

OMB No.: 1219-0042  
Exp.: 9-30-2020  
Representative of Miners

## **Supporting Statement for Paperwork Reduction Act Submissions**

**Information Collection Request (ICR) Title:** Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines

**Provisions:**

Representative of Miners: 30 CFR 40.2, 40.3, 40.4, and 40.5

Legal Identity Report: 30 CFR 41.20

Notification of Commencement of Operations and Closing of Mines: 30 CFR 56.1000 and 57.1000 (pertains to metal and nonmetal mines)

**Collection Instrument(s):**

MSHA Form 2000-7, Legal Identity Report

MSHA Form 7000-51, Mine Operator Identification Request

MSHA Form 2000-238, Representative of Miners Designation Form

**Type of Review:** Extension, without change, of a currently approved collection

### **General Instructions**

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

### **Specific Instructions**

#### **A. Justification**

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

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect

information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary 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 or other mines.

Representative of Miners: The Mine Act establishes miners' rights that may be exercised through a representative. Title 30 Code of Federal Regulations (CFR) part 40 (Part 40) contains procedures that a person or organization must follow to be identified by the Secretary as a representative of miners. The regulations define what is meant by "representative of miners," a term that is not defined in the Mine Act.

Section 40.2 requires a representative of miners to file information specified in MSHA Form 2000-238 in section 40.3 with the MSHA District Manager and the mine operator. Section 40.3 requires the following information to be filed with MSHA:

- (1) The name, address, and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the position or title of the official who is to serve as the representative and his or her telephone number;
- (2) The name and address of the operator of the mine where the represented miners work and the name, address, and MSHA identification number, if known, of the mine;
- (3) A copy of the document evidencing the designation of the representative of miners;
- (4) A statement that the person or position named as the representative of miners is the representative for all purposes of the Mine Act; or if the representative's authority is limited, a statement of the limitation;
- (5) The names, addresses, and telephone numbers of any representatives to serve in the representative of miners' absence;
- (6) A statement that copies of all information filed pursuant to this section have been delivered to the operator of the affected mine, prior to or concurrently with the filing of this statement; and
- (7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

Section 40.4 requires that a copy of the information provided to the operator pursuant to section 40.3 be posted upon receipt by the operator on the mine bulletin board and maintained in a current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated.

Under section 40.5, a representative who becomes unable to comply with the requirements of Part 40 must file a written statement with the appropriate MSHA District Manager terminating his or her designation.

Legal Identity Report: Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary, the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses.

MSHA's regulations in 30 CFR part 41 provide for the mandatory use of MSHA Form 2000-7, Legal Identity Report, for notifying MSHA of the legal identity of the mine operator. The legal identity of a mine operator enables the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties. Because of turnover in mining company ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interests in other mines held by the operator and relevant persons in a partnership, corporation, or other organization. This information is also necessary to the Department of Labor's (Department) Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Additionally MSHA uses MSHA Form 7000-51, Mine Operator Identification Request to allow mine operators to request an MSHA mine identification number for each mine. Mine operators request mine identification numbers prior to completing and submitting the required MSHA Form 2000-7. Therefore, allowing mine operators to submit MSHA Form 7000-51 electronically facilitates this process.

Notification of Commencement of Operations and Closing of Mines: Under sections 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed.

Mine operators must make MSHA aware of mine openings and closings so that the Agency can plan to use its resources efficiently. Section 103(a) of the Mine Act requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines that operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard can prevent wasted time and trips.

**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.**

Representative of Miners: The information submitted to MSHA is used by the Agency to identify the representative of miners for all purposes provided for in the Mine Act. Information submitted in compliance with Part 40 requirements also serves to notify both the operator and individual miners of the identity of the miners' representative.

Providing notification to the operator, consistent with the Mine Act, ensures that the miners' representative who is also an employee of the operator does not suffer loss of pay during participation in an inspection. Posting of the identity of the representative of miners at the mine also ensures that miners who wish to exercise their individual rights through the miners' representative know who they should contact.

Notification of Legal Identity: MSHA uses the information to properly identify persons charged with violating mandatory safety and health standards and in the assessment of civil penalties on those violations. The Department's Office of the Solicitor uses the information to expedite serving documents on the mine operator.

Mine ID Request: MSHA enters the information provided by the mine operator into the Agency's Mine Information System and assigns a mine identification number unique to the mine.

Notification of Commencement of Operations and Closing of Mines: The MSHA official in charge of the district office that services the affected mine is responsible for receiving the information and informing the appropriate supervisors and inspectors. Inspection plans can then be developed to include coverage of the mines that are currently in operation so statutory inspection requirements can be met.

**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.**

Representative of Miners, MSHA Form 2000-238: To comply with the Government Paperwork Elimination Act of 1998, MSHA provides a form for miners' representatives to file the necessary information under section 40.3 using a web-based application. MSHA Form 2000-238 provides the option for miners to request that the designated representative file the form confidentially. The miners' representative may complete the form and submit it electronically or print it out and send it by mail or give it to the District Manager or the MSHA inspector. MSHA also provides access to the form through use of the MSHA call center, which assists the miners' representative in filling out and filing the form.

Notification of Legal Identity, MSHA Form 2000-7: MSHA Form 2000-7 is available on MSHA's web page for on-line submission. Respondents submitted approximately 94 percent of the forms electronically.

Mine ID Request, MSHA Form 7000-51: Operators can only complete it online at MSHA's website. When the mine operator contacts the local field or district office regarding what information MSHA needs to obtain a mine identification number, MSHA

will inform them that the form is available on the MSHA website and that they may submit the information electronically. MSHA estimates that respondents submit most 7000-51 forms electronically.

Notification of Commencement of Operations and Closing of Mines: While MSHA has not identified any improved information technology that would reduce the burden; mine operators can submit the information electronically using email. However, MSHA has found that respondents made the majority of the notifications required by this standard by telephone. Respondents made a small percentage of the notifications face-to-face to an inspector. MSHA received some in writing and very few electronically.

**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.**

No similar information is available.

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

These information collections do not have significant economic impacts 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.**

Representative of Miners: Under the Mine Act, miners are entitled to exercise all statutory rights. One statutory right is to designate a representative to accompany the Secretary's authorized representative during an inspection of the mine. Without this information, MSHA may be unable to fulfill its duty to miners by permitting a miners' representative to accompany the Secretary's authorized representative. The person seeking to be designated as a representative of miners files the information required under Part 40 with MSHA and the affected mine operator. Once the necessary information has been filed, a miners' representative retains his or her status until he or she files a statement with the District Manager terminating his or her designation.

Notification of Legal Identity: The information concerning legal identity of the mine operator and any changes that may occur need to be submitted only once per change. Without the information, MSHA would be unable to properly ascertain the identity of persons and entities charged with violating mandatory health and safety standards and properly assessing civil penalties based on ownership of mines. Also, this information is necessary for the Department's Office of the Solicitor to determine who the proper parties are for including in legal actions authorized by the Mine Act.

Mine ID Request: The information concerning a mine operator, mine name, location, and other relevant data needs to be submitted only once per change. This information is necessary for the same reasons as the Notification of Legal Identity.

Notification of Commencement of Operations and Closing of Mines: The mine operator need only notify MSHA once of each mine opening or closing. If the Agency is not notified, as required, inspection resources would be wasted when inspectors travel great distances only to find that a mine is closed. In addition, miners (at mines that re-open) may not receive the benefit of safety and health inspections because MSHA would not be aware that the mine had re-opened.

**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 June 16, 2020 (85 FR 36424). 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 payment 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.**

MSHA Form 2000-238, Representative of Miners Designation Form, provides that respondents can elect to keep the name and telephone number of each miner designating a miner's representative confidential, which is based under section 103(f) and (g) of the Mine Act. MSHA Form 2000-7, Legal Identity Report, and MSHA Form 7000-51, Mine Operator Identification Request, each contain a Privacy Act notice as personally identifiable information, such as social security numbers, collected on these forms falls under Privacy Act Systems of Records Notice (SORN) DOL/MSHA-1, Mine Safety and Health Administration Standardized Information System (MSIS), (April 29, 2016, 67 FR 16816).

**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 aside from social security numbers covered by the above SORN needed to identify each mine.

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

All hourly wages<sup>1</sup> for estimating hour burden costs are from Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) May 2018 survey.<sup>2</sup> MSHA increased the OES hourly wage rates for benefits by a 1.49 benefit-scaling factor and an inflation factor<sup>3</sup> of 1.045 to obtain fully loaded wages.<sup>4</sup>

**MSHA Form 2000-238, Representative of Miners Designation Form:** The miners' representative files the information with both MSHA and the affected mine operator. Once the miners' representative has filed the information, a representative retains his or her status until the designation is terminated. The reporting burden is, therefore, limited to the turnover or replacement of designated miners' representative. The burden is the same for each miners' representative regardless of the size of the mine or the number of miners represented. MSHA estimates that it will take each miner representative an average of 45 minutes to prepare and mail the required notification to both the MSHA

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<sup>1</sup> For all wage rates, hours, and estimations, MSHA uses the relevant precision throughout the calculation to avoid compound rounding errors and rounds 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.

<sup>2</sup> Options for obtaining OES data are available at 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\\_ques.htm](http://www.bls.gov/oes_ques.htm).

<sup>3</sup> Wage inflation is the change in Series ID: CIS2020000405000I, <https://data.bls.gov/cgi-bin/srgate>; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (Qtr 4 2020/Qtr 2 2018 = 138.1/132.1 = 1.045).

<sup>4</sup> 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 2019Qtr4-2019Qtr1 to determine that 33 percent of total loaded wages are benefits. The scaling factor may be approximated with the formula and values  $1 + (\text{benefit percentage} / (1 - \text{benefit percentage})) = 1 + (.33 / (1 - .33)) = 1.49$ .

District Office and the mine operator and 5 minutes to post it. MSHA estimates that a miner representative earns an hourly wage rate of \$36.76 per hour.<sup>5</sup>

### **Coal**

MSHA records indicate that there are 771 active coal mines. MSHA personnel estimate that 2 percent (15) of the total active coal mines will file to change or obtain new miners' representative designations with MSHA annually.

### **Metal and Nonmetal**

MSHA records indicate that there are 12,071 active and intermittent metal and nonmetal mines. MSHA receives approximately 60 notifications of new miners' representative designations in metal/nonmetal districts each year.

#### Responses

Coal: 771 coal mines x 2 percent notifying:	= 15 notifications
Metal/Nonmetal:	= <u>60 notifications</u>
Total:	= 75 notifications

#### Burden Hours

75 notifications x 45 minutes	= 56.25 hours
75 notifications x 5 minutes to post	= <u>6.25 hours</u>
	62.5 (63 rounded)

#### Burden Hour Costs

63 hours x \$36.76	= \$2,298
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**Total Responses = 75 responses**  
**Total Burden Hours = 63 hours**  
**Total Burden Hour Costs = \$2,298**

**MSHA Form 2000-7, Legal Identity Report:** Based on the past 3 years (2017 through 2019), MSHA estimates that each year there is an average of 13,044 existing mines in operation, of which about 973 are new mines. Of the remaining 12,071 mines, MSHA estimates that 5,204 operators will amend the information in their legal identity reports each year. MSHA estimates that it would take the mine operator 30 minutes by hard copy and 20 minutes electronically to complete a report for newly opened mines, and 15 minutes by hard copy and 10 minutes electronically to amend the information in a previously submitted report. For both initial reports and amendments, MSHA estimates that respondents will submit 6 percent in a hard copy written format, and that 94 percent electronically.

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<sup>5</sup> Hourly wages from OES May 2018 survey are an employment weighted wage rate from NAICS code 212000, All Mining (except oil and gas). The miners' representative wage was derived as an employment weighted average of all mean rates, except first-line supervisors, for job series 47, 49, 51, and 53. MSHA multiplied the weighted average rate of \$23.61 times the 1.49 benefit-scaler factor and an inflation factor 1.045 to obtain a fully loaded hourly wage of \$36.76 (\$23.61 x 1.49 x 1.045).

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MSHA experience indicates that a clerical worker prepares the MSHA Form 2000-7. MSHA estimates that the average hourly wage rate for a clerical worker is \$28.88 per hour.<sup>6</sup>

Responses: Legal Identity Reports Submitted

973 Initial Reports	x 6 percent filed hard copy	=	58 written reports
	x 94 percent filed electronically	=	915 electronic reports
5,204 Amended Reports	x 6 percent filed hard copy	=	312 written reports
	x 94 percent filed electronically	=	4,892 electronic reports

Subtotals:	=	370 written reports
	=	<u>5,807 electronic reports</u>
	=	6,177 total reports

Burden Hours

Initial Reports for New Mines

58 written reports x 30 minutes = 29 +	
915 electronic reports x 20 minutes = 305	
	= 334 h

Amended Reports

312 written reports x 15 minutes = 78	
+ 4,892 electronic reports x 10 minutes = 815	
	= 893 h

<b>Total Burden Hours</b>	=	1,227 h
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Burden Hour Costs

1,227 hours x \$28.88 clerical hourly wage	=	\$35,436
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<b>Total Responses</b>	=	<b>6,177 responses</b>
<b>Total Burden Hours</b>	=	<b>1,227 hours</b>
<b>Total Burden Hour Costs</b>	=	<b>\$35,436</b>

**MSHA Form 7000-51, Mine Operator Identification Request:** MSHA estimates that each year there is an average of 13,044 existing mines in operation, of which about 973 are new mines. MSHA estimates that it takes a mine operator 20 minutes to complete a

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<sup>6</sup> Hourly wages from OES May 2018 survey, is an employment weighted wage rate from NAICS code 212000, All Mining (except oil and gas) using all broad SOCs 43-4170, 43-5060, 43-5110, 43-6010, and 43-9060 (excluding supervisors). MSHA multiplied the mean wage rate of \$18.55 times the times the 1.49 benefit-scaler factor an inflation factor of 1.045 to obtain a fully loaded hourly wage of \$28.88 (\$18.66 x 1.49 x 1.045).

report for newly opened or soon to be opened mines. MSHA also estimates that respondents will complete all these forms online.

MSHA experience indicates that a clerical worker prepares the Mine Operator Identification Request, MSHA Form 7000-51.

973 reports x 20 minutes to file electronically = 324 h  
324 hours x \$28.88 clerical hourly wage = \$9,357

**Total Responses = 973**  
**Total Burden Hours = 324 hours**  
**Total Burden Hour Costs = \$9,357**

**Notification of Commencement of Operations and Closing of Metal Nonmetal Mines:** Currently, the number of Metal/Nonmetal mines is 12,071. MSHA has found that respondents made the majority of the notifications required by this standard by telephone, a small percentage verbally to an inspector, and some in writing. MSHA estimates that the Agency receives an average of 3,119 notifications annually from metal nonmetal mines. Most of these are temporary in nature and reflect the seasonal status of the mines. Respondents made approximately 75 percent of all metal and nonmetal mine openings and closings notifications by telephone calls of 3 minutes duration, approximately 10 percent verbally to the MSHA inspector during routine inspections where the time burden is de minimis, and the remaining 15 percent in writing with an estimated 30 minutes burden for each. MSHA estimates that a clerical worker earns an hourly wage of \$28.88 per hour.

Responses

3,119 total notifications x 75 percent telephone calls = 2,339 calls  
x 10 percent verbally = 312 verbal  
x 15 percent written notices = 468 written

Burden Hours

2,339 telephone calls x 3 minutes = 117  
+ 468 written notices x 30 minutes = 234 = 351 h

Burden Hour Costs

351 hours x \$28.88 clerical hourly wage = \$10,137

**Total Responses = 3,119**  
**Total Burden Hours = 351 hours**  
**Total Burden Hour Cost = \$10,137**

<b>Form/ Requirement</b>	<b>Number of Respondents</b>	<b>Total Annual Responses</b>	<b>Total Annual Burden (Hours)</b>	<b>Hourly Rate</b>	<b>Total Burden Cost</b>
MSHA Form 2000-238, Representative of Miners Designation Form	75	75	63	\$36.76	\$2,298
MSHA Form 2000-7, Legal Identity Report	6,177	6,177	1,227	\$28.88	\$35,436
MSHA Form 7000-51, Mine Operator Identification Request	973	973	324	\$28.88	\$9,357
Notification of Commencement of Operations and Closing of Mines	3,119	3,119	351	\$28.88	\$10,137
<b>Totals</b>	<b>10,344</b>	<b>10,344</b>	<b>1,965</b>		<b>\$57,228</b>

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

**\* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

**\* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

**\* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Representative of Miners: Almost all of the notices of miners' representatives are in the form of written correspondence or form letters. Almost all of the correspondences are hand delivered to MSHA district and field offices or presented to MSHA inspectors while on the mine site. MSHA believes that this cost is negligible and has not assigned a cost to this burden. As a consequence, no equipment is necessary and no equipment costs are incurred in complying with this standard. All new notices or changes submitted electronically incur zero charges. MSHA also believes that the cost to the mine operator for posting a copy of the notice of miners' representative is negligible and has not assigned a cost to this burden.

Notification of Legal Identity: The Notification of Legal Identity report or changes to the report need to be submitted only once by the mine operator. Therefore, start-up cost, operation and maintenance cost, and purchase of services cost, have not been associated specifically for this regulatory requirement. All new reports or changes submitted electronically incur zero charges. Postage and administrative costs that may be incurred based on annual submission estimates are as follows:

370 written reports x \$1.00 postage and administrative cost = \$370

Mine Operator Identification Request: All mines must request an ID number. The Mine Operator Identification Request is an optional form that the mine operator may submit to request a mine identification number. The mine operator only needs to complete and submit the form once. MSHA has not made provisions to distribute hard copies of the form so operators can only complete it online at MSHA's website. Mine operators may also call MSHA and MSHA staff can complete the form for them.

Notification of Commencement of Operations and Closing of Mines: Mine operators who respond in writing may incur postage and administrative costs as follows:

468 written responses x \$1.00 postage and administrative cost = \$468

**GRAND TOTAL BURDEN COST: = \$838**

**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.**

Representative of Miners: MSHA estimates the cost to the Federal Government to be negligible in that each District Manager maintains only a current register of representatives of miners.

Notification of Legal Identity: MSHA enforcement personnel examine the records during routine inspections. There is no significant cost to the Federal Government.

Mine ID Request: MSHA personnel use the mine's operator-provided information to assign a mine identification number. MSHA completes half the form and also checks to make sure that an ID has not already been assigned to a mine.

There is no significant cost to the Federal Government.

Notification of Commencement of Operations and Closing of Mines: As noted above, MSHA receives an annual average of 3,119 notifications. Of those, approximately 380 notifications are related to new metal and nonmetal mine openings and closings, each year. With each notification, an MSHA inspector must complete the MSHA Form 2000-7 and supplemental information form. MSHA estimates that it takes an inspector approximately 45 minutes to complete each form, and it takes support personnel approximately 15 minutes to enter the data into a computer. An MSHA inspector (OPM job series 1822) at the GS-12 level would complete MSHA Form 2000-7, at an average hourly cost of \$57.24.<sup>7</sup> An MSHA compliance inspection and support person (OPM job series 1802) at the GS-7 level would enter data from MSHA Form 2000-7, at an average hourly cost of \$33.82.<sup>8</sup>

380 notifications x 45 minutes	=285 hours
380 notifications x 15 minutes	= <u>95 hours</u>
Total	380 hours

285 hours x \$57.24 per hour	= \$16,313
95 hours x \$33.82 per hour	= <u>\$ 3,213</u>
Total	\$19,526

<sup>7</sup> Annual salary developed from Office of personnel Management (OPM) December 2018 *FedScope* employment cube, <http://www.fedscope.opm.gov/> . Average annual salary of \$85,323 was obtained for DOL-MSHA inspectors completing MSHA form 2000-7. Data search qualifiers were: Agency = DLMS, Occupation = 1822, Work Schedule = Full-Time, Salary Grade = GS-12, Measure = Average Salary. The hourly wage is the annual salary divided by 2,087. In order to include the cost of benefits, MSHA multiplied the average annual salary by a federal benefit scaler of 1.40 (FY 2021).

<sup>8</sup> Annual salary developed from Office of personnel Management (OPM) December 2018 *FedScope* employment cube, <http://www.fedscope.opm.gov/> . Average annual salary of \$50,415 was obtained for DOL-MSHA employees. Data search qualifiers are: Agency = DLMS, Occupation = 1802, Work Schedule = Full-Time, Salary Grade = GS-7, Measure = Average Salary. The hourly wage is the annual salary divided by 2,087. In order to include the cost of benefits, the average annual salary was multiplied by a federal benefit scaler of 1.40 (FY 2021).

Of the 3,119 notifications, approximately 2,739 notifications are related to existing metal and nonmetal mines closing or re-opening. MSHA estimates that it takes an Agency inspector approximately 15 minutes to revise the information on the two forms noted above, and it takes support personnel approximately 5 minutes to enter the data into a computer.

2,739 notifications x 15 minutes	= 685 hours
2,739 notifications x 5 minutes	= <u>228 hours</u>
Total	913 hours

685 hours x \$57.24 per hour	= \$39,209
228 hours x \$33.82 per hour	= <u>\$ 7,711</u>
Total	\$46,920

**GRAND TOTAL FEDERAL COST: \$66,446**

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

MSHA records indicate both the number of respondents and responses (reports, telephone and written responses) decreased from 10,481 to 10,344. There was a decrease in the burden hours (2,027 to 1,965) due to a decrease in the number of respondents and responses. There was a decrease in costs (\$842 to \$838) due to a decrease in the number of responses.

**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 will display the OMB number and expiration date on the MSHA Form 2000-7.  
MSHA will display the OMB number and expiration date on the MSHA Form 7000-51.  
MSHA will display the OMB number and expiration date on the MSHA Form 2000-238.

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

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Representative of Miners

There are no certification exceptions identified with this information collection request.

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

This information collection does not employ statistical methods.