

SUPPORTING STATEMENT FOR OCCUPATIONAL NOISE EXPOSURE

OMB CONTROL NO. 1219-0120

This ICR seeks to extend, without change, an existing information collection.

<b>OMB Control No.</b>	<b>30 CFR Citations</b>	<b>Title</b>
1219-0120	Section 62.110(d) Section 62.130(a) Section 62.171(b) Section 62.172(a)(1) and (a)(2) Section 62.174(a)  Section 62.175(a)(1) and (a)(2)  Section 62.180(b) Section 62.190(a) and (b)	Noise exposure assessment. Permissible exposure level. Audiometric test procedures. Evaluation of audiograms. Follow-up corrective measures when a standard threshold shift is detected Notification of results; reporting requirements. Training. Records.

**Collection Instruments:** None

**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 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.

Noise is a harmful physical agent and one of the most pervasive health hazards in mining. Repeated exposure to high levels of sound over time causes occupational noise-induced hearing loss (NIHL). NIHL is a serious, often profound physical impairment for miners with far-reaching psychological and social effects. NIHL can be distinguished from aging and other factors that can contribute to hearing loss and it can be prevented. Occupational hearing loss is one of the most common work-related illnesses in the United States.

For many years, NIHL was regarded as an inevitable consequence of working in a mine. Mining, an intensely mechanized industry, relies on drills, crushers, compressors, conveyors, trucks, loaders, and other heavy-duty equipment for the excavation, haulage, and processing of material. This equipment creates high sound levels, exposing machine operators as well as miners working nearby to occupational noise that can contribute to hearing loss. MSHA, the Occupational Safety and Health Administration, the U.S. military, and other organizations around the world have established and enforced standards to reduce the loss of hearing. Quieter equipment, isolation of workers from noise sources, and limiting the time workers are exposed to noise are among the many well-accepted methods that will prevent NIHL.

Records of miners' exposures to noise are necessary so that mine operators and MSHA can evaluate the need for and effectiveness of engineering controls, administrative controls, and personal protective equipment to protect miners from harmful levels of noise that can result in hearing loss. However, the Agency believes that extensive records for this purpose are not needed. Instead, the requirements are a performance-oriented approach to monitoring. Records of miners' hearing examinations enable mine operators and MSHA to ensure that the controls are effective in preventing NIHL for individual miners. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts.

**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.**

Mine operators and MSHA use the information collected to ensure that engineering controls, administrative controls, and personal protective equipment are used as intended to protect miners from harmful levels of exposure. When miners are trained or notified of their personal exposure

to noise, the information supports an interest in their own health and encourages their active participation in hearing conservation efforts.

Hearing tests of miners are offered and if a miner chooses to be tested, mine operators must compile and maintain a record of each audiometric exam. When noise-induced hearing loss is found, mine operators must take certain protective action. The record is used by mine operators to assess the effectiveness of their noise controls and by MSHA to verify that testing was done.

For miners whose occupational noise exposure meets or exceeds the “action level,” mine operators must train those miners on noise exposure hazards, the available noise protections, the proper use of hearing protection, the hearing test program, and what the operator has done to control noise. Training records are needed to confirm that miners receive the information they need to understand the noise hazards of their workplaces and become active participants in hearing conservation efforts. Training records are required under other MSHA regulations and are used for similar purposes.

**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.**

Records are not required to be maintained at the mine site and can be stored electronically in a central location. The records have to be made available to an authorized representative of the Secretary, a mine inspector, upon request within a reasonable time which is usually 1 day. The mine operator must ensure that electronically stored information is not compromised or lost.

**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 A.2 above.**

No duplicative information exists. The information collected is unique to a specific individual and a specific mine.

**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.**

MSHA believes that the recordkeeping requirements for occupational noise exposure are the minimum necessary to ensure that miners are adequately protected against the harm of excessive

noise levels. Reduction in these requirements would result in the development of unhealthy and unsafe conditions in the mine. Section 101(a)(6) of the Mine Act provides that in setting standards to protect miners from the risks of harmful physical agents, the Secretary "shall set standards which most adequately assure on the basis of the best available evidence that no miner will suffer material impairment of health or functional capacity even if such miner has regular exposure to the hazards dealt with by such standard for the period of his working life. "

**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.**

Timely notification to miners of the results of audiometric testing is essential to protect them from harmful noise exposures. Title 30 CFR 62.110(d) requires the operator to inform a miner in writing of an exposure determination that is equal to or exceeds the action level, exceeds the permissible exposure level (PEL), or exceeds the dual hearing protection level, and of the corrective action being taken, within 15 calendar days of the exposure determination. Section 62.175(a) requires operators to inform the miner in writing of the results of the audiometric test within 10 working days of receiving the results. Timely notification is an important first step in protecting miners from excessive noise exposure to avoid further hearing loss. These time periods are the maximum allowable to ensure that the miner is informed and that precautions are taken to protect the miner as soon as reasonably practical.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments**

**received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

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

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

MSHA published a 60-day *Federal Register* notice on May 10, 2021 (86 FR 24897). MSHA received no public comments.

**9. Explain any decision to provide any payments or gifts 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.**

Operators (respondents) are not assured of confidentiality. However, under 30 CFR 62.172(a)(3), physicians, audiologists, and certain other health professionals are prohibited from sharing with the mine operator certain findings or diagnoses unrelated to a miner's hearing loss without the miner's written consent.

**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.**
- **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.**

Annual burden hours and related costs calculations are shown below. MSHA used data from the May 2019 Occupational Employment Statistics (OES) published by the Bureau of Labor Statistics (BLS) for hourly wage rates and adjusted the rates for benefits and wage inflation<sup>1</sup>.

<b>Mines by Type</b>	<b>Counts</b>
Surface Coal	838
Underground Coal	239
<b>Total Coal Mines</b>	<b>1,077</b>
M/NM	11,852
<b>Total Mines</b>	<b>12,929</b>

The estimates about the number of new miners needing training in both Coal and Metal non-metal (M/NM) mines and the number of new tasks included in this information collection are based on MSHA experience with enforcement of and compliance with the noise rule since it was promulgated in 1999.

Section 62.110(d) requires that a miner be notified whenever the miner’s exposure equals or exceeds the action level, exceeds the permissible exposure level, or exceeds the dual hearing

<sup>1</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 [https://www.bls.gov/oes/oes\\_ques.htm](https://www.bls.gov/oes/oes_ques.htm). 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 2019Qtr4-2020Qtr3 to determine that 33.1 percent of total loaded wages are benefits. MSHA computes the scaling factor with a number of detailed calculations but it may be approximated with the formula and values  $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (.331/(1-.331)) = 1.50$ . Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (([https://beta.bls.gov/dataQuery/find?fq=survey:\[ci\]&s=popularity:D&q=CIS2020000405000I](https://beta.bls.gov/dataQuery/find?fq=survey:[ci]&s=popularity:D&q=CIS2020000405000I)); Qtr 4 2020/Qtr 2 2019;  $141.1/135.9=1.038$ )

protection level, and the miner has not received notification by the mine operator of exposure at such level within the prior 12 months. The mine operator is required to use an exposure evaluation conducted either by the mine operator or by an authorized representative of the Secretary of Labor, a mine inspector, as a basis for the notification. The operator must notify the miner in writing within 15 calendar days of (1) the exposure determination; and (2) the corrective action being taken.

In each mine, MSHA estimates that it will take 5 minutes for a clerical worker<sup>2</sup> to prepare the notification for each miner. MSHA assumes that during the course of inspections since the introduction of the noise rule that existing miners' exposure levels have been tested and notification given. Therefore, only newly hired miners and miners reassigned to new positions will likely be affected each year. MSHA estimates that coal mines will distribute 10,778 notices annually (180 small coal mines will distribute 1,660 notices, 122 large coal mines will distribute 9118 notices). MSHA estimates 2,569 M/NM mines will distribute 41,493 notices annually for a total of 52,271 notices annually.

Annual burden hours to notify miners in writing  
52,271 notices at 5 minutes each (.08 hours clerical) = 4,181.68 hours

Section 62.130(a) If during any work shift a miner's noise exposure exceeds the PEL, the mine operator is required to use all feasible engineering and administrative controls to reduce the miner's noise exposure to the PEL, and enroll the miner in a hearing conservation program (HCP). When administrative controls are used to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miner.

MSHA experience indicates that during the course of inspections since the introduction of the noise rule, administrative controls and procedures have been developed and instituted for existing positions; therefore, only newly created positions and newly created tasks will likely be affected each year. Based on the revised number of mines and estimates of new miners and newly created tasks in mines, MSHA estimates that 14 small coal mines will distribute 72 new controls and procedures, 42 large coal mines will distribute 209 new controls and procedures, 66 small M/NM mines will distribute 401 new controls and procedures, and 204 large M/NM mines will distribute 10,444 new controls and procedures annually. Operators will provide 11,126 total copies to miners and post 326 copies on bulletin boards (copy cost provided in question 13).

In each mine, MSHA estimates, based on its experience, that it will take a mine supervisor 45 minutes to write the administrative controls/final procedures in small mines and 1.5 hours for

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<sup>2</sup> For the clerical worker hourly wage rate, MSHA used the employment weighted mean hourly wage from the OES May 2019 survey, for 14 clerical worker occupations from SOC major group code 43 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 \$29.69 (\$19.07 x 1.5 x 1.038). All subsequent uses of \$29.69 represent clerical hours.

large mines.<sup>3</sup> In addition, it will take 5 minutes for a clerical worker to copy and post controls/procedures and the corrective action being taken.

Supervisors' Time and Burden Hour for New Procedures and Controls

Mines	Mines requiring New Control Procedures	Supervisory Time/Mine	Supervisory Hours
Small Coal	14	45 minutes	10.50
Large Coal	42	1.5 hours	63.00
Small M/NM	66	45 minutes	49.50
Large M/NM	204	1.5 hours	306.00
<b>Total Hours</b>	<b>326</b>		<b>429.00</b>

Clerks' Time and Burden Hour for Copying and Distributing New Procedures and Controls

Mines	Copies for Miners	Copies for Bulletin Boards	Total Copies	Clerk Hours (5 minutes per Copy)
Small Coal	72	14	86	6.88
Large Coal	209	42	251	20.08
Small M/NM	401	66	467	37.36
Large M/NM	10,444	204	10,648	851.84
<b>Total Hours</b>	<b>11,126</b>	<b>326</b>	<b>11,452</b>	<b>916.16</b>

Section 62.130(a) Totals

Burden Hours = 1,345.16 hours = 429.00 for Supervisors + 916.16 for clerks (cost of copies shown in Question 13).

Section 62.171(b) requires operators to compile an audiometric test record including: 1) name and job classification of the miner who has undergone the audiometric test; 2) a copy of all of the miner's audiograms conducted under this part; 3) evidence that the audiograms were conducted in accordance with paragraph (a) of this section; 4) any exposure determination for the miner; and 5) the results of any follow-up examination.

<sup>3</sup> For the supervisor worker hourly wage rate, MSHA used the employment weighted mean hourly wage from the OES May 2019 survey, for 20 supervisor occupations from SOC major group codes 47, 49, 51, and 53 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 \$57.97 (\$37.23 x 1.5 x 1.038). All subsequent uses of \$57.97 represent supervisor hours.

In each mine, it will take a clerical worker 5 minutes to create each miner’s audiometric test record.

MSHA estimates that 7,470 miners working at coal mines and 21,010 miners working at M/NM mines are affected annually by this provision.

Compiling Audiometric Test Record

Mine Type	Records (1 per affected miner)	Clerical Hours (5 minutes per record)
Coal	7,470	597.60
M/NM	21,010	1,680.80
<b>Total</b>	<b>28,480</b>	<b>2,278.40</b>

Section 62.172(a)(1) and (a)(2) requires the operator to inform persons evaluating audiograms of the requirements of this part and to provide them with a copy of the miner’s audiometric test records. Section 62.172(a)(2) requires that audiograms be evaluated by a physician, an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist. The costs and burdens for section 62.172(a)(1) and (a)(2) are calculated together because the clerical person provides one record per affected miner as a single step.

Based on MSHA experience, in each mine, it will take a clerical worker 5 minutes to provide a skilled medical professional with a copy of each miner’s audiometric test record.

Providing Audiometric Test Record Copy to Audiogram Evaluator

Mine Type	Records (1 per affected miner)	Clerical Hours (5 minutes per record)
Coal	7,470	597.60
M/NM	21,010	1,680.80
<b>Total</b>	<b>28,480</b>	<b>2,278.40</b>

Section 62.174(a) requires that retraining be provided in accordance with section 62.180. Section 62.180(b) requires the operator to certify the date and type of training given each miner and to retain the most recent certification for as long as the miner is enrolled in the hearing conservation program, and for at least six months thereafter.

In each mine, it will take 5 minutes per miner to certify the date and type of training and to maintain the certification.

MSHA estimates that 712 miners in small coal mines and 2,593 miners in M/NM mines are affected annually by this provision.

Section 62.174 Certifying Special Retraining Records

Mine Type	Records (1 per affected miner)	Supervisor Hours (3 minutes per record)
Coal	712	56.96
M/NM	2,593	207.44
<b>Total</b>	<b>3,305</b>	<b>264.40</b>

Section 62.175(a) requires the operator to notify the miner in writing within 10 working days of the results and interpretation of an audiometric test or follow-up evaluation (otological examination), including any finding of a standard threshold shift (STS) or reportable hearing loss and the need, and reasons for, any further testing.

In each mine, it will take a clerical worker 5 minutes to prepare a written notification about the results for each miner.

Section 62.175(a) Written Notification to Affected Miners

Mine Type	Notifications (1 per affected miner)	Clerical Hours (5 minutes per record)
Coal	7,470	597.60
M/NM	21,020	1,681.60
<b>Total</b>	<b>28,490</b>	<b>2,279.20</b>

Section 62.180(b) requires mine operators to certify the date and type of training given each miner, and to maintain the miner's most recent certification for as long as the miner is enrolled in the HCP, and for at least 6 months thereafter. The type of training may be initial noise training, annual retraining, or special retraining required for a miner as a result of an STS. The estimates for certifying special retraining are listed under section 62.174.

In each mine, it will take a supervisor 5 minutes to certify the date and type of training for miners receiving initial or annual refresher noise training.

MSHA estimates that 1,077 coal mines and 11,852 M/NM mines are affected annually by this provision.

Section 62.180(b) Certification of Training and Dates

Mine Type	Mine Record	Supervisor Hours (3 minutes per record)
Coal	1,077	86.16
M/NM	11,852	948.16
<b>Total</b>	<b>12,929</b>	<b>1,034.32</b>

Section 62.190(a) requires mine operators to provide access to all records required under this part to the authorized representatives of the Secretaries of Labor and Health and Human Services. Upon written request, the mine operator must provide, within 15 calendar days, access to records to miners and the miner’s designee, and training certifications and notices of exposure determinations to miners and their authorized representatives. The mine operator must also provide, to any former miner, records which indicate his or her own exposure.

Section 62.190(b) requires the operator to provide the first copy of a record to a person who has access, at no cost to that person, and additional copies requested by that person at reasonable cost. Miners are routinely provided a copy of their training records.

In each mine, it will take a clerical worker 1 minute to photocopy each miner’s records.

MSHA estimates, based on noise exposure data from large and small coal and M/NM mines that a certain percentage of miners will request copies, that 2,489 miners working at coal mines and 22,105 miners working at M/NM mines annually will request the first copy of a record.

**Section 62.190 (a & b): Providing Access and Copying Miners’ Records**

Mine Type	Miners Requesting Record	Clerical Hours (1 minute per record)
Coal	2,489	49.78
M/NM	22,105	442.10
<b>Total</b>	<b>24,594</b>	<b>491.88</b>

Costs for photocopying are shown in Item 13.

**Estimated Annualized Respondent Hourly Burden Cost**

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden per Response (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Section 62.110(d)	12,929	4.04	52,271	0.08	4,181.68	\$29.69	\$124,154.08
*Section 62.130(a) Small Mines (Supervisors)	80	1.00	80	0.75	60.00	\$57.97	\$3,478.20
Section 62.130(a) Small Mines (Clerks)	80	6.91	553	0.08	44.24	\$29.69	\$1,313.49

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden per Response (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
*Section 62.130(a) Large Mines (Supervisors)	246	1.00	246	1.50	369.00	\$57.97	\$21,390.93
Section 62.130(a) Large Mines (Clerks)	246	44.30	10,899	0.08	871.92	\$29.69	\$25,887.30
Section 62.171(b)	12,929	2.20	28,480	0.08	2,278.40	\$29.69	\$67,645.70
Section 62.172(a)(1) & (a)(2)	12,929	2.20	28,480	0.08	2,278.40	\$29.69	\$67,645.70
Section 62.174(a)	12,929	0.26	3,305	0.08	264.40	\$29.69	\$7,850.04
Section 62.175(a)	12,929	2.20	28,490	0.08	2,279.20	\$29.69	\$67,669.45
Section 62.180(b)	12,929	1.00	12,929	0.08	1,034.32	\$57.97	\$59,959.53
Section 62.190	12,929	1.90	24,594	0.02	491.88	\$29.69	\$14,603.92
<b>TOTAL</b>			<b>190,001</b>		<b>14,153 (rounded)</b>		<b>\$461,598 (rounded)</b>

\*Note: for 62.130(a), the number of responses prepared by the supervisors and copied by the clerks are counted as responses in the number copied by clerks. To avoid double counting, the total responses for all responses does not include the supervisor preparation time as responses.

**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 shown in Items 12 and 14).**

- **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.**

Section 62.130 states that no miner shall be exposed during any work shift to noise that exceeds a time-weighted average-8 hour (TWA<sub>8</sub>) of 90 decibel (dBA) permissible exposure level (PEL), or equivalently a dose of 100 percent of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA. If during any work shift a miner's noise exposure exceeds the PEL, the mine operator is required to use all feasible engineering and administrative controls to reduce the miner's noise exposure to the PEL and enroll the miners in a hearing conservation program. When administrative controls are used to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miners.

#### Administrative Controls

The noise provisions require mine operators to supply a copy, estimated to be \$0.30 per copy, of the written administrative control procedures to each of the affected miners as well as post copies on bulletin boards (see detail in response to question 12, section 62.130).

#### Annual Material Costs for Administrative Controls for all Mines

11,126	copies to miners
<u>326</u>	<u>copies on bulletin boards</u>
11,452	copies x \$0.30 = <b>\$3,436.00</b>

Section 62.172(a)(2) states that audiograms must be evaluated by a physician, an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist. This section requires the operator to inform persons evaluating audiograms of the requirements of this part and to provide them with a copy of the miner's audiometric test records.

It costs \$0.30 per miner for photocopying audiometric test records.

#### Audiogram Copies for Evaluators

(Record count from Question 12, Section 62.172)

Occupational Noise Exposure  
 OMB Control Number 1219-0120  
 OMB Expiration Date: 1/31/22

Mine Type	Records (1 per affected miner)	Cost* (\$0.30/copy)
Coal	7,470	\$2,241.00
M/NM	21,010	\$6,303.00
<b>Total</b>	<b>28,480</b>	<b>\$8,544.00</b>

In addition, MSHA estimates that it will cost approximately \$6 for a small mine and \$11 for a large mine to mail miners' records to physicians, audiologists, or qualified technicians

**Section 62.172 Annual Postage Costs for Mailing Audiograms**

	212	\$6.00	\$1,272.00
	196	\$11.00	\$2,156.00
	748	\$6.00	\$4,488.00
	301	\$11.00	\$3,311.00
<b>Total</b>	<b>1,457</b>		<b>\$11,227.00</b>

Section 62.190(b) requires the operator to provide the first copy of a record to a person who has access, at no cost to that person, and additional copies requested by that person at reasonable cost. (The number matches data for section 62.190 in Question 12.)

It will cost the mine operator \$0.30 to photocopy a record for each miner. MSHA estimates that there are affected 24,881 miners.

Annual Costs copies for Miners

24,594 miners x \$0.30 = **\$7,378.00**

**Cost to Respondents or Recordkeepers**

<b>30 CFR Section</b>	<b>Cost</b>
62.130	\$3,436.00
62.172(a)(2)	\$8,544.00
Section 62.130	\$11,227.00
62.190(b)	7,378.00
<b>Total Cost to Respondents or Recordkeepers</b>	<b>\$30,585 (rounded)</b>

**14. Provide estimates of the 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 into a single table.**

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

**15. Explain the reasons for any program changes or adjustments.**

While respondents decreased, responses and burden hours increased due to an increase in both the number of small M/NM and large M/NM mines that distributed new controls and procedures annually.

<b>Respondents:</b>	Decrease of 24 (from 12,953 to 12,929)
<b>Responses:</b>	Increase of 5,566 (from 184,435 to 190,001)
<b>Hours:</b>	Increase of 473 (from 13,680 to 14,153)
<b>Costs:</b>	Decrease of \$1,341 (from \$31,926 to \$30,585)

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

The results of this information collection are not scheduled for publication.

**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. MSHA associates no forms with this collection of information.

**18. Explain each exception to the certification statement.**

There are no certification exceptions identified with this information collection.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This information collection does not employ statistical methods.