

SUPPORTING STATEMENT

Information Collection Request (ICR) Title: Escape and Evacuation Plans

Provision(s): 30 CFR 57.11053 (underground metal and nonmetal mines)

Collection Instrument(s): None

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 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.

Title 30 of the Code of Federal Regulations (CFR) section 57.11053 requires the development of specific escape and evacuation plans that address the unique conditions of each underground metal and nonmetal mine. Section 57.11053 also requires that mine operators make revisions to the escape and evacuation plan for an underground metal and nonmetal mine as mining progresses. The plan must be available to representatives of MSHA and conspicuously posted at the mine at locations convenient

to all persons on the surface and underground. The mine operator and MSHA are required to jointly review the plan at least once every 6 months.

The following information is required with each escape and evacuation plan submission:

- (1) Mine maps or diagrams showing directions of principal air flow, location of escape routes, and locations of existing telephones, primary fans, primary fan controls, fire doors, ventilation doors, and refuge chambers.
- (2) Procedures to show how the miners will be notified of an emergency.
- (3) An escape plan for each working area in the mine, including instructions showing how each working area should be evacuated.
- (4) A firefighting plan.
- (5) Procedures for surface personnel to follow in an emergency, including the notification of proper authorities and the preparation of rescue equipment and other equipment which may be used in rescue and recovery operations.
- (6) A statement of the availability of emergency communication and transportation facilities, emergency power, and ventilation, and the location of rescue personnel and equipment.

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

The information is prepared by the mine operator for use by miners, MSHA, and persons involved in rescue operations. A miner must be aware, at all times, of the emergency escape route for his/her particular working place. Rescue personnel must be aware of the miners' escape routes.

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.

A mine operator may use computer technology and drafting software to aid in the design of the mine's escape and evacuation plan. Computer-aided drafting software provide more accurate designs and data because they provide access to numerous databases, including geographic information systems and other geospatial information. These databases permit engineers to efficiently maintain the integrity of the data in designing mines' escape and evacuation plans.

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.

Escape and evacuation plans are unique to each mine. There is no similar or duplicate information that MSHA could use.

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

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

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

An accurate and up-to-date escape and evacuation plan indicating current escape routes is vital to the safety of the miners and rescue personnel in the event of an emergency. Underground disasters including fires, explosions, and inundations often result in multiple fatalities in underground mines. The escape and evacuation plan and its revisions ensure maximum safety for miners. The mine operator and MSHA must review plans at least once every 6 months to ensure that miners have sufficient means to evacuate the mine in the event of an emergency. The required revision and review is necessitated by the ever-changing configuration of a producing mine.

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 17, 2020 (85 FR 36619). 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.

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

There are no questions of a sensitive nature.

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

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

*** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under Item 13.**

All hourly wages for estimating hour burden costs are from Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) May 2018 survey.¹ MSHA increased the OES hourly wage rates for benefits by a 1.49 benefit-scaling factor² and a 1.045 inflation factor³ to obtain fully loaded wages.

Mine supervisors update escape and evacuation plans at irregular intervals as the configuration of the mine changes. Based on MSHA records there are approximately 193 active underground metal and nonmetal mines. Based on on-site experience, MSHA estimates that an average mine would develop two plan revisions each year, and that each revision would require approximately 8 hours to develop. A mine supervisor,

¹ 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.

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

³ 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 2019/Qtr 2 2018 = 138.1/132.1 = 1.045).

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.

earning \$62.91 per hour⁴, usually makes the plan revisions. After revisions are completed, a clerical person must copy, post, and file the revisions. MSHA estimates that it takes a clerical person, earning \$25.41 per hour⁵, about 30 minutes to copy, distribute, and file the plan. MSHA estimates below the hourly burden and burden cost of revising escape and evacuation plans and maintain a copy of those plans.

Responses:

193 mines x 2 annual revisions = 386 revisions

Burden Hours:

386 revisions x 8 hours per revision = 3,088 annual hours for plan revisions.

386 revisions x 30 minutes to copy, distribute, and file revisions = 193 hours

Total Burden Hours = 3,281 hours (3,088 hours + 193 hours)

Burden Costs:

3,088 hours x \$62.91 per hour = \$194,266

193 hours x \$25.41 per hour = \$4,904

Total Burden Costs = \$199,170 (\$194,266 + \$4,904)

Total Burden to Mine Operators

Collection Activity	Number of Responses	Total Burden Hours	Total Burden Cost
Escape Plan Revisions	386	3,281	\$199,170

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**

⁴ Hourly wages from OES May 2018 survey, Standard Occupational Classification (SOC) code 47-1010, 51-1010 and 53-1040 of NAICS codes 212200, Metal Ore Mining, and 212300, Nonmetallic Mineral Mining and Quarrying, weighted by employment. MSHA multiplied the employment weighted average at the 75th percentile wage rate of \$40.40 times the 1.49 benefit-scaler factor and 1.045 inflation factor to obtain a fully loaded hourly wage of \$62.91.

⁵ Hourly wages from OES May 2018 survey, Standard Occupational Classification (SOC) code 43-6010, Secretaries and Administrative Assistants, General (NAICS codes 212200, Metal Ore Mining, and 212300, Nonmetallic Mineral Mining and Quarrying, weighted by employment). MSHA multiplied the mean wage rate of \$16.32 times the 1.49 benefit-scaler factor and 1.045 inflation factor to obtain a fully loaded hourly wage of \$25.41.

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.**

MSHA estimates that the costs to respondents for office supplies, copies, and postage resulting from this collection of information averages about \$10 per mine annually. The annual cost burden to respondents is as follows:

193 mines x \$10 for supplies, copies, and postage = \$1,930

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 estimates that inspection personnel spend approximately 1 hour reviewing each plan revision. A GS-12 MSHA mine inspector, earning \$57.24 per hour⁶, would conduct these reviews.

⁶ Annual salary developed from Office of personnel Management (OPM) March 2018 *FedScope* employment cube, <http://www.fedscope.opm.gov/>. Average annual salary of \$85,323 was obtained for DOL-MSHA GS-12 inspectors. 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 for MSHA of 1.40 (FY 2021).

386 mine revisions x 1 review hour per revision x \$57.24 per hour = \$22,093

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

The burden decrease was due to MSHA records reflecting fewer respondents (231 to 193). The number of responses therefore also decreased (from 462 to 386) and well as the burden hours (3,927 to 3,281). Burden costs also decreased from \$2,310 to \$1,930 also due to a decrease in active underground metal and nonmetal mines.

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 and there is no form associated with this collection.

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

There are no certification exceptions identified with this information collection.

B. Collections of Information Employing Statistical Methods

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.