

OMB Control No.: 1219-0089  
Expiration date: 6/30/2020

## **SUPPORTING STATEMENT**

**Information Collection Title:** Safety Defects; Examination, Correction, and Records

**Authorities:** 30 CFR sections 56/57.13015, 56/57.14100, 56/57.13030, 56/57.18002, 56/57.18002(b) and (c), and 56/57.18002(d) (pertains to metal and nonmetal surface and underground mines)

**Collection Instrument(s):** None

### **A. Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (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.

Sections 56.13015 and 57.13015 require compressed-air receivers and other unfired pressure vessels to be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a Manual for Boiler and Pressure Vessels Inspectors, 1979. Safety defects found on compressed-air receivers and other unfired pressure vessels have caused injuries and fatalities in the mining industry.

Records of inspections must be kept in accordance with the requirements of the National Board Inspection Code and the records must be made available to the Secretary or an authorized representative.

Sections 56.13030 and 57.13030 require that fired pressure vessels (boilers) must be equipped with water level gauges, pressure gauges, automatic pressure-relief valves, blowdown piping, and other safety devices approved by the American Society of

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Mechanical Engineers (ASME) to protect against hazards from overpressure, flameouts, fuel interruptions, and low water level.

These sections also require that records of inspection and repairs be retained by the mine operator in accordance with the requirements of the ASME Boiler and Pressure Vessel Code, 1977, and the National Board Inspection Code, 1979, (progressive records - no limit on retention time) and shall be made available to the Secretary or an authorized representative.

Sections 56.14100 and 57.14100 require operators to inspect equipment, machinery, and tools that are to be used during a shift for safety defects before the equipment is placed in operation. Defects affecting safety are required to be corrected in a timely manner. In instances where the defect makes continued operation of the equipment hazardous to persons, the equipment must be removed from service, tagged to identify that it is out of use, and repaired before use is resumed.

Safety defects on self-propelled mobile equipment account for many injuries and fatalities in the mining industry. Inspection of this equipment prior to use is required to ensure safe operation. The equipment operator is required to make visual and operational checks of the various primary operating systems that affect safety, such as brakes, lights, horn, seatbelts, tires, steering, back-up alarm, windshield, cab safety glass, rear and side view mirrors, and other safety and health related items. Any defects found are required to be either corrected immediately, or reported to and recorded by the mine operator prior to the timely correction. The precise format in which the record is kept is left to the discretion of the mine operator.

Reports of uncorrected defects are required to be recorded by the mine operator and kept at the mine office from the date the defects are recorded until the defects are corrected.

Sections 56.18002 and 57.18002 require a competent person designated by the operator to examine each working place at least once each shift before miners begin working in that place and to promptly initiate appropriate corrective action when adverse conditions are found. The operator must also notify miners of any adverse conditions found that are not corrected before miners are potentially exposed to such hazards. If conditions noted by the competent person are an imminent danger, the operator must withdraw all persons from the area.

A record of each examination must be made before the end of the shift for which the examination was conducted and must include the name of the person conducting the examination, date of the examination, location of all areas examined, and a description of each condition found that may adversely affect the safety or health of miners. When a condition that may adversely affect safety or health is corrected, the examination record must include, or be supplemented to include, the date of the corrective action. A record

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of such examinations must be kept by the operator for 1 year and must be made available for inspection by authorized representatives of the Secretary and the representatives of miners, with a copy provided upon request.

**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 records are used by industry management and maintenance personnel to ensure that defects are not overlooked, that repairs are made, and to monitor when and how often maintenance is performed on certain equipment, machinery, and tools. Additionally, the inspection records indicate any hazards that were discovered and how the hazards or unsafe conditions were abated. Federal mine inspectors use the records to ensure that unsafe conditions are identified and corrected.

**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.**

No improved information technology has been identified that would reduce the burden; however, to comply with the Government Paperwork Elimination Act, MSHA allows mine operators to retain the records in whatever method they choose, which may include using computer technology.

**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.**

There are no similar records that could be used or modified for use in lieu of the required records. The Agency requires a record to be kept to comply with requirements of sections 56.14100 and 57.14100 only when safety defects are not corrected immediately. Sections 56.13015, 57.13015, 56.13030, 57.13030, 56.18002, and 57.18002 require that records be kept of inspections. MSHA uses such records to ensure that a regular inspection schedule is maintained and/or that any unsafe conditions are discovered and corrected.

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

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MSHA has undertaken measures to minimize any burden on small businesses or entities subject to these requirements. MSHA's Technical Support Directorate (Tech Support) frequently answers phone calls and emails from small businesses and other small entities about conducting these inspections. This assistance from Tech Support helps the businesses comply with these standards and helps reduce burden.

**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.**

Further reductions of these requirements could allow unsafe equipment to remain in operation; thereby, jeopardizing the safety of miners. Also, unsafe working conditions at mines could remain unidentified and uncorrected leading to increased accidents and fatalities.

**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.

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**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.**

MSHA published a 60-day *Federal Register* notice on March 25, 2020 (85 FR 16963). MSHA received no public 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.**

There is no assurance of confidentiality provided to respondents. The operators maintained the records.

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

There are no questions of a sensitive nature.

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

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

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Burden cost figures used in this section are based on hourly wage rates obtained from Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) May 2018 survey.<sup>1</sup> The hourly wage rate of a miner<sup>2</sup>, including benefits, is \$36.18 per hour; and the hourly wage rate of a clerical person<sup>3</sup> is \$27.01 per hour. Approximately 12,280 mines are subject to the standards.

### **30 CFR Sections 56.13015 and 57.13015**

The standards require that compressed-air receivers and other unfired pressure vessels be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a Manual for Boiler and Pressure Vessels Inspectors, 1979. The standards also require that records of inspections be kept and made available in accordance with the requirements of the National Board Inspection Code. There are approximately 3,400 compressed-air receivers and other unfired pressure vessels that must be inspected annually. MSHA estimates that the time required for a miner to make the record would be approximately 10 minutes per vessel.

3,400 vessels x 1 record/vessel x 10 minutes = 567 hours

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1 For all wage rates, MSHA uses the relevant precision throughout the calculation to avoid compound rounding errors and rounding at the final rate value. Displayed intermediate calculation values are presented to explain the calculation and are representative, but the final rate value reflects the correct rounding and final estimate.

2 For a metal nonmetal miner hourly wage rate, MSHA used the employment weighted mean hourly wage from the OES May 2018 survey, for 11 occupations from SOC major group code 47, and 53 and industry codes 212200 and 212300 of the North American Industry Classification System (NAICS) codes historically represented in the approval requests. The weighted mean wage is adjusted for benefits and inflation to obtain a fully loaded rate of \$36.18 ( $\$23.80 \times 1.49 \times 1.020$ ). All subsequent uses of \$36.18 represent a miner's hourly wage rate.

3 For the clerical worker hourly wage rate, MSHA used the employment weighted mean hourly wage from the OES May 2018 survey, for 3 clerical worker occupations from the SOC major group code 43 and industry codes 212200 and 212300 of the North American Industry Classification System (NAICS) codes historically represented in the approval requests. The weighted mean was adjusted for benefits and inflation to obtain a fully loaded rate of \$27.01 ( $\$17.77 \times 1.49 \times 1.020$ ). All subsequent uses of \$27.01 represent a clerical workers hourly wage rate.

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567 hours x \$36.18/hour = \$20,502

**TOTAL BURDEN: 567 HOURS**  
**TOTAL COST: \$20,502**

**30 CFR Sections 56.13030 and 57.13030**

The standards require that records of inspections and repairs be retained by the mine operator in accordance with the requirements of the ASME Boiler and Pressure Vessel Code and the National Board Inspection Code and made available to MSHA. There are approximately 500 fired pressure vessels (boilers) that must be inspected annually. MSHA estimates that the time required for a miner to make the record would be approximately 10 minutes.

500 vessels x 1 record/vessel x 10 minutes = 83 hours

83 hours x \$36.18/hour = \$3,015

**TOTAL BURDEN: 83 HOURS**  
**TOTAL COST: \$3,015**

**30 CFR Sections 56.14100 (d) and 57.14100 (d)**

These standards require that an inspection be made for every shift for equipment that is to be used. Further, a record is required to be made of any defects affecting safety that are not corrected immediately. MSHA estimates that a defect not able to be corrected immediately and therefore requiring a record to be made would occur, on average, 15 percent of the time.

MSHA estimates that it will take a miner, earning an hourly wage rate of \$36.18 per hour, an average of 5 minutes to record the required information. Burden hours and costs are shown below:

- 23,932 hours = 10,299 mines with 1-19 employees x 15 percent x 1.1 shifts per day x 169 workdays per year x 5 minutes;
- 12,447 hours = 1,941 mines with 20-500 employees x 15 percent x 1.8 shifts per day x 285 workdays per year x 5 minutes; and
- 354 hours = 40 mines with 501+ employees x 15 percent x 2.2 shifts per day x 322 workdays per year x 5 minutes.

36,733 hours x \$36.18/hour = \$1,329,006

**TOTAL HOUR BURDEN: 36,733 HOURS**  
**TOTAL COST: \$1,329,006**

**30 CFR Sections 56/57.18002(b) and (c)**

These standards require that a competent person designated by the mine operator examine each working place at least once each shift for conditions which may adversely affect safety or health, and make a record that the examination was conducted, including any adverse condition found, before the end of the shift for which the examination was conducted. The record that such examinations were conducted shall be kept by the operator for a period of 1 year and shall be made available for review by the Secretary or her authorized representative. MSHA estimates that the time required for the recordkeeping activities would be approximately 12 minutes per mine. In addition, the standards require the record to include the following information: the name of the person conducting the examination; the date of the examination; the location of all areas examined; and beside the description of each condition found that may adversely affect the safety or health of miners, the date when a condition that may adversely affect safety or health is corrected. MSHA estimates the time required to record the additional information would be approximately 5 minutes per mine. MSHA estimates that a metal and nonmetal (MNM) competent person, earning \$36.18 per hour, will take 17 minutes (12 minutes + 5 minutes) to make a record of the examination and include the additional information in the record. Burden hours and costs are shown below:

- 542,465 hours = 10,299 mines with 1-19 employees x 1.1 shifts per day x 1 exam record x 169 workdays per year x 17 minutes (12 minutes + 5 minutes);
- 282,124 hours = 1,941 mines with 20-500 employees x 1.8 shifts per day x 1 exam record x 285 workdays per year x 17 minutes (12 minutes + 5 minutes); and
- 8,029 hours = 40 mines with 501+ employees x 2.2 shifts per day x 1 exam record x 322 workdays per year x 17 minutes (12 minutes + 5 minutes).

832,618 hours x \$36.18/hour = \$30,124,131

**TOTAL HOUR BURDEN: 832,618 HOURS**  
**TOTAL COST: \$30,124,131**

**Sections 56/57.18002(d)**

These standards require that the operator provide miners' representatives with a copy of the examination record on request. MSHA estimates that a MNM clerical employee, earning \$27.01 an hour, will take 1 minute to make and provide a copy of the examination record to the representative of the miners. MSHA estimates that the number of times that a copy of the examination record will be requested is: 10 percent in mines with 1-19 employees; 50 percent in mines with 20-500 employees; and 100 percent in mines with 501+ employees. Burden hours and costs are shown below:

- 3,191 hours = 10,299 mines with 1-19 employees x 10 percent x 1.1 shift per day x 169 workdays per year x 1 minute;
- 8,298 hours = 1,941 mines with 20-500 employees x 50 percent x 1.8 shifts per day x 285 workdays per year x 1 minute; and



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- 472 hours = 40 mines with 501+ employees x 100 percent x 2.2 shifts per day x 322 workdays per year x 1 minute.

11,961 hours x \$27.01/hour = \$323,067

**TOTAL HOUR BURDEN: 11,961 HOURS**  
**TOTAL COST: \$323,067**

**GRAND TOTAL HOUR BURDEN: 881,962 HOURS**  
**GRAND TOTAL COST: \$31,799,721**  
**RESPONDENTS: 12,280**  
**RESPONSES: 4,101,012**

**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.**

Copy Cost Burden Related to Sections 56.18002(d) and 57.18002(d)

On average, MSHA estimates that copy costs will be \$0.30 (2 pages x \$0.15 per page). Burden Costs are shown below:

- \$57,438 = 10,299 mines with 1-19 employees x 10 percent x 1.1 shift per day x 169 workdays per year x \$0.30 per copy;
- \$149,360 = 1,941 mines with 20-500 employees x 50 percent x 1.8 shifts per day x 285 workdays per year x \$0.30 per copy; and
- \$8,501 = 40 mines with 501+ employees x 100 percent x 2.2 shifts per day x 322 workdays per year x \$0.30 per copy.

Total copy costs for burden related to Sections 56.18002(d) and 57.18002(d) are \$215,299.

**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.**

Records are examined by Federal mine inspectors in the course of routine mine inspections. Therefore, these requirements do not result in additional cost to the Federal government.

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

Adjustments have been made to update respondent numbers, responses, and hours. Changes are as follows.

Respondents increased from 11,660 to 12,280 due to the increase in the number of mines. The number of burden hours (768,728 hours to 881,962 hours), responses (3,470,695 to 4,101,012), and costs (\$154,300 to \$215,299) have increased due to an increase in the number of mines responding to this collection.

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**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 for OMB approval of this information collection.

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

There are no certification exceptions identified with this information collection.

**B. Collection of Information Employing Statistical Methods**

This information collection does not employ statistical methods.