

1219-0119
7-2015

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1219-0119

Information Collection Title: Diesel-Powered Equipment in Underground Coal Mines

Collection Instruments/Form Number(s): None

Authority:

30 CFR Citations

Section 75.1901(a), Diesel fuel requirements

Section 75.1904(b)(4)(i), Underground diesel fuel tanks and safety cans

Section 75.1906(d), Transport of diesel fuel

Sections 75.1911(i) & (j), Fire suppression systems for diesel-powered equipment and fuel transportation units

Sections 75.1912(h) & (i), Fire suppression systems for permanent underground diesel fuel storage facilities

Sections 75.1914(f)(1) & (2); (g) & (g)(5); (h)(1) & (2), Maintenance of diesel-powered equipment

Sections 75.1915(a); (b)(5);(c)(1) & (2), Training and qualification of persons working on diesel-powered equipment

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.

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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 requires mine operators to provide important safety and health protections to underground coal miners who work on and around diesel-powered equipment. The engines powering diesel equipment are potential contributors to fires and explosion hazards in the confined environment of an underground coal mine where combustible coal dust and explosive methane gas are present. Diesel equipment operating in underground coal mines also can pose serious health risks to miners from exposure to diesel exhaust emissions, including diesel particulates, oxides of nitrogen, and carbon monoxide. Diesel exhaust is a lung carcinogen in animals.

This information collection includes maintenance and use of diesel equipment; tests and maintenance of fire suppression systems on both the equipment and at fueling stations; and exhaust gas sampling.

Records are required to document that essential testing and maintenance of diesel-powered equipment are conducted regularly by qualified persons; that corrective actions are taken; and the persons performing the maintenance, repairs, examinations, and tests are trained and qualified to perform such tasks.

Safety requirements for diesel equipment include many of the proven features required in existing standards for electric-powered mobile equipment, such as cabs or canopies, methane monitors, brakes and lights. Sampling of diesel exhaust emissions is required to protect miners from overexposure to carbon monoxide and nitrogen dioxide contained in diesel exhaust.

Information collection requirements are found in: section 75.1901(a), Diesel fuel requirements; section 75.1904(b)(4)(i), Underground diesel fuel tanks and safety cans; Section 75.1906(d), Transport of diesel fuel; section 75.1911(j), Fire suppression systems for diesel-powered equipment and fuel transportation units; section 75.1912(i), Fire suppression systems for permanent underground diesel fuel storage facilities; sections 75.1914(f)(2), (g), (h)(1), and (h)(2), Maintenance of diesel-powered equipment; sections 75.1915(b)(5), (c)(1), and (c)(2), Training and qualification of persons working on diesel-powered equipment.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The respondents are underground coal mine operators. The recordkeeping requirements are necessary not only to assist MSHA in determining compliance, but also to provide useful information to mine operators and miners' representatives about the performance of diesel engines and any deterioration or defective condition needing corrective action. For example, this information collection provides important information about the exhaust output of a diesel engine and its ventilation needs. This information is valuable when selecting engines and for monitoring their performance in service. This information collection also helps to identify deteriorating engine performance that indicates the need for equipment repair or maintenance, thus preventing overexposure of miners to the health hazards resulting from diesel exhaust. Because a number of information-reporting provisions are required when a defect is found on diesel-powered equipment, the information contained in the records may also be used by miners' representatives to verify that necessary repairs have been made.

The examinations associated with these standards must be performed on a regular basis. Less frequent examinations would not ensure that conditions requiring immediate attention are promptly detected, such as inadequate air quantities ventilating diesel-powered equipment or equipment defects that create a hazard. Records of equipment examinations are required only when defects are found.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The information gathered is required to be recorded, maintained for the period specified, and made accessible, upon request, to authorized representatives of the Secretary of Labor and miners' representatives. This may be done in a traditional manner by recording this information in a book or electronically by computer.

Electronic storage and retrieval of information through computers is a common business practice. MSHA encourages the use of electronically stored records, provided they are secure and not susceptible to alteration, are able to capture the information and signatures required, and are accessible to the authorized representative of the Secretary and miners' representatives. "Secure" is intended to mean unalterable or cannot be modified. MSHA considers electronic records meeting these criteria to be practical and as reliable as traditional records.

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 requirement that would duplicate the reporting requirements contained in these standards.

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.

Reduction of these recordkeeping requirements would increase the likelihood that unsafe and unhealthy conditions would go undetected and uncorrected in underground coal mines. Less frequent data gathering would not provide the monitoring necessary to ensure that dangerous conditions requiring immediate attention are identified and corrected. The recordkeeping requirements provided by these standards are the minimum necessary to ensure the safe and healthful operation of diesel-powered equipment in underground coal mines. The information requirements in these standards not only serve as a means of verifying compliance, but also provide important information to mine operators and miners' representatives about safety and health conditions in miners' workplaces.

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 date 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 May 11, 2015 (80 FR 26953). MSHA received no comments.

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

MSHA does not provide payments or gifts to respondents.

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

MSHA makes no assurance that the information will remain confidential. Records required by the underground coal mine diesel equipment safety standards are for training, testing, and maintenance activities and contain no proprietary or confidential information. In addition, the records are maintained at the mine and are not submitted to MSHA.

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

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 under Item 13.**

MSHA estimates that 151 respondents generate approximately 172,356 responses annually, resulting in approximately 14,422 burden hours. These 151 respondents consist of 133 large mines (26 or more employees) and 18 small mines (1-25 employees). Calculations of the annual burden hours and the annual and annualized costs associated with that burden are detailed in the following sections.

Estimates of burden hours include the time for reviewing instructions, gathering and maintaining the necessary data, and completing the review of the information collection. The hourly wage rates were calculated using fiscal year (FY) 2012 labor costs from weighted averages of *U.S. Coal Mine Salaries, Wages and Benefits – 2012 Survey Results*, InfoMines USA, Inc., and multiplying by the 2013 Employment Cost Index (ECI). The average wage rates at underground coal mines are: \$28.63 per hour for a clerical employee; \$41.39 per hour for a miner, and \$99.60 per hour for a supervisor. Where a specialized maintenance inspector is utilized for compliance, MSHA estimates an hourly wage rate equivalent to an underground coal mine electrician hourly wage rate of \$43.63.

Section 75.1901(a) requires that upon request, the mine operator must provide to an authorized representative of the Secretary evidence that the diesel fuel purchased for use in diesel-powered equipment underground meets the requirements in section 75.1901(a). The information requested is available on the purchase order when the mine operator purchases diesel fuel. MSHA estimates that mine operators purchase fuel once every two work weeks or 25 times for large mines and 20 times for

small mines. Further, MSHA estimates that half of all large and small mines would not otherwise keep gas purchasing orders on file. Thus, this provision affects approximately 67 large mines and 9 small mines. It is estimated to take 3 minutes (0.05 hours) to file the purchase order by a clerical person earning \$28.63 per hour.

Section 75.1904(b)(4)(i) requires that underground diesel fuel tank connections be identified by conspicuous markings that specify the function. Large mines are estimated to have 4 tanks each and small mines are estimated to have 2 tanks each. About 532 tanks in large mines and 36 tanks in small mines require markings. It will take a miner 2 minutes to mark the connections at a wage rate of \$41.39 per hour. The markings will last for 2 years, thus the average annual time spent on this is (.0167 hour) or 1 minute.

Section 75.1906(d) requires that diesel fuel transportation unit tanks and safety cans be conspicuously marked as containing diesel fuel. Large mines are estimated to have 4 tanks each and small mines are estimated to have 2 tanks each. In addition, each piece of mobile diesel equipment is estimated to carry one safety can. About 5,206 tanks and safety cans at large mines and 158 tanks and safety cans at small mines require marking. It will take a miner 2 minutes (0.0333 hours) to mark the tanks and safety cans at a wage rate of \$41.39 per hour. The markings will last for 2 years, thus the average annual time spent on this is (.0167 hour) or 1 minute.

Section 75.1911(j) requires a record to be made when inspecting certain diesel machines, for each fire suppression system inspection in which a defect is found. Section 75.1911(i) requires the inspection. The record must state the machine examined, defect found, and corrective action taken. MSHA estimates that 10 percent of the inspections required by section 75.1911(j) will disclose a defect. MSHA estimates that each record, including maintenance of the record, takes 5 minutes (0.0833 hours).

Sections 75.1912(i) A record is required for each fire suppression system in which a defect is found when inspecting permanent diesel fuel storage facilities in underground coal mines. Section 75.1912(h) contains the substantive testing and maintenance requirements. The record must include the facility examined, defect found, and corrective action taken. MSHA estimates that of mines using diesel equipment underground, 30% of large mines ($0.30 \times 133 = 40$) maintain permanent underground diesel fuel storage facilities but only 5% of small mines ($0.05 \times 18 = 1$) maintain permanent underground diesel fuel storage facilities. MSHA estimates that 10% of the weekly inspections will disclose a defect. MSHA estimates 50 exam weeks for a large mine and 40 exam weeks for a small mine. MSHA estimates that each record, including maintenance of the record, takes 5 minutes (0.0833 hrs).

Section 75.1914(f)(1) requires that weekly examinations be performed on diesel-powered equipment. Sections 75.1914(f)(2), and (h) provide for relevant recordkeeping. Only the results of those examinations disclosing a defect must be recorded. The record must include the machine examined, defect found, and corrective action taken. MSHA estimates that 25% of 50 large mine and 40 small mine examinations will show a

defect. MSHA estimates that it takes 5 minutes (or 0.0833 hours) for each record, including maintenance of records as required by paragraph (h).

Section 75.1914(g) requires mine operators to develop, in writing, standard operating procedures for testing undiluted diesel exhaust emissions. To account for new mines, which will require the development of these standard operating procedures, MSHA estimates that each year 1.5% of all large mines are new and 5% of all small mines are new. MSHA estimates that 50% of new large mines and 10% of new small mines will use diesel equipment. Hence, MSHA estimates that 2 large mines and 1 small mine using diesel equipment will open per year. MSHA estimates that it takes 2 hours of a supervisor's time to develop and maintain the testing procedures as required by paragraphs (g) and (h). Written procedures are similar for diesel-powered equipment that is of the same model, but will vary when the diesel machines are different models. On average, there are about 8 different diesel machine models in large mines and about 2 different models in small mines.

Sections 75.1914(g)(5) and (h) require that records be kept of weekly exams and tests of the undiluted exhaust emissions on certain pieces of diesel-powered equipment. For each piece of tested equipment, it takes 5 minutes (0.0833 hour) to make and retain the record required by paragraphs (g)(5) and (h). MSHA estimates there are 1,620 such pieces of equipment for large mines and 46 pieces of equipment for small mines and 50 exam weeks per year for large mines and 40 exam weeks for small mines.

Sections 75.1915(b)(5) and (c) require that the mine operator develop an initial and retraining program to qualify persons to perform maintenance, repairs, examinations, and tests on diesel-powered equipment; as required by section 75.1915(a). Paragraph (c) sets forth requirements concerning the records to be made and maintained. MSHA estimates that 2 new large mines and 1 new small mine using diesel equipment will begin operation per year and require the development of a training program. It takes 16 hours in a large mine and 10 hours in a small mine to develop and maintain the training program as required by paragraphs (b)(5) and (c).

Estimated Annualized Burden Hours and Costs								
(a) Type of Respondent	(b) Standard/ Data Collection Activity/ Form	(c) No. of Respon- dents	(d) Frequency of responses per Respon- dent	(e) Total No. of Responses (rounded to whole numbers) (c x d)	(f) Avg. Burden per Response (in hours/ to the 4 th decimal)	(g) Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Respondent Cost (g x h)
Business or other for- profit (Large mines)	75.1901(a): Proof of Diesel Fuel Purchase	67	25	1,675	.0500 hours (3 minutes)	84 hours	\$28.63	\$2,405
Business or other for- profit (Small mines)	75.1901(a): Proof of Diesel Fuel Purchase	9	20	180	.0500 hours (3 minutes)	9 hours	\$28.63	\$258
Business or other for- profit (Large mines)	75.1904(b)(4) (i) Marking Diesel Fuel Connections	532	1	532	.0167 hours (1 minute)	9 hours	\$41.39	\$373
Business or other for- profit (Small mines)	75.1904(b)(4) (i) Marking Diesel Fuel Connections	36	1	36	.0167 hours (1 minute)	1 hour	\$41.39	\$41
Business or other for- profit (Large mines)	75.1906(d) Marking Diesel Fuel Tanks	5,206	1	5,206	.0167 hours (1 minute)	87 hours	\$41.39	\$3,601
Business or other for- profit (Small mines)	75.1906(d) Marking Diesel Fuel Tanks	158	1	158	.0167 hours (1 minute)	3 hours	\$41.39	\$124
Business or other for- profit (Large mines)	75.1911(i): Fire Suppression Systems - Weekly Inspections	4,674	5	23,370	.0833 hours (5 minutes)	1,947 hours	\$28.63	\$55,743
Business or other for-	75.1911(i): Fire	122	4	488	.0833 hours (5 minutes)	41 hours	\$28.63	\$1,174

Estimated Annualized Burden Hours and Costs								
(a) Type of Respondent	(b) Standard/ Data Collection Activity/ Form	(c) No. of Respon- dents	(d) Frequency of responses per Respon- dent	(e) Total No. of Responses (rounded to whole numbers) (c x d)	(f) Avg. Burden per Response (in hours/ to the 4 th decimal)	(g) Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Respondent Cost (g x h)
Business or other for- profit (Large mines)	75.1901(a): Proof of Diesel Fuel Purchase	67	25	1,675	.0500 hours (3 minutes)	84 hours	\$28.63	\$2,405
profit (Small mines)	Suppression Systems - Weekly Inspections							
Business or other for- profit (Large mines)	75.1911(j): Fire Suppression System - Mfr- Recommen- ded Inspections	4,674	.2	935	.0833 hours (5 minutes)	78 hours	\$43.63	\$3,403
Business or other for- profit (Small mines)	75.1911(j): Fire Suppression System - Mfr- Recommen- ded Inspections	122	.2	24	.0833 hours (5 minutes)	2 hours	\$43.63	\$87
Business or other for- profit (Large mines)	75.1912 (h): Fire Suppression System - Weekly (Diesel Fuel Storage)	40	5	200	.0833 hours (5 minutes)	17 hours	\$28.63	\$487
Business or other for- profit (Small mines)	75.1912 (h): Fire Suppression System - Weekly (Diesel Fuel Storage)	1	4	4	.0833 hours (5 minutes)	1 hour	\$28.63	\$29
Business or other for- profit	75.1912 (j): Fire Suppression System - Mfr- Recommen- ded (Diesel Fuel Storage)	41	.2	8	.0833 hours (5 minutes)	1 hour	\$43.63	\$44

Estimated Annualized Burden Hours and Costs								
(a) Type of Respondent	(b) Standard/ Data Collection Activity/ Form	(c) No. of Respon- dents	(d) Frequency of responses per Respon- dent	(e) Total No. of Responses (rounded to whole numbers) (c x d)	(f) Avg. Burden per Response (in hours/ to the 4 th decimal)	(g) Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Respondent Cost (g x h)
Business or other for- profit (Large mines)	75.1901(a): Proof of Diesel Fuel Purchase	67	25	1,675	.0500 hours (3 minutes)	84 hours	\$28.63	\$2,405
Business or other for- profit (Large mines)	75.1914(f)(2): Weekly Exams of Diesel Equipment	4,674	13	60,762	.0833 hours (5 minutes)	5,062 hours	\$28.63	\$144,925
Business or other for- profit (Small mines)	75.1914(f)(2): Weekly Exams of Diesel Equipment	122	10	1,220	.0833 hours (5 minutes)	102 hours	\$28.63	\$2,920
Business or other for- profit (Large mines)	75.1914(g) & (h): Develop Testing Procedures (Exhaust)	2	8	16	2 hours	32 hours	\$99.60	\$3,187
Business or other for- profit (Small mines)	75.1914(g) & (h): Develop Testing Procedures (Exhaust)	1	2	2	2 hours	4 hours	\$99.60	\$398
Business or other for- profit (Large mines)	75.1914(g) (5): Records of Weekly Exams (Exhaust)	1,620	50	81,000	.0833 hours (5 minutes)	6,747 hours	\$28.63	\$193,167
Business or other for- profit	75.1914(g) (5): Records of Weekly Exams	46	40	1,840	.0833 hours (5 minutes)	153 hours	\$28.63	\$4,380

Estimated Annualized Burden Hours and Costs								
(a) Type of Respondent	(b) Standard/ Data Collection Activity/ Form	(c) No. of Respon- dents	(d) Frequency of responses per Respon- dent	(e) Total No. of Responses (rounded to whole numbers) (c x d)	(f) Avg. Burden per Response (in hours/ to the 4 th decimal)	(g) Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Respondent Cost (g x h)
Business or other for- profit (Large mines)	75.1901(a): Proof of Diesel Fuel Purchase	67	25	1,675	.0500 hours (3 minutes)	84 hours	\$28.63	\$2,405
(Small mines)	(Exhaust)							
Business or other for- profit (Large mines)	75.1915(b)(5) & (c): Training Program Development	2	1	2	16 hours	32 hours	\$99.60	\$3,187
Business or other for- profit (Small mines)	75.1915(b)(5) & (c): Training Program Development	1	1	1	10 hours	10 hours	\$99.60	\$996
Total		151 unique respon- dents		177,659		14,422 hours		\$420,929

13. Provide an estimate for 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 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.

Section 75.1914(g)(5) and (h). Mine operators will need to purchase an instantaneous gas analyzer that costs about \$2,000 per instrument to make records from weekly exams and tests of the undiluted exhaust emissions required by sections 75.1914(g)(5) and (h). All 133 large mines and 18 small mines using diesel equipment, are affected. The large mines have two analyzers and the small mines have one analyzer. The sampling devices have a useful life of 10 years, and purchase costs are annualized by using an annualization factor of 0.142 (annualized cost of \$284 each). Maintenance and calibration of each device cost \$852 per year.

	Large Mines	Small Mines	TO TAL
Number of Mines Affected	133	18	
Number of Analyzers per Mine	2	1	
Equipment Cost (\$284 each)	\$75,544	\$5,112	\$80,656
Maintenance and Calibration Cost (\$852 each)	\$226,632	\$15,336	\$241,968
TOTAL Annual Cost			\$322,624

Annual Cost Burden to Respondents or Record-keepers

Standard/ Data Collection Activity/ Instrument	Annual Capital Start-Up Cost (investments in overhead, equipment and other one-time expenditures)	Annual Operations and Maintenance Cost (such as recordkeeping, technical/professio nal services, etc.)	Annual Non- Labor Cost (expenditures on training, travel and other resources)	Total Annual Cost to Respondents
30 CFR				

75.1914 (g)(5) and (h)	80,656	241,968	0	\$322,624
Total	80,656	241,968	0	\$322,624

14. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

There is no cost to the Federal government (MSHA) directly associated with these record keeping requirements. None of the records in this information collection are submitted to MSHA for review or approval. The records are examined during normal mandatory inspections and do not significantly add to the time required to conduct those mandatory inspections.

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

The number of respondents decreased due to a reduction in the total number of active underground coal mines which includes a reduction the number of active mines using diesel-powered equipment (from 223 mines to 151). The number of affected mines and the total pieces of diesel-powered equipment have decreased, but large mines are using more heavy duty and permissible diesel-powered equipment. The increase in the number of pieces of heavy duty and permissible diesel-powered equipment, which require weekly exhaust testing, results in an overall increase in the number of annual responses, and burden hours show a slight increase as well.

Respondents:	Decrease of 72 (from 223 to 151)
Responses:	Increase of 8,656 (from 169,003 to 177,659)
Burden Hours:	Increase of 58 (from 14,364 to 14,422)
Cost:	Decrease of \$135,184 (from \$457,808 to \$322,624)

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.

There are no outline plans for tabulation and publication of data for this information collection.

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

MSHA associates no forms with this 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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.

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Federal Mine Safety & Health Act of 1977,
Public Law 91-173, as amended by Public Law 95-164

TITLE I--GENERAL
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. (h) In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

30 CFR PART 75 Subpart T: Diesel-Powered Equipment

§ 75.1901 Diesel fuel requirements.

- (a) Diesel-powered equipment shall be used underground only with a diesel fuel having a sulfur content no greater than 0.05 percent and a flash point of 100 [deg]F (38 [deg]C) or greater. Upon request, the mine operator shall provide to an authorized representative of the Secretary evidence that the diesel fuel purchased for use in diesel-powered equipment underground meets these requirements.

* * * * *

§ 75.1904 Underground diesel fuel tanks and safety cans;

* * * * *

- (b) Underground diesel fuel tanks must be provided with--

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- (4) Liquid tight connections for all tank openings that are--
 - (i) Identified by conspicuous markings that specify the function; and

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§ 75.1906(d) Transport of diesel fuel;

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- (d) Diesel fuel transportation unit tanks and safety cans must be conspicuously marked as containing diesel fuel.

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§. 75.1911 Fire suppression systems for diesel-powered equipment and fuel transportation units.

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- (i) Each fire suppression system shall be tested and maintained in accordance with the manufacturer's recommended inspection and maintenance program and as required by the nationally recognized independent testing laboratory listing or approval, and be visually inspected at least once each week by a person trained to make such inspections.
- (j) Recordkeeping. Persons performing inspections and tests of fire suppression systems under paragraph (i) shall record when a fire suppression system does not meet the installation or maintenance requirements of this section.
 - (1) The record shall include the equipment on which the fire suppression system did not meet the installation or maintenance requirements of this section, the defect found, and the corrective action taken.

(2) Records are to be kept manually in a secure manner not susceptible to alteration or recorded electronically in a secured computer system that is not susceptible to alteration.

(3) Records shall be maintained at a surface location at the mine for one year and made available for inspection by an authorized representative of the Secretary and miners' representatives.

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§ 75.1912 Fire suppression systems for permanent underground diesel fuel storage facilities.

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(h) Each fire suppression system shall be tested and maintained in accordance with the manufacturer's recommended inspection and maintenance program and as required by the nationally recognized independent testing laboratory listing or approval, and be visually inspected at least once each week by a person trained to make such inspections.

(i) Recordkeeping. Persons performing inspections and tests of fire suppression systems under paragraph (h) shall record when a fire suppression system does not meet the installation or maintenance requirements of this section.

(1) The record shall include the facility whose fire suppression system did not meet the installation or maintenance requirements of this section, the defect found, and the corrective action taken.

(2) Records are to be kept manually in a secure manner not susceptible to alteration or recorded electronically in a secured computer system that is not susceptible to alteration.

(3) Records shall be maintained at a surface location at the mine for one year and made available for inspection by an authorized representative of the Secretary and miners' representatives.

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§ 75.1914 Maintenance of diesel-powered equipment.

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(f) All diesel-powered equipment shall be examined and tested weekly by a person qualified under Sec. 75.1915.

(1) Examinations and tests shall be conducted in accordance with approved checklists and manufacturers' maintenance manuals.

(2) Persons performing weekly examinations and tests of diesel-

powered equipment under this paragraph shall make a record when the equipment is not in approved or safe condition. The record shall include the equipment that is not in approved or safe condition, the defect found, and the corrective action taken.

- (g) Undiluted exhaust emissions of diesel engines in diesel-powered equipment approved under part 36 and heavy-duty nonpermissible diesel-powered equipment as defined in Sec. 75.1908(a) in use in underground coal mines shall be tested and evaluated weekly by a person who is trained to perform this task. The mine operator shall develop and implement written standard operating procedures for such testing and evaluation that specify the following:

* * *

(5) The maintenance of records necessary to track engine performance.

- (h) Recordkeeping. Records required by paragraphs (f)(2) and (g)(5) shall be

—
(1) Recorded in a secure book that is not susceptible to alteration, or recorded electronically in a computer system that is secure and not susceptible to alteration; and

(2) Retained at a surface location at the mine for at least 1 year and made available for inspection by an authorized representative of the Secretary and by miners' representatives.

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§ 75.1915 Training and qualification of persons working on diesel-powered equipment.

- (a) To be qualified to perform maintenance, repairs, examinations and tests on diesel-powered equipment, as required by [§ 75.1914](#), a person must successfully complete a training and qualification program that meets the requirements of this section. A person qualified to perform these tasks shall be retrained as necessary to maintain the ability to perform all assigned diesel-powered equipment maintenance, repairs, examinations and tests.
- (b) A training and qualification program under this section must:

* * *

(5) Be in writing. The written program shall include a description of the course content, materials, and teaching methods for initial training and retraining.

(c) Recordkeeping. The operator shall maintain a copy of the training and qualification program required by this section and a record of the names of all persons qualified under the program.

(1) The record of the names of qualified persons shall be made in a manner that is not susceptible to alteration, or recorded electronically in a computer system that is secure and not susceptible to alteration.

(2) The training and qualification program and record of qualified persons are to be kept at surface location of the mine and made available for inspection by an authorized representative of the Secretary and by miners' representatives.