

## SUPPORTING STATEMENT

**Information Collection Title:** Training Plans, New Miner Training, Newly-hired Experienced Miner Training

<b>OMB Control</b>	<b>30 CFR Citations</b>
1219-0131	46.3(a), (c), (d), (e), (g), (h), & (i). 46.9 Records of Training under 46.5, 46.6, 46.7, and 46.8, 46.11

**Collection Instrument(s):** Electronic Training Plan Advisor

This Information Collection Request (ICR) seeks to extend, without change, a currently approved information 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(a), authorizes the Secretary of

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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.

The Mine Act, as amended, 30 U.S.C. 801 et seq., recognizes that education and training is an important element of federal efforts to make the nation's mines safe. These standards are intended to ensure that miners will be effectively trained in matters affecting their health and safety, with the ultimate goal of reducing the occurrence of injury and illness in the nation's mines. Title 30 CFR 46.3 requires written training plans for training and retraining miners engaged in shell dredging or employed at sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mines.

Section 46.3 requires written training plans contain effective programs for training new miners and newly hired experienced miners, training for new tasks, annual refresher training, and site-specific hazard awareness training. A training plan is considered approved if it contains, at a minimum, the following information:

- (1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);
- (2) The name and position of the designated person who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;
- (3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area;
- (4) A list of the persons and/or organizations who will provide the training and the subject areas in which each person and/or organization is competent to instruct; and
- (5) The evaluation procedures used to determine the effectiveness of training.

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

The records allow operators to show that miners received the required training. MSHA inspectors use the records to determine that training required by the regulations has been provided.

**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.**

Training plans required by section 46.3 may include narratives, descriptions, lists and tables. The plans can be submitted via email or facsimile. MSHA has developed and implemented an electronic on-line system (MSHA Electronic Training Plan Advisor) for operators to prepare and submit training plans through the internet. This system has been available for Part 46 mining operations since September 2000. This is an optional method for the mining industry to prepare and file required training plans. The design of this system increases the likelihood that the plan will be complete, along with the potential to decrease the paperwork burden. MSHA estimates the percentage of respondents reporting electronically to be 50 percent. This system is maintained on Department of Labor servers, and is accessed through MSHA's website at <http://www.msha.gov>, "Support and Resources," then "Forms and Online Filing," then selecting "Electronic Training Plan Advisor" or directly at <https://www.msha.gov/support-resources/forms-online-filing/2017/01/23/electronic-training-plan-advisor>.

**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 or duplicate information exists.

**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. MSHA developed part 46 in partnership with industry for this specific industry segment because it is comprised primarily of small mines.

**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 these information collection requirements are the minimum necessary to ensure that miners receive the required training. Reduction in these requirements may result in miners being unaware of unsafe and unhealthful conditions in the mine and failing to take appropriate measures, thus, jeopardizing their lives.

**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.**

Although there is no explicit requirement that a mine operator retain records for more than 3 years, the operator must maintain a current, approved training plan during the entire time the mine is in operation. 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 January 21, 2022 (87 FR 3357). 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.**

Operators are given no assurances of confidentiality; however, the records of an individual's training are covered by the Privacy Act Systems of Records Notice, DOL/MSHA-1, Mine Safety and Health Administration Standardized Information System (MSIS) (81 FR 25766) published on April 29, 2016. Computerized and manual records are indexed by mine identification number. Computer safeguards are as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974." The records are stored in locked file cabinets and are accessible only to authorized personnel during working hours.

**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 from 2020 data 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.

The following calculations show the annual burden hours and related costs borne by affected Metal/NonMetal surface mines and "miners or other persons working at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines" (30 CFR 46.1). 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<sup>1</sup> and adjusted the rates for benefits<sup>2</sup> and wage inflation<sup>3</sup>.

MSHA estimates that 10,996 mines are subject to this provision: 6,164 mines employing 1-5 miners per mine, 3,604 mines employing 6-19 miners per mine, and 1,228 mines employing 20 or more miners per mine.

In the following calculations, the numbers are based on estimates from MSHA technical personnel who manage the Agency's training program requirements.

#### Section 46.3(a) – develop training plans (Record Keeping Hours)

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](https://www.bls.gov/oes/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 2020Qtr3-2021Qtr2 to determine that 32.9 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  $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (.329/(1-.329)) = 1.49$ .

3 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 2 2021/Qtr 2 2020=144.3/139.2=1.037).

Section 46.3(a) requires mine operators to develop and implement a written training plan that contains effective training programs. MSHA estimates that, of the 10,996 affected mines covered by this information collection package, 30 percent (or 3,298 mines) will develop or revise training plans annually. Of these 3,298 mines, there are 2,930 plans for mines employing 1 to 19 miners and 368 plans for mines employing 20 or more miners. Of the number of training plans in each mine size category that will be developed or revised, we estimate that 50 percent will be done electronically (on-line e-plans).

MSHA estimates that a supervisor, earning \$52.54 per hour<sup>4</sup>, takes 2 hours to develop or revise a paper training plan for mines employing fewer than 20 persons, and 4 hours for mines employing 20 or more persons. MSHA further estimates that the time to develop or revise a plan will be reduced by 50 percent if done electronically.

Section 46.3(c) – send plans to MSHA and notify miners or miners’ representative (Reporting Hours)

Paragraph (c) requires a plan that does not include the minimum information specified in paragraphs (b)(1) through (b)(5) to be submitted to MSHA for approval. MSHA estimates that, of the 10,996 affected mines covered by this information collection package, 118 mines submitted plans to MSHA annually under section 46.3(c). Due to the COVID-19 pandemic all Part 46 training plans were received electronically in 2020 and 2021. All plans that did not include the minimum information were submitted electronically, which incurs de minimis burden hours or costs. MSHA expects this trend of electronic submissions to continue if the pandemic eases and estimates an increased return in mail of 10% of the 118 mines (12) over the next approval period. MSHA estimates that a clerical worker, earning \$29.72 per hour<sup>5</sup>, takes about 12 minutes to copy and mail a training plan to MSHA and to notify miners or a miners’ representative.

Section 46.3(d) - provide training plan to miners’ representative or post plan (Third Party Disclosure Hours)

Paragraph (d) requires operators to provide miners' representatives with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. MSHA

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4 Supervisor wage rate 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 212300 - Nonmetallic Mineral Mining and Quarrying. Weighted average rate \$52.54=\$34.00 x 1.49 benefit adjustment x 1.037 inflation adjustment.

5 Clerical wage rate is the employment weighted average for 10 Standard Occupational Classification Codes (SOC) for 10 separate occupational groups from the BLS May 2020 OEWS data for NAICS 212300 - Nonmetallic Mineral Mining and Quarrying. Weighted average rate \$29.72=\$19.23 x 1.49 x 1.037.

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estimates for all 3,298 mines that develop or revise training plans annually that a clerical worker, earning \$29.72 per hour, takes 6 minutes to photocopy the plan and either deliver or post the plan.

Section 46.3(e) – miners’ or their representatives’ submission of written comments on training plan (Reporting Hours)

This burden is not borne by the mine operator, but by miners or miners’ representatives. Section 46.3(e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators or to the Regional Manager, as appropriate.

Over the last 3 years, MSHA has not received any written comments. In order to recognize that this may occur in the future, MSHA estimates that it could receive one written comment per year. MSHA estimates that a miner or miners’ representative, earning \$35.62 per hour<sup>6</sup>, would take 2 hours per affected mine to prepare written comments.

Section 46.3(g) - provide miners or representative with copy of approved training plan or post plan (Third Party Disclosure Hours)

This provision requires the mine operator to provide the miners’ representative, if any, with a copy of the approved training plan within 1 week of approval. At mines where no miners’ representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner.

The mines affected by this provision are those that submit plans to MSHA for approval under section 46.3(c). MSHA estimates that operators submit 118 training plans to MSHA for approval under section 46.3(c) and that these plans are approved. On average, a clerical worker, earning \$29.72 per hour, is estimated to take 6 minutes to photocopy and either post the approved training plan or deliver a copy to the miners’ representative.

Section 46.3(h) – write an appeal (Reporting Hours)

Section 46.3(h) allows mine operators, contractors, miners, and miners’ representatives to appeal a decision of the Regional Manager in writing to MSHA’s Director for

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<sup>6</sup> Miner wage rate is the employment weighted average for 12 Standard Occupational Classification Codes (SOC) for 12 separate occupational groups from the BLS May 2020 OEWS data for NAICS 212300 - Nonmetallic Mineral Mining and Quarrying. Weighted average rate \$35.62=\$23.06 x 1.49 benefit adjustment x 1.037 inflation adjustment.



Educational Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal.

Over the last 3 years, MSHA has not received any appeals. In order to recognize that this may occur in the future, MSHA estimates that it could receive one appeal per year. MSHA estimates that a mine supervisor, earning \$52.54 per hour, would take 4 hours to write the appeal.

Section 46.3(i) – make plans available for inspection (Record Keeping Hours)

Section 46.3(i) requires mine operators and contractors to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, operators must have the capability to provide the plan within one business day upon request to MSHA, miners, or their representatives.

MSHA estimates that all 10,996 mines covered by part 46 would need to make plans available for inspection or examination, on average, once annually. MSHA estimates that a clerical worker, earning \$29.72 per hour, would take 6 minutes to retrieve, photocopy, and re-file the training plan.

Section 46.5(a) New miner training – number of training sessions

Paragraph (a) of section 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe and healthful manner. This training may be provided either onsite or offsite.

New miner training - onsite training

MSHA estimates that of the 10,996 affected mines covered by this information collection package, 1,978 mines provided onsite training under this provision: 1,800 mines that employ 1 to 19 miners and 178 mines that employ 20 or more miners.

MSHA estimates that the average number of training sessions the mine supervisor would provide annually is: 1 session for mines that employ 1 to 19 miners and 3 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-19)	1,800 mines x 1 session =	1,800 sessions
Mines (20+)	178 mines x 3 sessions =	<u>534 sessions</u>

2,334 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

New miner training - offsite training

Additionally, the Agency estimates that part of new miner training would be provided offsite by a third party. Operators would pay the third party for providing this part of the new miner training.

MSHA estimates that 37 percent (4,068) of mines provide offsite training.

Number of Training Sessions

Mines (1-19)	3,614 mines x 1 session =	3,614 sessions
Mines (20+)	454 mines x 3 sessions =	<u>1,362 sessions</u>
		4,976 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.6(a) Newly hired experienced miner training - number of training sessions

Section 46.6(a) requires operators to provide each newly hired experienced miner with certain specified training before the miner begins work. MSHA estimates that, of the 10,996 affected mines covered by this information collection package, 6,156 mines will provide training under this provision. The mines affected annually by this provision in each size category are: 3,451 mines that employ 1 to 5 miners; 2,018 mines that employ 6 to 19 miners; and 687 mines that employ 20 or more miners.

For each size category, MSHA estimates that the average number of training sessions the mine supervisor would provide annually is: 1 session for mines that employ 1 to 5 miners; 2 sessions for mines that employ 6 to 19 miners; and 4 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	3,451 mines x 1 session =	3,451 sessions
Mines (6-19)	2,018 mines x 2 sessions =	4,036 sessions
Mines (20+)	687 mines x 4 sessions =	<u>2,748 sessions</u>
		10,235 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.7(a) New task training - number of training sessions

Section 46.7(a) requires that before a miner performs a new task for which the miner has no experience, the operator must train the miner in the safety and health aspects and safe work procedures specific to that task. MSHA estimates that, of the 10,996 affected mines covered by this information collection package, 95 percent (or 10,444 mines) will provide training under this provision. The mines affected by this provision in each size category are: 5,855 mines that employ 1 to 5 miners; 3,423 mines that employ 6 to 19 miners; and 1,166 mines that employ 20 or more miners.

For each size category, the average number of training sessions that the mine supervisor will give annually per mine is: 5 sessions for mines that employ 1 to 5 miners; 10 sessions for mines that employ 6 to 19 miners; and 20 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	5,855 mines x 5 sessions =	29,275 sessions
Mines (6-19)	3,423 mines x 10 sessions =	34,230 sessions
Mines (20+)	1,166 mines x 20 sessions =	<u>23,320 sessions</u>
		86,825 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.7(b) Regularly-assigned task training - number of training sessions

Section 46.7(b) requires that if changes have occurred in a miner's regularly assigned task that affect the health and safety risks encountered by the miner, the operator must provide the miner with training that addresses the changes. MSHA estimates that, of the 10,996 affected mines covered by this information collection package, 95 percent (or 10,444 mines) will provide training under this provision. The mines affected by this provision in each size category are: 5,855 mines that employ 1 to 5 miners; 3,423 mines that employ 6 to 19 miners; and 1,166 mines that employ 20 or more miners.

For each size category, the average number of training sessions that the mine supervisor will give annually per mine are: 5 sessions for mines that employ 1 to 5 miners; 10 sessions for mines that employ 6 to 19 miners; and 20 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	5,855 mines x 5 sessions =	29,275 sessions
Mines (6-19)	3,423 mines x 10 sessions =	34,230 sessions
Mines (20+)	1,166 mines x 20 sessions =	<u>23,320 sessions</u>
		86,825 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.8(a) Annual refresher training - number of training sessions

Section 46.8(a) requires that the operator provide each miner with no less than 8 hours of refresher training, at least every 12 months. The mines affected by this provision in each size category are: 9,768 mines that employ 1 to 19 miners and 1,228 mines that employ 20 or more miners.

For each size category, MSHA estimates that the average number of training sessions the mine supervisor would provide annually is: 1 session for mines that employ 1 to 19 miners and 2 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-19) 9,768 mines x 1 session =	9,768 sessions
Mines (20+) 1,228 mines x 2 sessions =	<u>2,456 sessions</u>
	12,224 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.9 Records of training (Record Keeping Hours)

Section 46.9 requires operators, upon completion of each training program, to record and certify that the miner has completed the training on MSHA Form 5000-23, (Form 5000-23, which is the mandatory approved form under OMB 1219-0009, Certificate of Training (30 CFR 48.9 and 48.29)), or on a form that contains the required information. For all records required to be kept for training under sections 46.5, 46.6, 46.7, 46.8, and 46.11, MSHA estimates that, for each mine, a mine supervisor, earning \$52.54 per hour, takes 5 minutes to record and certify training records for each session. In addition, MSHA estimates that it takes a clerical worker, earning \$29.72 per hour, 3 minutes to copy and distribute the certificates for each training session.

The numbers in the calculations below come from the number of sessions in each of the sections for training (sections 46.5, 46.6, 46.7, 46.8, and 46.11) specified in question 12.

Number of 30 CFR Part 46 Training Sessions

Training for 46.5 (on-site)	2,334 sessions
Training for 46.5 (off-site)	4,976 sessions
Training for 46.6	10,235 sessions

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Training for 46.7(a)	86,825 sessions
Training for 46.7(b)	86,825 sessions
Training for 46.8	12,224 sessions
Training for 46.11	<u>914,200 sessions</u>
	1,117,619 sessions

Section 46.11 Site-specific hazard awareness training – number of training sessions

Section 46.11(a) requires operators to provide site-specific hazard training to specific persons before they are exposed to mine hazards. Persons required to have training include: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers who do not work at the mine site on a continuing basis, or construction workers or employees of independent contractors who are not miners under section 46.2; and outside vendors, visitors, office or staff personnel. This training is also required for miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor. There is little or no preparation for this type of training because the miner giving the training is only explaining or showing potential mine hazards to the person(s) being trained.

For each mine-size category, MSHA estimates that the average number of training sessions the miner would provide annually per mine are: 50 sessions for mines that employ 1 to 5 miners; 100 sessions for mines that employ 6 to 19 miners; and 200 sessions for mines that employ 20 or more miners. The number of mines affected by this provision in each mine-size category is: 6,164 mines that employ 1 to 5 miners; 3,604 mines that employ 6 to 19 miners; and 1,228 mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	6,164 mines x 50 sessions =	308,200 sessions
Mines (6-19)	3,604 mines x 100 sessions =	360,400 sessions
Mines (20+)	1,228 mines x 200 sessions =	<u>245,600 sessions</u>
		914,200 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified above in section 46.9 of question 12.

**Estimated Annualized Respondent Cost and Hour Burden**

	A	B	C (=AxB)	D	E (=CxD)	F	(=ExF)
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Form/ Activity/ Section	No. of Respondents	No. of Responses per Respondent	Total Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Monetized Value of Time
46.3(a) (Mines Size 1-19)  (Record-keeping)	1,465	1	1,465	2	2,930.00	\$52.54	\$153,942.20
46.3(a) (Mines Size 1-19)  (Record-keeping)	1,465	1	1,465	1	1,465.00	\$52.54	\$76,971.10
46.3(a) (Mines Size 20+)  (Record-keeping)	184	1	184	4	736.00	\$52.54	\$38,669.44
46.3(a) (Mines Size 20+)  (Record-keeping)	184	1	184	2	368.00	\$52.54	\$19,334.72
46.3(i)  (Record-keeping)	10,996	1	10,996	.1 (6 min)	1,099.60	\$29.72	\$32,680.11
46.9  (Supervisor)  (Record-keeping)	10,996	1,117,619/ 10,966	1,117,619	0.0833333333 (5 min)	93,134.92	\$52.54	\$4,893,308.70
46.9  (Clerical)  (Record-keeping)	10,996	1,117,619/ 10,966	1,117,619 *	.05 (3 min)	55,880.95	\$29.72	\$1,660,783.32
<b>Record-</b>					(155,615 rounded)		

<b>keeping Hours Subtotal</b>							
46.3(c) (clerical) (Reporting)	12	1	12	.2 (12 min)	2.40	\$29.72	\$71.33
46.3(e) (Reporting)	1	1	1	2	2.00	\$35.62	\$71.24
46.3(h) (Reporting)	1	1	1	4	4.00	\$52.54	\$210.16
<b>Reporting Hours Subtotal</b>					(8 rounded)		
46.3(g) (3rd Party Disclosure)	118	1	118	.1 (6 min)	11.80	\$29.72	\$350.70
46.3(d) (3rd Party Disclosure)	3,298	1	3,298	.1 (6 min)	329.80	\$29.72	\$9,801.66
<b>3<sup>rd</sup> Party Disclosure Hour Subtotal</b>					(342 rounded)		
<b>Grand Total</b>	<b>10,996*</b>		<b>1,135,343*</b>		<b>155,965 (rounded)</b>		<b>\$6,886,195 (rounded)</b>

\* Not cumulative

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

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

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information 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.**

**Capital and Start-up Costs:** There are no capital and start-up costs.

**Operating and Maintenance Costs:**

Section 46.3(c) – provide training plan to MSHA

Submission of plans for approval is voluntary. Approximately, 10 percent of the 118 plans (12 plans) are submitted by mail, email, or facsimile. MSHA estimates that a plan is 6 pages, copy costs are \$0.15 per page, and postage, if applicable, is \$2.00.

Annual Costs

12 training plans x ((6 pages x \$0.15) + \$2.00) = \$35.00

Section 46.3(d) – provide training plans to miners' representative or post plan

The operator must provide the miners' representative with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. MSHA estimates that 3,298 mines are affected by this provision annually. A plan is estimated to have 6 pages and copy costs are \$0.15 per page.

Annual Costs

3,298 training plans x (6 pages x \$0.15) = \$2,968.00

Section 46.3(e) – miners' or their representatives' submission of written comments on plans

Within 2 weeks following the receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to the operator, or to MSHA.



Over the last 3 years, MSHA has not received any written comments. In order to recognize that this may occur in the future, MSHA estimates that it could receive one written comment per year. Postage costs to deliver written comments are estimated at \$2.00.

Annual Costs  
1 mine x \$2.00 = \$2.00

As with calculating burden hours, all costs are assumed to be borne by organizations representing miners for data entry purposes.

Section 46.3(g) – provide miners or representative with copy of approved training plan or post plan

This provision requires the operator to provide the miners' representative, if any, with a copy of the approved training plan within 1 week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within 1 week of approval.

The mines affected by this provision are those that submit plans to MSHA for approval under section 46.3(c). MSHA estimates that operators submit 118 training plans to MSHA for approval under section 46.3(c). On average, a plan is estimated to be 6 pages, copying costs are \$0.15 per page, and postage is \$2.00.

Annual Costs  
118 mines x ((6 pages x \$0.15) + \$2.00) = \$342.20

Section 46.3(h) – write an appeal

An operator may appeal an MSHA decision concerning an approved training plan. Over the last 3 years, MSHA has not received any appeals. In order to recognize that this may occur in the future, MSHA estimates that it could receive one appeal per year. The costs for postage to mail the written appeal are estimated to be \$2.00.

Annual Costs  
1 mine x \$2.00 = \$2.00

Section 46.3(i) – make available training plan for inspection

The operator must make available a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. MSHA estimates that all 10,996 mines covered by part 46 would need to make plans available for inspection or examination, on average, once annually. The copying costs are \$0.15 per page and 6 pages are copied.

Annual Costs

10,996 mines x (6 pages x \$0.15) = \$9,896.40

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Section 46.9 Records of Training

Under each training provision (30 CFR 46.5, 46.6, 46.7, 46.8, and 46.11), a clerical person makes 2 copies for each training record. Copies are \$0.15 per page and the record is one page.

Rounded Annual Costs 1,117,619 sessions x \$0.15 x 1 page x 2 copies = \$335,285.70

**Summary of Burden Costs from Question 13**

Section	Annual Burden Costs
46.3(c)	\$35.00
46.3(d)	\$2,968.00
46.3(e)	\$2.00
46.3(g)	\$342.20
46.3(h)	\$2.00
46.3(i)	\$9,896.40
46.9	\$335,285.70
<b>Rounded Total Cost (Record-keeping)</b>	<b>\$348,531</b>

**14. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

MSHA's Educational Field and Small Mine Services reviews and may approve any training plans submitted under the part 46 rule. On average, 118 plans were submitted annually. Of these, 107 plans were submitted from operations employing 1 to 19 miners and 11 from operations employing 20 or more miners. Also, MSHA estimates that a training specialist spends an average of 2 hours to review plans submitted by operations employing 1 to 19 miners and 4 hours for operations employing 20 or more

miners. For 2021, the average grade and salary costs of a training specialist is GS 13 at \$75.30 per hour including benefits.<sup>7</sup>

Affected mines: 6,164 operations employ 1 to 5 miners; 3,604 operations employ 6 to 19 miners; and 1,228 operations employ 20 or more miners. On average, MSHA estimates that the time an inspector spends annually to review part 46 training records and plans per mine visit is 15 minutes at operations employing 1 to 5 miners, 30 minutes at operations employing 6 to 19 miners, and 1 hour at operations employing 20 or more miners. For 2021, the average grade and salary costs of an inspector is GS 12 at \$63.34 per hour including benefits<sup>8</sup>.

**Summary Costs from Question 14**

<b>Cost Activity</b>		<b>Annual Burden Costs</b>
<b>Training Specialist, GS 13</b>		
Mines (1-19):	107 plans x 2 hours x \$75.30 =	\$16,114.20
Mines (20+):	11 plans x 4 hours x \$75.30 =	\$3,313.20
<b>Inspector, GS 12</b>		
Mines (1-5):	6,164 mines x 15 minutes x \$63.34 =	\$97,606.94
Mines (6-19):	3,604 mines x 30 minutes x \$63.34 =	\$114,138.68
Mines (20+):	1,228 mines x 1 hour x \$63.34 =	\$77,781.52
<b>Rounded Total Cost</b>		<b>\$308,955</b>

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

There are no program changes. While respondents and responses decreased, hours increased due to an increase in the number of mines with 20 or more employees, which

<sup>7</sup> The wage rates shown here come from the Office of Personnel Management (OPM) June 2021 FedScope data cube, <http://www.fedscope.opm.gov/>. Average salary was obtained for the appropriate grade and occupation for DOL-MSHA employees. In order to include the cost of benefits, this annual average salary was multiplied by a benefits scaler of 1.435 computed from MSHA's 2022 budget submission. The final hourly wage rate was derived by dividing the adjusted annual average salary by 2,087 hours (hourly rate = FedScope Salary x 1.435 ÷ 2,087); \$109,507 x 1.435 ÷ 2,087 = \$75.30.

<sup>8</sup> The wage rates shown here come from the Office of Personnel Management (OPM) June 2021 FedScope data cube, <http://www.fedscope.opm.gov/>. Average salary was obtained for the appropriate grade and occupation for DOL-MSHA employees. In order to include the cost of benefits, this annual average salary was multiplied by a benefits scaler of 1.435 computed from MSHA's 2019 budget submission. The final hourly wage rate was derived by dividing the adjusted annual average salary by 2,087 hours (hourly rate = FedScope Salary x 1.435 ÷ 2,087); \$92,116 x 1.435 ÷ 2,087 = \$63.34.

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have heavier hours burden, on average. Costs also decreased due to a decrease in respondents/number of mines.

Respondents: Decrease (from 11,657 to 10,996)  
Responses: Decrease (from 1,157,241 to 1,135,343)  
Hours: Increase (from 155,240 to 155,965)  
Costs: Decrease (from \$356,004 to \$348,531)

**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 has no forms on which to display an expiration date associated with this collection of information.

**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**

This information collection does not employ statistical methods.