

1219-0144
11/2016

**Supporting Statement for
Paperwork Reduction Act Submissions**

OMB Control Number: 1219 – 0144

Information Collection Title: Coal Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements

Form Number(s): MSHA Form 2000-224, Operator’s Annual Certification of Mine Rescue Team Qualifications

MSHA Form 5000-3, Certificate of Physical Qualification for Mine Rescue Work

Authority: 30 CFR Sections

49.12 Availability of mine rescue teams;
49.13 Alternative mine rescue capability for small and remote mines;
49.16 Equipment and maintenance requirements;
49.17 Physical requirements for mine rescue team;
49.18 Training for mine rescue teams;
49.19 Mine emergency notification plan;
49.50 Certification of coal mine rescue teams;
75.1713-1 Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements; and
77.1702 Arrangements for emergency medical assistance and transportation for injured persons; reporting requirements; posting requirements.

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 of each regulation mandating or authorizing the collection of information.

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

30 CFR Part 49, Mine Rescue Teams, Subpart B—Mine Rescue Teams for Underground Coal Mines, sets standards related to the availability of mine rescue teams; alternate mine rescue capability for small and remote mines; inspection and maintenance records of mine rescue equipment and apparatus; physical requirements for mine rescue team members and alternates; and experience and training requirements for team members and alternates.

Section 49.12 provides that each underground coal mine operator establish at least two mine rescue teams to be available at all times that miners are underground, or the operator must enter into an arrangement for mine rescue services to ensure that at least two teams are available at all times when miners are underground. Among other things, this standard also requires each operator of an underground coal mine to send the District Manager a statement describing the mine's method of compliance with this subpart. The operator must post a copy of the statement at the mine for the miners' information and provide a copy of the statement to the miners' representative.

Section 49.13 provides that operators of small and remote mines may submit an application to MSHA for approval of an arrangement for alternative mine rescue capability. Typically, a small and remote mine is one where the total underground employment of the mine and any surrounding mine(s) within 1 hour ground travel time is less than 36 employees.

Section 49.16 includes a detailed listing of equipment that is to be provided for each mine rescue station. This provision requires that the equipment be maintained to ensure that it

1219-0144
11/2016

is ready to use when needed; and requires that a person trained in the use and care of the breathing apparatus inspect and test it at least every 30 days, certify by signature and date that the inspections and tests were done, and record any corrective action taken. This provision also requires that the certification and the record of corrective action be kept at the mine rescue station for a period of one year and made available to an authorized representative of the Secretary.

Section 49.17 requires that each member of a mine rescue team be examined annually by a physician who must certify that each person is physically fit to perform mine rescue and recovery work. The first physical examination must be completed within 60 days prior to scheduled initial training. The operator must have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team and keep the forms on file at the mine rescue station for a period of one year.

Section 49.18 requires that prior to serving on a mine rescue team, each member must complete an initial 20-hour course of instruction in the use, care, and maintenance of the type of breathing apparatus that will be used by the mine rescue team. On completion of the initial training, all team members must receive at least 96 hours of refresher training annually, which shall include participation in local mine rescue contests and training at the covered mine. Training shall be given at least 8 hours every 2 months. A record of the training received by each mine rescue team member must be made and kept on file at the mine rescue station for a period of one year. The operator must provide the District Manager information concerning the schedule of upcoming training when requested.

Section 49.19 requires that each mine have a mine rescue notification plan outlining the procedures to be followed in notifying the mine rescue teams when there is an emergency that requires their service where a miners' representative has been designated. The operator shall also provide the representative with a copy of the plan. A copy of the plan must be posted at the mine for the miners' information.

Section 49.50 requires underground coal mine operators to certify that each designated coal mine rescue team meets the requirements of 30 CFR part 49 subpart B.

Sections 75.1713-1 and 77.1702 require operators to make arrangements for 24-hour emergency medical assistance and transportation for injured persons and to post this information at appropriate places at the mine, including the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements.

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

The respondents for this information collection are underground coal mine operators. The records will be used by coal mine operators, supervisors, miners, and State and Federal mine inspectors to assure that each mine operator and mine rescue team is prepared for a mine emergency. The records show that the mine rescue team equipment has been examined and tested and is in good working order. The training records show that the mine rescue team members are competent to respond to a mine emergency involving a fire, an explosion, or a gas or water inundation. The records greatly assist those who use them to make decisions that ultimately may affect the safety of all persons working underground. Respondents for this information collection also include underground and surface coal mine operators required to make arrangements for 24-hour emergency medical assistance. Records are to be posted at appropriate places at the mine.

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 provisions contained in this collection do not specify how mine operators must keep records. Mine operators may retain the records by whatever method they choose. Mine operators may keep records in a bound book or store them electronically, provided they are secure and not susceptible to loss or alteration. Existing standards require some hand-written annotation in the form of a signature and date certifying the completion of mine rescue equipment inspections and tests.

MSHA requires that a Certificate of Physical Qualification for Mine Rescue Work (MSHA Form 5000-3) must be completed and signed by the examining physician for each team member. MSHA Form 5000-3 is available at <https://www.msha.gov/support-resources/forms-online-filing/2015/04/15/certificate-physical-qualification-mine-rescue-work> and is not submitted via electronic or other means. Mine operators keep it on file at the mine rescue station for one year.

MSHA also has developed an optional use form, MSHA Form 2000-224, that aids in the electronic submission of this information that the mine operator may use for certification of mine rescue teams. This form is available at <https://www.msha.gov/support-resources/forms-online-filing/2015/11/18/operator%E2%80%99s-annual-certification-mine-rescue-teams> and is submitted electronically approximately 50 percent of the time via email.

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

MSHA knows of no other Federal or State reporting requirements that duplicate the reporting requirements contained in this section.

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

This information collection will not have a significant adverse economic impact on a substantial number of small entities. Nevertheless, the mine rescue team standards include alternatives for small anthracite coal mines to provide smaller mine rescue teams and less equipment. To minimize paperwork burden on small mines, MSHA developed an optional form for the mine operator to use for certification of mine rescue teams.

In certain states, small operators have gained relief through agreements through which state-sponsored teams and state-maintained mine rescue stations provide mine rescue capability. Where mines use state-sponsored teams, the mine operator does not bear the recordkeeping burden associated with sections 49.16 through 49.18 or the costs of training, equipping, and maintaining rescue teams or a rescue station.

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

If mine operators did not conduct this information collection, MSHA would be unable to assure that mine rescue team members received the appropriate training, that arrangements for 24-hour emergency medical assistance and transportation for injured persons is posted, and that mine rescue equipment was properly maintained. A reduction in the frequency of inspections and tests could jeopardize the safety of mine rescue team members, as well as the trapped or injured miners whose lives they are trying to save.

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

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

- **requiring respondents to report information to the agency more often than quarterly;**

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

This collection of information is consistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day Federal Register notice on July 29, 2016 (81 FR 50023). 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 the respondents identified by this collection.

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

There is no assurance of confidentiality provided to respondents. Mine rescue team records are maintained at the mine rescue station and MSHA inspectors review the records during inspections. Mine operators submit certifications of mine rescue teams to MSHA.

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

This collection of information contains no questions of a sensitive nature.

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

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

1219-0144
11/2016

At the end of 2015 there were approximately 200 active underground coal mines serviced by 75 mine rescue stations, each of which are respondents for this collection totaling 275. There were 128 mine rescue teams.

Hourly wages in this answer are from Bureau of Labor Statistic (BLS), Occupational Employment Statistics (OES) May 2015 survey¹. MSHA increased the OES hourly wage rates for benefits by a 1.49 benefit scaling factor² to obtain fully loaded wages.

Section 49.12 Availability of Mine Rescue Teams

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

MSHA estimates that the method of compliance changes at 5% of the mines in any given year. MSHA estimates that it requires an average of 1 hour to prepare, mail, post, and provide a new or revised statement to the miners' representative, assuming the mine has a miner's representative. This work is usually performed by a safety department manager earning \$95.55 per hour for underground coal mines.³

Respondents = 10 respondents (200 existing mines x 0.05 changes)

Responses

x 10 respondents/mine x 1 response = 10 Responses

Hour Burden (Third Party Disclosure)

10 responses x 1 hr./statement = 10 hrs.

¹ For those not familiar with the OES survey, see item "E3. How to get OES data. What are the different ways to obtain OES estimates from this website?" at http://www.bls.gov/oes/oes_ques.htm.

² The benefit scaler comes from BLS Employer Costs for Employee Compensation access by menu <http://www.bls.gov/data/> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. The data series CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average 2015Qtr2-2016Qtr1 to determine that 33.0 percent of total loaded wages are benefits. The scaling factor = $1 + (\text{benefits}/(1-\text{benefits})) = 1 + (.33/(1-.33)) = 1.49$.

³ Hourly wages from OES May 2015 survey, Standard Occupational Classification (SOC) code 11-3000. Operations Specialties Managers; Coal Mining; (NAICS code 212100). MSHA used the 75th percentile. wage rate for the highly experienced rescue team members. MSHA multiplied the wage rate of \$64.13 times the 1.49 benefit scaling factor to obtain a fully loaded hourly wage of \$95.55.

1219-0144
11/2016

Hour Burden Cost

10 hrs. x \$95.55/hr. = \$956

Section 49.13 Alternative Mine Rescue Capability for Small and Remote Mines

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

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

MSHA estimates that each year one new underground coal mine will submit an application under section 49.13 and one existing underground coal mine will submit a revised application. MSHA estimates that it takes an average of 2 hours to prepare, mail, post, and where a miner's representative has been designated, provide a copy of a new or revised application for alternative mine rescue capability to the miners' representative, and to post and provide a copy of the approved plan to the miners' representative. This work is usually performed by a safety manager earning \$95.55 per hour for underground coal mines.

Respondents = 2 respondents

Responses

2 respondents/mine x 1 response/application = 2 Responses

Hour Burden (Third Party Disclosure)

2 responses x 2 hrs./application = 4 hrs.

Hour Burden Cost

4 hrs. x \$95.55/hr. = \$382

Section 49.16 Equipment and Maintenance Requirements

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

This requirement imposes paperwork burden on the 128 mine rescue teams located at 75 mine rescue stations. MSHA requires that each mine rescue station have at least 12 breathing apparatuses. MSHA estimates that it takes an average of 6 minutes to certify and file the certification for each apparatus. MSHA further estimates that, on average, each apparatus requires corrective action two times a year and that it would take approximately 15 minutes to record and file each corrective action. MSHA's experience is that underground coal miners, earning \$39.80 per hour, inspect, maintain, and certify the apparatus and record the corrective actions.⁴

Respondents = 75 respondents

Responses

Inspect and Certify Apparatus	
75 respondents (stations) x 12 apparatus/station	
x 12 inspections/yr. =	10,800 Responses
Record Corrective Actions	
75 respondents (stations) x 12 apparatus/station	
x 2 defects/yr. =	<u>1,800 Responses</u>
Responses	12,600 Responses

Hour Burden

Inspect and Certify Apparatus	
10,800 responses x 6 minutes/inspection =	1,080 hrs.
Record Corrective Actions	
1,800 responses x 15 minutes/defect =	<u>450 hrs.</u>
Hour Burden =	1,530 hrs.

Hour Burden Cost

1,080 hrs. x \$39.80/hr. =	\$42,984
450 hrs. x \$39.80/hr. =	<u>\$17,910</u>
Hour Burden Cost =	\$60,894

⁴ Hourly wages from OES May 2015 survey, Standard Occupational Classification (SOC) code 47-0000, Construction and Extraction Occupations; Coal Mining; (NAICS code 212100). MSHA multiplied the mean wage rate of \$26.71 times the 1.49 benefit scaling factor to obtain a fully loaded hourly wage of \$39.80.

Section 49.17 Physical Requirements for Mine Rescue Team / MSHA Form 5000-3

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

There are approximately 128 mine rescue teams with at least six members per team. MSHA estimates that, on average, each mine rescue team will have one new or replacement member each year. The captains of the rescue teams gather and maintain the forms. This requires no more than 15 minutes per form. The hour burden cost for this recordkeeping requirement is based on an average hourly wage of \$95.55 for an underground coal mine rescue team captain. MSHA addresses the cost for the physical in Item 13.

Respondents = 128 respondents

Responses

128 teams x 6 members/teams =	768 Responses
128 teams x 1 new member/teams =	<u>128 Responses</u>
Responses	896 Responses

Hour Burden

768 responses x 15 minutes/record =	192 hrs.
128 responses x 15 minutes/record =	<u>32 hrs.</u>
Hour Burden =	224 hrs.

Hour Burden Cost

192 hrs. x \$95.55/hr. =	\$18,346
32 hrs. x \$95.55/hr. =	<u>\$3,058</u>
Hour Burden Cost	\$21,404

Section 49.18 Training for Mine Rescue Teams

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

1219-0144
11/2016

MSHA estimates that there are 75 mine rescue stations that maintain 128 teams, averaging six members per team. MSHA estimates that, on the average, each mine rescue team will have one new or replacement member each year. Training records are usually maintained by the team captain. MSHA estimates that the trainer needs approximately 12 minutes to make, file, and maintain a record of training for each team member. The hour burden cost of the training and recordkeeping provided by team captains and safety managers is based on an average hourly wage of \$95.55 for underground coal mines.

Respondents = 128 respondents

Responses

128 teams x 6 members/team =	768 Responses
128 teams x 1 new member/team =	<u>128 Responses</u>
Responses	896 Responses

Hour Burden

768 responses x 12 minutes/record =	154 hrs.
128 responses x 12 minutes/record =	<u>26 hrs.</u>
Hour Burden	180 hrs.

Hour Burden Cost

154 hrs. x \$95.55/hr. =	\$14,715
26 hrs. x \$95.55/hr. =	<u>\$2,484</u>
Hour Burden Cost =	\$17,199

Section 49.19 Mine Emergency Notification Plan

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

MSHA estimates new and revised notification plans require an average of 2 hours to prepare, mail, post, and provide to the miners' representative. This work is usually performed by a safety manager earning \$95.55 per hour for underground coal mines.

Respondents = 10 respondents (200 existing mines x 0.05 changes)

Responses

200 existing mines x 0.05 changes/yr. =	10 Responses
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1219-0144
11/2016

Hour Burden (Third Party Disclosure)

10 existing mine responses x 2 hrs./response = 20 hrs.

Hour Burden Cost

20 hrs. x \$95.55/hr. = \$1,911

Section 49.50 Certification of Coal Mine Rescue Teams / MSHA Form 2000-224

Under section 49.50, the operator of an underground coal mine must send the District Manager an annual statement certifying that each mine rescue team designated to provide mine rescue coverage meets the requirements of this section. Each underground coal mine operator has to certify two mine rescue teams, and there are two responses per mine as each operator fills out two MSHA Forms 2000-224, one statement for each team. For this purpose, the mine operator may use MSHA Form 2000-224, "Operator's Annual Certification of Mine Rescue Team Qualifications," an optional form for certifying mine rescue teams.

MSHA estimates that it will take a mine supervisor, earning \$95.55 per hour, approximately 15 minutes to certify each mine rescue team (2), and a clerical employee, earning \$23.26 per hour, 30 seconds to send in the statement certifying the two mine rescue teams.⁵

Respondents = 200 respondents

Responses

Certifying

200 respondents/mines x 2 certifying response = 400 Responses

Clerical Work

200 respondents/mines x 2 clerical response = 400 Responses

Responses = 800 Responses

Hour Burden

Certifying

400 responses x 15 minutes/annual statement = 100 hrs.

Clerical Work

400 responses x 30 seconds/to send annual statement = 3 hrs.

Hour Burden = 103 hrs.

⁵ Hourly wages from OES May 2015 survey, Standard Occupational Classification (SOC) code 43-9061, Office Clerks General; Coal Mining; (NAICS code 212100). MSHA multiplied the mean wage rate of \$15.61 times the 1.49 benefit scaling factor to obtain a fully loaded hourly wage of \$23.26.

1219-0144
11/2016

Hour Burden Cost

100 hr. x \$95.55/hr. =	\$9,555
3 hrs. x \$23.26/hr. =	<u>\$70</u>
Hour Burden Cost =	\$9,625

Section 75.1713-1 Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements

Under 30 CFR 75.1713-1(a), (b), and (e), operators of underground coal mines are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine. The required information needs to be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. MSHA estimates that approximately 5 percent of the underground mines experience changes in circumstances that require revising and posting new medical emergency arrangements in any given year.

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by a safety manager or mine superintendent with an estimated average hourly wage of \$95.55.

Respondents = 10 respondents (200 existing mines x 0.05 revisions)

Responses

200 existing mines x 0.05 revisions/mine =	10 Responses
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Hour Burden (Third Party Disclosure)

10 existing mines x 2 hr./revised agreement =	20 hrs.
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Hour Burden Cost

20 hrs. x \$95.55/hr.=	\$1,911
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Section 77.1702 Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Reporting Requirements; Posting Requirements

Under 30 CFR 77.1702(a), (b), and (e), operators of surface coal mines, surface areas of underground coal mines, and surface coal mine facilities are required to make

arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine. The required information needs to be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. Approximately 921 surface coal mines and facilities reported employment in 2015. MSHA estimates that approximately 5 percent of these surface mines or facilities experience changes in circumstances that require revising and posting new medical emergency arrangements and that 10 new surface operations open each year.

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

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by a safety manager with an estimated average hourly wage of \$95.55 for surface coal mine managers.

Respondents = 56 respondents [10 respondents (10 new mine or facility x 1 response) + 46 respondents (926 existing mines or facilities x 0.05 revisions)]

Responses

10 respondents/ new mines or facilities x 1 response =	10 Responses
46 respondents/ mines x 1 response =	<u>46 Responses</u>
Responses =	56 Responses

Hour Burden (Third Party Disclosure)

10 new mines responses x 2 hrs./agreement =	20 hrs.
46 existing mines responses x 2 hrs./revision =	<u>92 hrs.</u>
Hour Burden =	112 hrs.

Hour Burden Cost

112 hrs. x \$95.55/hr. =	\$10,702
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QUESTION 12 ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

(a) Type of Respondent	(b) Standard/ Form Number/ CFR Section	(c) No. of Respondents	(d) Frequency of Responses per Respondent	(e) Total No. of Responses* (c x d)	(f) Avg. Burden per Response (in hrs.)	(g) Total Annual Burden (in hrs.) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Respondent Cost (g x h)
Business or other for-profit	49.12	10	1	10	1	10 (3 rd party discl.)	\$95.55	\$956
Business or other for-profit	49.13	2	1	2	2	4 (3 rd party discl.)	\$95.55	\$382
Business or other for-profit (<i>Certify</i>)	49.16	75	144	10,800	0.1	1,080 (record-keeping)	\$39.80	\$42,984
Business or other for-profit (<i>Record Corrective Actions</i>)	49.16	75	24	1,800	0.25	450 (record-keeping)	\$39.80	\$17,910
Business or other for-profit	49.17 / MSHA Form 5000-3	128	7	896	0.25	224 (record-keeping)	\$95.55	\$21,404
Business or other for-profit	49.18	128	7	896	0.20089	180 (record-keeping)	\$95.55	\$17,199
Business or other for-profit	49.19	10	1	10	2	20 (3 rd party discl.)	\$95.55	\$1,911
Business or other for-profit	49.50 / MSHA Form 2000-224	200	4	400 (record-keeping) 400 (reporting)	0.12875	100 (record-keeping) 3 (reporting)	100 at \$95.55 & 3 at \$23.26	\$9,625
	(Part 49 Subtotal)			15,214		2,071		\$112,371
Business or other for-profit	75.1713-1	10	1	10	2	20 (3 rd party discl.)	\$95.55	\$1,911
Business or other for-profit	77.1702	56	1	56	2	112 (3 rd party discl.)	\$95.55	\$10,702
Total				15,280		2,203		\$124,984

* Rounded to whole numbers

Total Burden By Type	Responses	Hours
Reporting =	400	3
Recordkeeping =	14,792	2,034
Third Party Disclosure =	88	166

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.**

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

Section 49.12 Availability of Mine Rescue Teams

Under section 49.12, each operator of an underground coal mine must send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided

1219-0144
11/2016

mine rescue teams or entered into an agreement for the services of mine rescue teams. MSHA estimates that 10 new underground coal mines open each year and that the method of compliance changes at 5% of the mines in any given year. MSHA estimates that it would cost \$0.70 for postage and supplies to send the statement to MSHA. MSHA estimates that the operator submits the statement electronically 50 percent of the time.

Burden Cost

10 new mines x 0.5 = 5 mines not submitting electronically/yr.
5 new mines x \$1.00/statement = \$5

Section 49.13 Alternative Mine Rescue Capability for Small and Remote Mines

Under section 49.13, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. The operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. MSHA estimates that underground coal mine operators will submit an average of 2 new or revised applications each year. MSHA estimates that it would cost \$5.00 for postage and supplies to send the application to MSHA. MSHA estimates that the operator submits the statement electronically 50 percent of the time.

Burden Cost

(2 new or revised applications/yr.) x 0.5 = 1 application/yr.
not submitted electronically
1 application x \$5.00/application = \$5

Section 49.17 Physical Requirements for Mine Rescue Team/ MSHA Form 5000-3

Under section 49.17, each mine rescue team member must be examined by a physician annually, and the examining physician must complete and sign an MSHA Form 5000-3 for each team member. MSHA estimates that, on average, each mine rescue team will have six members and, on average, one new or replacement member each year. MSHA estimates that the cost of the physical examination, including completing and signing the form, is \$300⁶.

Burden Cost

128 teams x 6 members/team x \$300/examination = \$230,400
128 teams x 1 member/team x \$300/examination = \$38,400
Burden Cost = \$268,800

⁶ Physical exam costs rounded from Medical Expenditure Panel Survey (MEPS), https://meps.ahrq.gov/mepsweb/data_stats/MEPSnetHC/startup. 2013 Full Year Person-Level File, Analysis Variable: Obdtch13 - Office-Based Physician Visit Charges 13. Median value adjusted for medical inflation 2016/2013 (http://data.bls.gov/timeseries/CUUR0000SAM?output_view=pct_12mths) (Median \$280.97 x 1.052 = \$295.58 rounded to \$300).

Section 49.18 Training for Mine Rescue Teams

Under section 49.18, each mine rescue team member must receive 20 hours of initial training before serving on a team and an additional 96 hours of refresher training annually. The training must be conducted by an MSHA approved instructor. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 10 percent of the mine rescue team training is conducted by an independent training contractor. MSHA estimates that a trainer normally trains two teams concurrently and new members individually, and completes the required records of training. MSHA estimates that the average rate for a training contractor is \$400 per hour and that there is no additional charge for the contractor's preparation time.

Burden Cost

128 teams x (96 hours/2 teams) x 0.10 x \$400/hr. =	\$245,760
128 teams x 1 new member/team x 20 hrs./new member x 0.10 x \$400/hr. =	<u>\$102,400</u>
Burden Cost =	\$348,160

Section 49.50 Certification of Mine Rescue Teams / MSHA Form 2000-224

The mine rescue team standards require all underground coal mine operators with underground miners to send the District Manager an annual statement certifying that each of the mine's two designated mine rescue teams meets the requirements in Table 49.50-A and Table 49.50-B of section 49.50. MSHA estimates that it would cost \$1 for postage and handling for the operator to send the certification of mine rescue teams to MSHA for the 50 percent of the 200 mines (100) that are not submitted electronically.

Burden Cost

100 active underground coal mines x \$1 postage & handling =	\$100
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**ANNUAL COST BURDEN
TO RESPONDENTS OR RECORD-KEEPERS**

Standard/ Data Collection Instrument/ CFR Section	Annual Capital Start-Up Cost (investments in overhead, equipment and other one-time expenditures)	Annual Operations and Maintenance Cost (such as recordkeeping, technical/ professional services, etc.)	Annual Non-Labor Cost (expenditures on training, travel and other resources)	Total Annual Cost to Respondents
49.12	\$0	\$0	\$5	\$5
49.13	\$0	\$0	\$5	\$5
49.17 / MSHA Form 5000-3	\$0	\$268,800	\$0	\$268,800
49.18	\$0	\$0	\$348,160	\$348,160
49.50 / MSHA Form 2000-224	\$0	\$0	\$100	\$100
Total	\$0	\$268,800	\$348,270	\$617,070

Total Burden By Type	Cost
Reporting =	\$617,070

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

MSHA inspectors examine most records related to mine rescue teams and arrangements for emergency medical assistance and transportation for injured persons during routine inspections at the mine or the mine rescue station. MSHA estimates that the time expended for reviewing these records is minimal and, therefore, no cost burden has been assigned. MSHA estimates that it takes an Agency safety specialist (GS 12) earning \$53.08 per hour⁷ including benefits, approximately 1 hour to review and acknowledge the

⁷ Hourly wage rate developed from Office of personnel Management (OPM) December 2015 *FedScope* employment cube, <http://www.fedscope.opm.gov/> . Average annual salary of \$80,153 obtained from DOL-MSHA employees. Data search qualifiers are: agency = DLMS, occupation = 1822, Salary Grade = GS-12. In order to include the cost of benefits, the average annual salary was multiplied by a benefit scaler of 1.382. [\$53.08 = (\$80,153 x 1.382) ÷ 2,087 annual hrs.]

1219-0144
11/2016

average statement or certification, and an Agency clerk (GS 5), earning \$22.53 per hour⁸ including benefits, approximately 15 minutes (0.25 hour) to process and file the statement.

All costs to the Federal government consist of staff salaries and benefits. The costs for the Agency's review of statements of rescue team availability under section 49.12, review and approval of applications for alternative mine rescue capability under section 49.13, and review of certifications of rescue team qualifications under section 49.50 are as follows:

Section 49.12 Availability of Mine Rescue Teams

Cost to Federal Government

10 statements x 1 hr. x \$53.08/hr.=	\$531
10 statements x 15 minutes x \$22.53/hr.=	<u>\$56</u>
Cost to Federal Government =	\$587

Section 49.13 Alternative Mine Rescue Capability for Small and Remote Mines

Cost to Federal Government

2 applications x 1 hr. x \$53.08/hr.=	\$106
2 applications x 15 minutes x \$22.53/hr. =	<u>\$11</u>
Cost to Federal Government =	\$117

Section 49.50 Certification of Mine Rescue Teams /MSHA Form 2000-224

Cost to Federal Government

200 mines x 2 certifications x 30 minutes x \$53.08/hr. =	\$10,616
200 mines x 2 certifications x 15 minutes x \$22.53/hr. =	<u>\$2,253</u>
Cost to Federal Government =	\$12,869

TOTAL ANNUAL COST TO THE FEDERAL GOVERNMENT

Section / Form / CFR Section	Cost
49.12	\$587
49.13	\$117
49.50 / MSHA Form 2000-224	\$12,869
Total	\$13,573

⁸ Hourly wage rate developed from Office of personnel Management (OPM) December 2015 *FedScope* employment cube, <http://www.fedscope.opm.gov/> . Average annual salary of \$34,019 obtained from DOL-MSHA employees. Data search qualifiers are: DLMS, occupation = 1802, Salary Grade = GS-5. In order to include the cost of benefits, the average annual salary was multiplied by a benefit scaler of 1.382. [\$22.53 = (\$34,019 x 1.382) ÷ 2,087 annual hrs.]

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

There are no program changes; however, adjustments were made to burden hours and costs. As shown in the table below, the number of burden hours, responses, and respondents have decreased since the last submission as the result of a reduction in the number of active coal mines and fewer new mines being opened. As shown in the cost burden table below, the annual cost burden decreased as well due to the reduction in the number of active coal mines and fewer new mines being opened. All adjustments are shown in the tables below.

ITEMIZED CHANGES IN ANNUAL BURDEN HOURS

Standard/ Data Collection Instrument/ CFR Section	Adjustment (hours on current OMB Inventory)	Adjustment (New)	Difference
49.12	44	10	-34
49.13	4	4	0
49.16	2,081	1,530	-551
49.17 / MSHA Form 5000-3	308	224	-84
49.18	246	180	-66
49.19	88	20	-68
49.50 / MSHA Form 2000-224	196	103	-93
75.1713-1	88	20	-68
77.1702	290	112	-178
Total(s)	3,345	2,203	-1,142

ITEMIZED CHANGES IN ANNUAL COST BURDEN

Data Collection Activity/ Instrument/ Regulation	Adjustment (Cost on Current OMB Inventory)	Adjustment (New)	Difference
49.12	\$15	\$5	-\$10
49.13	\$5	\$5	\$0
49.17 / MSHA Form 5000-3	\$308,000	\$268,800	-\$39,200
49.18	\$478,720	\$348,160	-\$130,560
49.50 / MSHA Form 2000-224	\$188	\$100	-\$88

Total(s)	\$786,928	\$617,070	-\$169,858
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SUMMARY OF CHANGES

Summary of Changes in Totals:	Last Approval	This Renewal	Change
Hours	3,345	2,203	-1,142
Respondents	477	275	-202
Responses	21,379	15,280	-6,099
Costs	\$786,928	\$617,070	-\$169,858

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

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

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

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

18. Explain each exception to the 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

The collection of this information does not employ statistical methods.