of the year.

Responses

No new responses

Burden Hours

20,434 records x 0.05 hour = 1,022 hours

Burden Hour Costs

1,021 hours x \$41.39 wage rate = \$42,259

30 CFR 75.370 - Mine Ventilation Plan Submission and Approval. The mine operator must submit a proposed ventilation plan in writing to the district manager for approval and that plan must be reviewed by both the mine operator and MSHA every six months. However, once a ventilation plan is approved, the operator needs to submit only the revised pages, sketches, and drawings of the plan when proposing revisions, unless the district manager requests in writing that the mine operator submit a new fully revised plan. The operator must update the plan as often as necessary to ensure that the plan is suitable to current conditions in the mine.

The mine operator must notify the representative of the miners of any proposed and approved ventilation plan or plan revision, and upon request, provide a copy. In addition, 3 copies of the mine ventilation map must be submitted annually including supplemental information listed in Section 75.372 requiring one hour per copy. Plan updates and maps are prepared by a mine management professional earning \$99.60 per hour. Mines with 20 or more employees will submit 4 updates requiring 16 hours and 3 maps requiring 1 hour each. (Note: mines with 1-19 employees will generally contract out for this service. Their costs are included in question 13 below as a cost estimate, rather than here.)

Responses

Recordkeeping:

Plan updates:

274 mines x 4 updates = 1,096 updates

18 mines x 4 updates = 72 updates

TOTAL = 1,168 updates

Ventilation Map:

274 mines x 3 maps = 822 maps

18 mines x 3 maps = 54 maps

³ The wage rate (including benefits) was developed from tabulations in the *U.S. Coal Mines Salaries, Wages, and Benefits - 2012 Survey Results*, InfoMine USA, Inc., 2012 < <http://costs.infomine.com/laborcompensationreports/>>; adjusted to 2013 using the Bureau of Labor Statistics' 2013 Employment Cost Index (ECI) for the "Goods-producing: natural resources, construction, and maintenance" industries < <http://www.bls.gov/ect/>>.

| | | |
|------------------------|---|------------------------|
| TOTAL | = | 876 maps |
| TOTAL Responses | = | 2,044 responses |

Burden Hours

Recordkeeping:

| | | |
|---------------------------|---|------------------|
| Plan updates: | | |
| 1,168 updates x 16 hours | = | 18,688 hours |
| Ventilation Map: | | |
| 876 maps x 1 hour per map | = | 876 hours |
| Copying: | | |
| 1,168 updates x 0.5 hours | = | <u>584 hours</u> |

| | | |
|---------------------------|---|---------------------|
| TOTAL Burden Hours | = | 20,148 hours |
|---------------------------|---|---------------------|

Burden Hour Costs

Updates and Maps

| | | |
|------------------------|---|-------------|
| 20,148 hours x \$99.60 | = | \$2,006,741 |
|------------------------|---|-------------|

Sections 75.371(r), (kk), (ll), (mm), (nn), (oo), and (pp) provide that certain information required in Sections 75.325 and 70.1900 be recorded in the mine operator's ventilation plan required by Section 75.370. MSHA estimates that the time required to record the additional information in the ventilation plan will be 20 minutes (0.3333 hours) for 41 mines with 20 or more employees and 10 minutes (0.1666 hours) for 23 mines with 1-19 employees. The information is recorded by a mine supervisor earning \$99.60 per hour.

Recordkeeping Burden in Section 75.370:

Responses

| | | |
|------------------------|---|-------------------|
| 41 mines | = | 41 records |
| 23 mines | = | <u>23 records</u> |
| TOTAL Responses | = | 64 records |

Burden Hours

| | | |
|---------------------------|---|-----------------|
| 41 records x 0.3333 hour | = | 14 hours |
| 23 records x 0.1666 hour | = | <u>4 hours</u> |
| TOTAL Burden Hours | = | 18 hours |

Burden Hour Costs

| | | |
|-------------------------|---|-----------------|
| 18 hours x \$99.60 wage | = | \$ 1,793 |
|-------------------------|---|-----------------|

Mine Ventilation Plans

Mine Ventilation Plan; submission and approval – Section 75.370,
and Mine Ventilation Plan; contents – Section 75.371

This is a one-time only first-year cost for plan revisions. Operators will need to revise their mine ventilation plan to include additional engineering controls that are used to comply with Sections 75.371(f) and (j). After initial revisions have been made, further updates can be made when operator's normally revise their ventilation plan.

All underground coal mine operators must make the above revisions in accordance with Section 75.370(a)(2). On average, MSHA estimates that 1 hour is sufficient for a supervisor, earning \$99.60 per hour, to make the plans revisions and any notifications of intent to use continuous personal dust monitors for designated area sampling. On average, MSHA estimates that a clerical employee, earning \$28.63 per hour⁴, will take 15 minutes (0.25 hours) to prepare and send the revisions to MSHA. First year burden hours and burden hour costs for underground coal mines are shown below.

Responses

397 plan revisions = 397 responses

Burden Hours

397 plans x 1 hours = 397 hours

397 plans x 0.25 hours = 99 hours

Total burden hours = 496 hours

Burden Hour Costs

397 hours x \$99.60 wage rate = \$39,541

99 hours x \$28.63 wage rate = \$ 2,834

Total burden hour costs = \$42,375

Under Section 75.370(a)(3)(i) and (f)(1), underground coal mine operators are required to notify the miners' representative at least 5 days prior to submission of a mine ventilation plan revision for MSHA approval and, if requested, provide a copy of the proposed and approved revisions to the miners' representative. MSHA assumes that a copy of the revisions will be requested. The number of copies provided to miners' representatives is estimated to be 397 plans, and equals the number of revisions noted above. MSHA estimates that a clerical employee will take 15 minutes (0.25 hours) to notify and provide a copy of the revisions. First year burden hours and burden hour costs for underground coal mines are shown below.

⁴ The wage rate (including benefits) was developed from tabulations in the *U.S. Coal Mines Salaries, Wages, and Benefits - 2012 Survey Results*, InfoMine USA, Inc., 2012 < <http://costs.infomine.com/laborcompensationreports/>>; adjusted to 2013 using the Bureau of Labor Statistics' 2013 Employment Cost Index (ECI) for the "Goods-producing: natural resources, construction, and maintenance" industries < <http://www.bls.gov/ect/>>.

Responses
397 plan revisions = 397 responses

Burden Hours
397 plans x 0.25 hours = 99 hours

Burden Hour Costs
99 hours x \$28.63 wage rate = \$2,834

Underground coal operators must post a copy of the revisions of the mine ventilation plan under Section 75.370(a)(3)(iii) and (f)(3). The number of postings is equal to the number of revisions. MSHA estimates that it takes a clerical employee 15 minutes to post a copy of the revisions to the mine ventilation plan. First year burden hours and burden hour costs for underground coal mines are shown below.

Responses
397 plan revisions = 397 responses

Burden Hours
397 plans x 0.25 hours = 99 hours

Burden Hour Costs
99 hours x \$28.63 wage rate = \$2,834

30 CFR 75.382 Mechanical Escape Facilities

Section 75.382(c) requires that mines employing mechanical escape facilities must conduct a weekly examination to assure that the facility is in proper operating condition. Section 75.382(g) requires that the examiner certify by date, time, and initials, that the examination was conducted. It is estimated that 180 such facilities are in use at large mines operating 52 weeks per year and that the certification will take 1 minute (0.02 hours). The certification can be conducted by a miner earning \$41.39 per hour.

Responses
180 facilities x 52 weeks = **9,360 records**

Burden Hours
9,360 records x 0.02 hours = **187 hours**

Burden Hour Cost

187hours x \$41.39 = **\$7,740**

Summary

| Section | Responses | Burden Hours | Burden Hour Cost |
|-----------------------------------------------------|------------------|----------------|---------------------|
| 75.310 | 28,026 | 3,268 | \$135,263 |
| 75.312 | 192,870 | 4,383 | \$181,412 |
| 75.342 | 4,764 | 572 | \$23,675 |
| 75.351(o) | 294 | 10 | \$414 |
| 75.360 | 204,300 | 140,978 | \$7,806,245 |
| 75.362 | 925,000 | 77,146 | \$7,683,740 |
| 75.363 | 51,165 | 5,429 | \$363,944 |
| 75.364 | 20,434 | 22,218 | \$1,092,370 |
| 75.370 | 2,044 | 20,148 | \$2,006,741 |
| 75.371 | 64 | 18 | \$1,793 |
| 75.382 | 9,360 | 187 | \$7,740 |
| Mine Ventilation Plans – Sections 75.370 and 75.371 | 1,191 | 694 | \$48,043 |
| On-Shift Examinations - Section 75.362 | 462,500 | 38,573 | \$3,841,870 |
| Total | 1,902,012 | 313,624 | \$23,193,250 |

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 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 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.**

30 CFR 75.370 - Mine Ventilation Plan Submission and Approval. The underground mine operator must submit a proposed ventilation plan in writing to the district manager for approval and that plan must be reviewed by both the mine operator and MSHA every six months. However, once a ventilation plan is approved, the operator needs to submit only the revised pages, sketches, and drawings of the plan when proposing revisions, unless the district manager requests in writing that the mine operator submit a new fully revised plan. The operator must update the plan as often as necessary to ensure that the plan is suitable to current conditions in the mine.

Mines with 1-19 employees will generally contract out for this service. These mines will submit 2 updates annually requiring 4 hours and 3 maps requiring 1 hour each.

Contractor Hour Estimate:

Recordkeeping:

| | | |
|-------------------------------------|---|--------------------|
| Plan updates: | | |
| 105 mines x 4 hours x 2 updates | = | 840 hours |
| Ventilation Map: | | |
| 105 mines x 3 maps x 1 hour per map | = | <u>315 hours</u> |
| TOTAL | = | 1,155 hours |

Copying:

| | | |
|-----------------------------------|---|------------------|
| 105 mines x 0.5 hours x 2 updates | = | 105 hours |
|-----------------------------------|---|------------------|

Contractor Costs

| | | |
|----------------------------------------|---|------------------|
| Updates and Maps 1,155 hours x \$99.60 | = | \$115,038 |
| Copying 105 hours x \$28.67 | = | <u>\$ 3,010</u> |
| TOTAL | = | \$118,048 |

Mine Ventilation Plans

Copy and Transmission Costs for Revising Mine Ventilation Plan; submission and approval – Section 75.370, and Mine Ventilation Plan; contents – Section 75.371

This is a one-time only first-year cost for plan revisions. Under Section 75.370(a)

(2), all underground coal mines must revise approved mine ventilation plans. The operator must revise the mine ventilation plan to include additional engineering controls, specified in Section 75.371(f) and (j). After initial revisions have been made, further updates can be made when operators normally revise their ventilation plan. On average, MSHA estimates that a plan revision will be three pages. Copying will cost \$0.15 per page and \$1.00 for postage, for a total cost of \$1.45 per plan revision. First year costs for underground coal mines are shown below.

$$397 \text{ plans} \times \$1.45 \text{ for copy and transmission costs} = \$576$$

Copy Costs for Notifying Miners' Representative of Plan Revisions and Provide Copy if Requested – Section 75.370(a)(3)(i) and (f)(1)

Underground coal mine operators are required to notify the miners' representative at least 5 days prior to submission of a mine ventilation plan revision and, if requested, provide a copy of the revisions to the miners' representative under Section 75.370(a)(3)(i) and (f)(1). MSHA assumes that a copy of the revisions will be requested. The number of copies provided equals the number of revisions noted above. MSHA estimates that costs of copying will be \$0.45 for three pages. First year costs for underground coal mines are shown below.

$$397 \text{ plans} \times \$0.45 \text{ per copy} = \$179$$

Copy Costs Related to Posting Revision of Mine Ventilation Plan – Section 75.370(a)(3)(iii) and (f)(3)

Underground coal mine operators must post a copy of the revisions of the mine ventilation plan under Section 75.370(a)(3)(iii) and (f)(3). The number of postings is equal to the number of revisions noted above. MSHA estimates that costs of copying will be \$0.45 for three pages. First year costs for underground coal mines are shown below.

$$397 \text{ plans} \times \$0.45 \text{ per copy} = \$179$$

SUMMARY

| Section/Activity | Cost |
|------------------------|------------------|
| 75.370 | \$118,048 |
| Mine Ventilation Plans | \$934 |
| Total | \$118,982 |

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include number 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.

Mine Ventilation Plan Submission and Approval. The review/inspection of ventilation plans, test results and examination in underground mines is just one aspect of the annual inspection. Complete inspections are required under section 103(a) of the Mine Act and are required 4 times a year for underground mines. The average time required to finish a complete inspection is 92.5 hours, and the average grade and salary (including benefits) of a mine inspector is GS 12, at \$50.64 per hour⁵.

The recurring cost to the Federal Government each year is as follows: There are 397 underground mines reporting active employment: 105 mines with 1-19 employees, 274 mines with 20-500 employees and 18 mines with 501+ employees. It is estimated that mines with 1-19 employees will average 3 revisions, or supplements (including the ventilation map) each year and mines with 20 or more employees will average 5 revisions, or supplements (including the ventilation map). On average, MSHA personnel will take 3 hours to review a submission. The recurring cost to the Federal Government is estimated as follows:

Reviews by MSHA:

| | | |
|--------------------------------------------------------------|---|------------------|
| 105 mines x 3 revisions x 3 hours/revision x \$50.64 hour | = | \$ 47,855 |
| 274 mines x 5 revisions x 3 hours/revision x \$50.64 hour | = | \$208,130 |
| 18 mines x 5 revisions x 3 hours/ revision X \$50.64 hour | = | <u>\$ 13,673</u> |
| TOTAL Cost | = | \$269,658 |

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

Respondents: There has been a decrease of 115 in the number of respondents from 549 to 434 underground coal mines.

Responses: Due to regulatory changes in the rule titled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors," published May 1, 2014, there is an increase of 601,166 responses from the previously approved 1,300,846 responses to the current total request of 1,902,012 for ventilation plan development as well as certification of mine examinations.

⁵ September 2013 OPM FedScope employment data cube, Mine Safety and Health Inspection Series, GS-12 <<http://www.fedscope.opm.gov/>>; benefit loading factor from U.S. Department of Labor, FY 2014 Detailed Budget Documentation, Volume II, Mine Safety and Health Administration, "Budget Authority By Object Class" <<http://www.dol.gov/dol/budget/>>.

Hours: Due to regulatory changes in the rule titled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors, " published May 1, 2014, there is an increase of 80,898 burden hours from the previously approved 232,726 hours to the current total request of 313,624 for ventilation plan development as well as certification of mine examinations.

Costs: Due to the decrease in underground coal mines, there was a \$65,666 decrease in estimated costs from the previously approved \$184,648 to the current total estimate of \$118,982.

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

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

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

There are no forms associated with this information collection.

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

This collection of information does not employ statistical methods.

Federal Mine Safety & Health Act of 1977 (Mine Act)

MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with Section 553 of title 5, United States Code (without regard to any reference in such section to Sections 556 and 557 of such title), 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.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 103(i)

Whenever the Secretary finds that a coal or other mine liberates excessive quantities of methane or other explosive gases during its operations, or that a methane or other gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine some other especially hazardous condition, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine during every five working days at irregular intervals. For purposes of this subsection, "liberation of excessive quantities of methane or other explosive gases" shall mean liberation of more than one million cubic feet of methane or other explosive gases during a 24-hour period. When the Secretary finds that a coal or other mine liberates more than five hundred thousand cubic feet of methane or other explosive gases during a 24-hour period, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine every 10 working days at irregular intervals. When the Secretary finds that a coal or other mine liberates more than two hundred thousand cubic feet of methane or other explosive gases during a 24-hour period, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine every 15 working days at irregular intervals.

VENTILATION

303(a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

* * * * *