

Refuge Alternatives for Underground Coal Mines
OMB Control Number: 1219-0146
OMB Expiration: 2-29-2022

This Information Collection Request (ICR) seeks to extend, without change, a currently approved information collection.

SUPPORTING STATEMENT

Information Collection Title: Refuge Alternatives for Underground Coal Mines

OMB No.: 1219-0146

Collection Instrument(s): None

30 CFR Citations:

Title

Section 75.1506(c)(2)	Refuge alternatives
Section 75.1507	Emergency Response Plan; refuge alternatives
Section 75.1508(a) and (b)	Training and records for examination, maintenance and repair of refuge alternatives and components

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.

Each underground coal mine has an emergency response plan (ERP) and refuge alternative (RA) that protects miners by providing secure spaces with isolated atmospheres that create life-sustaining environments when escape from a mine during a mine emergency is not possible.

Section 75.1506 Refuge alternatives.

This section requires mine operators to provide RAs and components.

Section 75.1507 Emergency Response Plan; refuge alternatives.

This section requires the development and implementation of ERPs that provide detailed information about the RAs used in the mine. This information assists mine operators, miners, supervisors, emergency responders, and MSHA in ensuring that all essential preparations are made and required materials are readily available and in working order. A mine operator may notify the District Manager and update the existing ERP if there is a need to locate an RA in a different location than the one identified in the ERP for that mine (required by section 75.1506(c)(2)).

Section 75.1508 Training and records for examination, maintenance and repair of refuge alternatives and components.

Section 75.1508(a) requires the mine operator to certify that persons assigned to examine, maintain, and repair RAs and components are trained for those tasks. Training certifications assist MSHA in determining that persons received the required training. The training certification for persons assigned to examine RAs is integrated into existing requirements for preshift examinations of the mine under section 75.360 (OMB No. 1219-0088). The training certification for persons assigned to maintain and repair RAs is included in this package under section 75.1508(a).

Section 75.1508(b) requires a record of any maintenance and repair performed on an RA. This record assists MSHA in identifying design flaws or other weaknesses in the RA or its components that could adversely impact the safety of miners.

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.

MSHA inspectors use the information from these records to verify that mine operators properly supply and maintain RAs, and in the event of an emergency, that miners will know when and where to seek refuge, that the immediate area of the refuge is secure from roof failure, and that maps are current and can be used by mine rescue teams to locate the sheltered miners.

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.

MSHA does not restrict mine operators from using any format or media for the collection of information. The records may be kept in a traditional format or stored electronically, provided they are secure and not susceptible to loss or alteration. MSHA encourages manufacturers and mine operators who store records electronically to provide a mechanism to allow the continued storage and retrieval of records for at least 1 year. Section 75.1508(c) requires the operator to maintain records for training certifications and repair records to be kept at the mine for 1 year. Section 75.360(h) requires the RA preshift examination record to be retained for at least one year.

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.

MSHA integrated ERPs and RAs with existing requirements in 30 CFR part 75 for roof control plans; preshift examinations; mine ventilation, escapeway, and mine maps; and mine emergency evacuation and firefighting program of instruction. MSHA has minimized the information collection burden on mine operators by integrating various requirements into existing information collection packages instead of requiring separate and duplicative requirements.

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

Section 103(e) of the Mine Act directs the Secretary not to impose an unreasonable burden on small businesses when obtaining any information under the Mine Act. Accordingly, MSHA takes this directive and comments from the public into consideration when developing regulatory requirements. Different requirements for small and large mines exist when appropriate and consistent with ensuring the health and safety of miners. Similarly, MSHA approval regulations apply equally to all manufacturers to ensure that miners are protected from products that could cause a fire or explosion or other safety hazard when used. The standard minimized the information collection burden on small mines by: (1) requiring RAs for outby areas to be spaced within 1 hour travel distances in outby areas where persons work such that persons in outby areas are never more than a 30-minute travel distance from an RA or safe exit; and (2) providing an alternative method that allows mine operators to determine the location or need for outby RAs by evaluating the risk to outby miners.

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.

The nature of underground coal mining is such that a mine emergency, such as a fire or explosion, can have disastrous consequences. The standards improve the mine operator's preparation for mine emergencies by providing a means to sustain miners trapped by an event that makes escape impossible. If the information collection is not conducted or is conducted less frequently, the Agency could not adequately implement the requirements of the Mine Act and 30 CFR part 75.

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

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

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

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

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

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

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

MSHA published a 60-day *Federal Register* notice on July 6, 2021 (86 FR 35537). 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 has provided no payments or gifts to the respondents identified in this collection.

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

There is no assurance of confidentiality provided to respondents. As a practical matter, the Department of Labor would only disclose information obtained pursuant to this information

collection in accordance with the provisions of the Freedom of Information Act, 5 U.S.C. section 552, and its attendant regulations, 29 CFR part 70.

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 information related to quantities and inspection rates are estimated by MSHA's Headquarters Enforcement Division based on field experience with different types of mining operations, sizes of mines, and the frequency of inspections dictated by statute. Mine operators provide MSHA Headquarters Enforcement Division the number of mines and employment, and from this information MSHA tracks the number of active and inactive mines and mine types throughout the United States.

Annual burden hours and related costs calculations are shown below. MSHA used data from the May 2020 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates and adjusted the rates for benefits and wage inflation¹.

¹ Options for obtaining OEWS data are available at item "E3. How to get OEWS data. What are the different ways to obtain OEWS estimates from this website?" at https://www.bls.gov/oes/oes_ques.htm. The benefit-scaler comes from BLS Employer Costs for Employee Compensation access by menu <https://data.bls.gov/cgi-bin/srgate>. 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 2020Qtr1-2020Qtr4 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 $1 + (\text{benefit percentage} / (1 - \text{benefit percentage})) = 1 + (.331 / (1 - .331)) = 1.49$. 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://data.bls.gov/cgi-bin/srgate>); Qtr 4

A. Refuge Alternatives

Under section 75.1506(c)(2), the mine operator may request and the District Manager may approve a different location for the RA in the ERP required by section 75.1507. The Agency estimates that there will be 1 request received annually to relocate the refuge alternative and that they are appended to the existing mine-specific ERP for each mine. MSHA estimates a relocation request will be performed by a supervisor at an hourly wage of \$60.83 and, on average, will take 1 minute per request.²

B. Emergency Response Plan

Section 75.1507 requires that the ERP include information about the RAs used in the mine, including a description of the types of RAs; procedures for transporting, maintaining, and using them; the rated capacity and expected number of occupants; the duration of breathable air per person; and suitable locations. There were 3 new underground coal mines opened in 2020.

MSHA assumes that each ERP submitted will require changes in response to MSHA's evaluation of those plans. The Agency estimates these submissions and revisions will be performed by a supervisor at an hourly wage of \$60.83 and, on average, will take 24 hours.

MSHA estimates that a clerical employee, working at a wage rate of \$30.40, will additionally take a total of 12 minutes.³

C. Certification of Training

Section 75.1508(a)(2) requires the mine operator to certify that persons assigned to examine, maintain, and repair RAs and components are trained.

MSHA estimates that training to examine RAs and components, and the certification of that training, will be integrated into the existing requirements that govern training for certified persons. Therefore, MSHA estimates no burden associated with this certification requirement.

For persons assigned to maintain and repair RAs and components, MSHA estimates that 2 miners per mine will receive training from the manufacturer as part of the purchase agreement. MSHA estimates that a record of the training will be made by a supervisor at an hourly wage of \$60.83 and will take about 3 minutes.

D. Record of Repair & Corrective Action

Section 75.1508(b) requires a record of each repair, including corrective action taken. MSHA estimates that the total number of repair and maintenance cases per year on all RAs will be: 2 in mines with 1-19 employees; 13 in mines with 20-500 employees; and 2 in mines with 501+ employees. MSHA estimates that recording of the maintenance and repair will be performed by a supervisor at an hourly wage of \$60.83 and will take about 1 minute for each event.

2020/Qtr 1 2020; 141.1/140.2=1.006

² Supervisor Wage is the employment weighted average for 4 Standard Occupational Classification Codes (SOC) for 4 separate occupational groups from the BLS May 2020 OEWS data for NAICS 212100, Coal Mining. Weighted average rate \$60.83=\$40.58 x 1.49 benefit adjustment x 1.006 inflation adjustment.

³ Clerical Wage is the employment weighted average for 2 Standard Occupational Classification Codes (SOC) for the clerical occupational general category 43 from the BLS May 2020 OEWS data for NAICS 212100, Coal Mining. Weighted average rate \$30.40=\$20.28 x 1.49 benefit adjustment x 1.006 inflation adjustment.

For the summary table which follows, all time is calculated at the full precision (e.g. minutes/60) and then rounded to two decimal places after hours are calculated. The hourly employee cost is shown rounded to two decimal places. The total burden costs for question 12 are the product of hours times wage rate and then rounded to two decimal places. All grand totals are rounded to whole numbers.

Estimated Annualized Respondent Cost and Hour Burden

Standard/ Data Collection Instrument	Total Respo n- dents	Respon -ses per Respon -dent	Total Re- spon -ses	Average Burden Hours per Response	Total Burden Hours	Hourly Wage Rate	Total Burden Costs
Section 75.15 06(c)(2): Requests to relocate Refuge Alternative	1	1	1	0.0166666667	0.02	\$60.83	\$1.22
Section 75.1507 (Super-visor)	3	1	3	24.00	72.00	\$60.83	\$4,379.76
Section 75.1507 (Clerical)	3	1	3*	0.20	0.60	\$30.40	\$18.24
Section 75.15 08(a): Certification of Training	3	2	6	0.050	0.30	\$60.83	\$18.25
Section 75.15 08(b): Record of Repair & Corrective Action	17	1	17	0.017	0.28	\$60.83	\$17.03
Totals	3**		27		73 (rounded)		\$4,435 (rounded)

* = Clerical responses are counted as part of the original response

** = Not cumulative

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

- 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 75.1507 requires that the ERP include the following for each RA and component: types and suitable locations of the units in use; procedures for transporting, maintaining, and using the unit; the unit's rated capacity; and duration of breathable air for each person. In addition the ERP will specify the methods for providing: breathable air; removal of carbon dioxide; backup oxygen controls and regulators; an airlock and breathable air in the airlock; sanitation facilities; harmful gas removal; monitoring of gas concentrations; and lighting.

For RAs, the ERP specifies that the breathable air components are MSHA approved, and the unit can withstand exposure to a flash fire of 300° Fahrenheit for three seconds. For RAs that sustain persons for only 48 hours, the ERP must describe advance arrangements that have been made to ensure that persons who cannot be rescued within 48 hours will receive additional supplies to sustain them until rescued. The ERP also must specify that the RA is stocked with a specified amount of food and water per person, RA and component manuals, materials and tools sufficient to make repairs on the unit, and first-aid supplies.

MSHA estimates the annual total cost of \$17.00 for the 3 new mines opened in 2020 to submit revised emergency response plans (including RAs).

**Annual Copy and Postage Cost to Submit Revised Emergency Response Plans (ERPs)
Including Refuge Alternatives (RAs) under Section 75.1507**

	Mines	Copy & Send Revised ERP Costs per Mine	Annual Cost*
Cost Burden:	3	\$5.60	\$16.80
Total Cost Burden:			\$17

*Total is rounded.

- 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.**

There are no Federal costs associated with this information collection request.

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

Responses, burden hours, and costs have decreased due to a decrease in respondents.

Respondents: There has been a decrease of 7 respondents (from 10 to 3).

Responses: There has been a decrease of 9 in responses (from 36 to 27).

Hours: There has been a decrease of 86 burden hours (from 159 to 73).

Costs: There has been a decrease of \$19 (from \$36 to \$17).

- 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.**

There are no additional forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the topics of the certification statement.**

There are no certification exceptions identified with this information collection.

B. Collections of Information Employing Statistical Methods.

The collection of this information does not employ statistical methods.