

NOTE TO REVIEWER

OMB Control Number: 1219–0155

Background

The final rule requires mines operators and independent contractors to develop, implement, and update a written safety program for surface mobile equipment to reduce the number and rates of accidents, injuries, and fatalities. In addition, the rule requires evaluation and updates to the written safety program at least annually, or as mining conditions or practices change that may adversely affect the health and safety of miners or other persons, as accidents or injuries occur, or as surface mobile equipment changes or modifications are made. This rule contains information collection requirements that will assist miners, operators, and independent contractors in identifying risks to their safety and help reduce injuries and fatalities at mines.

Summary

MSHA estimates that the annual average burden for the first three years of promulgation is: 17,133 respondents, 17,133 responses, 314,222 hours, and \$25,700 respondent or recordkeeping costs.

**Supporting Statement for
Safety Program for Surface Mobile Equipment
Paperwork Reduction Act Submission**

The U.S. Department of Labor proposes a new information collection request (ICR).

OMB Control Number: 1219-0155

Information Collection Request Title: Safety Program for Surface Mobile Equipment

Type of OMB Review: New Collection

Authority:

30 CFR 56 Subpart T–Safety Program for Surface Mobile Equipment (Surface Metal and Nonmetal Mines)

30 CFR 57 Subpart U–Safety Program for Surface Mobile Equipment (Underground Metal and Nonmetal Mines)

30 CFR 77 Subpart V–Safety Program for Surface Mobile Equipment (Surface Coal Mines and Surface Work Areas of Underground Coal Mines)

Collection Instrument(s): 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 regulation mandating or authorizing the collection of information.

Section 103(h) of the Federal Mine Safety and Health Act of 1977, as amended (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 Labor (Labor) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

This final rule is issued under section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended. 30 U.S.C. 811.

Final 30 CFR 56.23000, 57.23000, and 77.2100 state that the purpose of the safety program is to reduce accidents, injuries, and fatalities related to the operation of surface mobile equipment, promote, and support a positive safety culture, as well as improve miners' safety at the mine. Each mine operator is required to develop, implement, and update a written safety program for mobile and powered haulage equipment (excluding belt conveyors) at surface mines and surface areas of underground mines.

Final 30 CFR 56.23001, 57.23001, and 77.2101 define a "responsible person" as a person with authority and responsibility to evaluate and update a written safety program for surface mobile equipment. Surface mobile equipment means wheeled, skid-mounted, track-mounted, or rail-mounted equipment capable of moving or being moved, and any powered equipment that transports people, equipment, or materials, excluding belt conveyors at mines.

Final 30 CFR 56.23002, 57.23002, and 77.2102 require each operator to develop and implement a written safety program for surface mobile equipment. Operators must also designate a responsible person to evaluate and update the written safety program.

Final 30 CFR 56.23003(a), 57.23003(a), and 77.2103(a) provide detailed requirements for a written safety program that must include types of actions the operator will take to:

- 1) Identify and analyze hazards and reduce the resulting risks related to the movement and the operation of surface mobile equipment;
- 2) Develop and maintain procedures and schedules for routine maintenance and non-routine repairs for surface mobile equipment; and
- 3) Train miners and other persons at the mine necessary to perform work to identify and address or avoid hazards related to surface mobile equipment.

Final 30 CFR 56.23003(b), 57.23002(b), and 77.2103(b) also require that the responsible person evaluate and update the written safety program at least annually, or as mining conditions or practices change that may adversely affect the health and safety of miners or other persons, as accidents or injuries occur, or as surface mobile equipment changes or modifications are made.

Final 30 CFR 56.23004, 57.23004, and 77.2104 require that the mine operator make the written safety program available for inspection by authorized representatives of the Secretary, miners, and representatives of miners, and provide a copy, upon request.

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.

This final rule requires mine operators to develop a written safety program in which they will identify and evaluate the risks of surface mobile equipment used at their mines to eliminate or mitigate safety hazards and thereby reduce the likelihood of accidents, injuries, and fatalities. The safety program will be designed to promote and support a positive safety culture at the mine through established procedures and schedules for maintenance and repairs. Mine operators will also provide training for miners based on the safety program.

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.

No information technology has been identified that will reduce the burden. However, in order to comply with the Government Paperwork Elimination Act and 30 CFR 77.1901(f), records could be kept in the traditional manner or stored electronically, provided they are secure and not susceptible to loss or alteration. MSHA encourages mine operators who store records electronically to provide a mechanism to allow the continued storage and retrieval of records for several years.

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.

This information is not collected in any form by other Federal requirements, and therefore is not duplicated elsewhere. MSHA is aware that some mine operators that have developed safety programs based on OSHA-recommended practices, or consensus standards, will already have procedures in place to continually identify workplace hazards and evaluate risks. MSHA believes that mine operators with existing, effective safety programs will likely be required to make few, if any, adjustments to their programs to meet the requirements of the final rule. However, because of the difficulty in obtaining details about safety programs and any impact they may have on surface mobile equipment operations at these mines, MSHA did not remove any costs from its estimates.

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

This information collection does not have an 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.

This final rule will increase the protections afforded to miners under existing standards.

MSHA believes that the final rule will significantly improve miners' safety. The final rule will apply to mine operators of surface mines and surface areas of underground mines. These mine operators will be required to establish and maintain a written safety program that will include actions the operator will take to identify risks and eliminate or mitigate those risks related to the movement and operation of surface mobile equipment. The safety program will also include actions the operator will take to: address existing hazards from surface mobile equipment; maintain and repair surface mobile equipment; and train on the mobile equipment safety program for miners.

The final safety program could create benefits through several mechanisms. First, the final safety program will include all actions an operator will take to evaluate risks to eliminate or mitigate hazards to reduce accidents, injuries, and fatalities. Second, MSHA believes the process of developing and maintaining a safety program will lead to a culture of safety at the mine. A safety culture consists of shared beliefs, practices, and attitudes about safety in the mines, as well as increased awareness through training for miners. MSHA believes that a safety culture will also develop as mine management and miners work together to identify hazards and determine appropriate controls to prevent or mitigate those hazards. In addition, MSHA believes that through the collaborative focus on safety by operators and miners, there will be additional unquantifiable financial benefits, such as reduced insurance premiums and decreased down time from accidents.

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 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. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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.

b. 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.

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

On September 9, 2021, MSHA published a notice soliciting public comments on the information collection requirements in the Written Safety Program NPRM (86 FR 50496). The notice announced that these information collection requirements were being reviewed in accordance with the Paperwork Reduction Act of 1995 and that comments would be accepted for 60 days after the publication. The comment period closed on November 9, 2021. On December 20, 2021, MSHA reopened the comment period until February 11, 2022 (86 FR 71860).

In response to the notice, three commenters submitted general concerns about paperwork or recordkeeping burdens that could potentially arise from the implementation of the rule. After reviewing the comments, MSHA revisited its preliminary regulatory impact analysis and solicited advice from the Agency's Enforcement personnel, who have extensive experience inspecting mines to promote the safety and health of miners. As a result of this process, MSHA revised its estimates of the information collection burden that would result from compliance with the final rule. Further details on the time burden associated with the development and update of a written safety program can be found under Question 12 and Table 12-3. Details on MSHA's compliance costs and its methodology are presented in Chapter 3 of the Final Regulatory Impact Analysis.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents in exchange for a benefit sought.

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 beyond that required by the Freedom of Information Act (5 U.S.C. 522).

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. General 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.**

Under this final rule, mine operators must develop and implement a safety program for surface mobile equipment. This includes conducting a hazard analysis specific to the surface mobile equipment at the mine; developing procedures and schedules for the routine maintenance, as well as non-routine repairs, of surface mobile equipment at the mine; implement training for miners and other persons at the mine necessary to identify, address, or avoid hazards related to surface mobile equipment at the mine.

MSHA presents the estimates of information collection burden and costs related to the requirements in the final rule. MSHA expects that some operators may use existing information collections to help the development or implementation of a written safety program at their mines, since operators would have flexibility to develop and implement a written safety program tailored to their mining conditions and operations. However, the final rule contains no changes that transfer burden from, or add burden to, existing information collections; there are no changes to existing information collections. The new information collection burden and costs associated with new requirements in the final rule are discussed below.

PRA Respondents

MSHA estimated that there will be 12,394 mines (11,450 MNM mines and 944 coal mines) and 4,739 Part 45 independent contractors that are affected by this rule for a total of 17,133 respondents (contractors are considered “operators” under section 3(d) of the Mine Act). The number of mines affected by the rule was estimated based on the number of mines which reported having at least 1 employee (excluding office workers) in 2021, according to data provided to MSHA from mine operators. The number of contractors was based on contractor IDs provided by MSHA to contractors, which MSHA defined as any contractor who provided at least one employee (excluding office workers) in 2021.

Given the diversity of mining operations, MSHA categorized MNM and coal mine operators into three groups based on the size of employment:

- Group 1 includes large mines employing 91 or more miners.
- Group 2 includes medium-size mines employing 6 to 90 miners.
- Group 3 includes small mines employing 5 or fewer miners.

The number of mines and estimated pieces of equipment per mine are summarized below.

Commodity	Size Category	Miners per Mine	Pieces of Equipment per Mine	Number of Mines	Total Pieces of Equipment
MNM	Group 1	91 or more	47	217	10,199
MNM	Group 2	6-90	14	4,430	62,020
MNM	Group 3	1-5	3	6,803	20,409
Coal	Group 1	91 or more	47	112	5,264
Coal	Group 2	6-90	14	454	6,356
Coal	Group 3	1-5	3	378	1,134
Contract	Group	1-90	3	4,739	14,217
Total				17,133	119,599

MSHA estimated, based on its data on contractors and their employment, that there were approximately 6,318 independent contractors. MSHA assumed that about 75 percent, or 4,739 of those independent contractors would develop and update a written safety program of their own. MSHA further assumed that these independent contractors employ 1 to 90 miners. Independent contractors perform mine development (including shaft and slop sinking), demolition of mine facilities, dam construction, excavation, drilling, and blasting. The 4,739 independent contractors are regarded as one group that is separate from operators.

Wage Rates Determinations¹

MSHA determined the hourly wage rates through data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS), and Occupational Employment and Wage Statistics (OEWS) published in May 2021^{2,3}. Hourly wage rates were obtained for the occupations relevant to the implementation of the rule and adjusted for benefits to obtain a loaded hourly wage for all occupations, both at coal mines and metal/non-metal mines (MNM). Wage rates for contractors were assumed to be the same as those for non-contracted employees as mines.

Table 12-1. Hourly Wage Rates (2021)

Occupation	NAICS Code	Mean Wage Rate	Benefit Multiplier	Overhead Multiplier	Loaded Hourly Wage Rate
Mining Supervisor, MNM ¹	212200 & 212300	\$41.00	1.488	1.01	\$61.41

¹ For all wage rates, MSHA uses the relevant precision throughout the calculation to avoid compound rounding errors and rounds at the final rate value. Displayed intermediate calculation values are presented to explain the calculation and are representative but the final rate value reflects the correct rounding and final estimate.

² 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.

³ The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average (2021Qtr2 - 2022Qtr1) to determine that 32.8 percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula and values $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (.328/(1-.328)) = 1.488$.

Mining Supervisor, Coal ¹	212100	\$47.92	1.488	1.01	\$71.79
Maintenance and Mechanic, MNM ²	212200 & 212300	\$28.19	1.488	1.01	\$42.22
Maintenance and Mechanic, Coal ²	212100	\$31.84	1.488	1.01	\$47.70
Occupational Health & Safety Specialist, MNM ³	212200 & 212300	\$39.43	1.488	1.01	\$59.06
Occupational Health & Safety Specialist, Coal ³	212100	\$45.59	1.488	1.01	\$68.29
Clerk, MNM ⁴	212200 & 212300	\$23.75	1.488	1.01	\$35.58
Clerk, Coal ⁴	212100	\$23.37	1.488	1.01	\$35.01
Clerk, Contractor ⁵	212100, 212200, 212300				\$35.45
Mining Supervisor, Contractor ⁵	212100, 212200, 212300				\$63.70
Maintenance and Mechanic, Contractor ⁵	212100, 212200, 212300				\$43.43
Occupational Health & Safety Specialist, Contractor ⁵	212100, 212200, 212300				\$61.09

Note: An overhead cost equal to 1% of the mean wage rate is included in the loaded hourly wage rate.

1. The Standard Occupation Codes (SOC) used for this occupation are (47-1011), (49-1011), (51-1011), and (53-1047).

2. The SOCs used for this occupation are (49-3031), (49-3042), (49-9041), (49-9071), (49-9098), and (49-9099).

3. The SOC used for this occupation is (19-5011).

4. The SOCs used for this occupation are (43-3021), (43-3031), (43-3051), (43-3061), (43-4171), (43-5061), (43-5071), and (43-9061).

5. These wages are a weighted average of the corresponding MNM and Coal professions, distributed by the proportion of MNM contractor hours (0.78) and Coal contractor hours (0.22) reported in 2021.

MSHA estimated that no additional time costs will be generated by the activities associated with new equipment training, site inspection, or accident investigations; these activities are already being performed during compliance efforts for other standards. For example, the arrival of new mobile equipment at a mine site requires the adoption of new task training for miners working in and on the equipment, under 30 CFR 46.7(a)(3) and 48.7(a)(3). This task training includes the unique characteristics of the new pieces of equipment, as well as any safety-related concerns that the operation of the equipment might entail. Similarly, a mine operator's inspection and identification of changing mining conditions, as well as the safety hazards created by these changing conditions, are items that are already required under compliance with standards 30 CFR 56.18002(a), 57.18002(a), and 77.1713. Finally, any accidents or injuries occurring on the mine site that will result in the update or modification of a mine's written safety program under the proposed rule are already being investigated by the mine operator under the requirements of 30 CFR 50.11(b). The time estimates assume that the additional time costs for the rule will be primarily spent on establishing and revising elements of the written safety program.

A. Hazard Analysis and Technology Evaluation, Year 1 Costs (30 CFR 56.23003(a)(1) and

(a)(3), 57.23003(a)(1) and (a)(3), and 71.2103(a)(1) and (a)(3))

Final 30 CFR 56.23003(a)(1), 57.23003(a)(1), and 77.2103(a)(1) require each mine operator and certain contractors to develop and implement a written safety program that includes actions the operator will take to identify and analyze hazards specific to the mine and reduce the resulting risks related to the movement and operation of surface mobile equipment at the mine.

Final 30 CFR 56.23003(a)(3), 57.23003(a)(3), and 77.2103(a)(3) require each mine to identify currently available and newly emerging feasible technologies that can enhance safety at the mine and evaluate whether to adopt them.

MSHA estimates that it will take an occupational health and safety specialist, earning an average hourly wage of \$59.06, approximately 75.2 hours to complete the development of hazard analysis and evaluation of technologies for the safety program for a MNM mine employing 91 or more miners (Group 1). MSHA further estimates that it will take a mining supervisor, earning an average hourly wage of \$61.41, approximately 40.6 hours at a MNM mine employing 6 to 90 miners (Groups 2) and 9.0 hours at a MNM mine employing 5 or fewer miners (Group 3).

Similarly for coal mines, MSHA estimates that it will take an occupational health and safety specialist, earning an average hourly wage of \$68.29, approximately 75.2 hours to complete the development of hazard analysis and evaluation of technologies for the safety program at a Group 1 mine. MSHA further estimates that it will take a mining supervisor, earning an average hourly wage of \$71.79, approximately 39.2 hours at a Group 2 coal mine and 9.0 hours at a Group 3 mine.

For contractors, MSHA estimates that it will take a mining supervisor earning an average hourly wage of \$63.70 approximately 2.25 hours to complete the development of hazard analysis for the safety program.

Average burden is estimated based on the average pieces of equipment per mine and the time it takes to conduct hazard analysis and evaluate technologies for each piece of equipment. For example, it is estimated that an average MNM Group 1 mine has 47 pieces of equipment and it is estimated that it takes 1.6 hours to conduct a hazard analysis for each piece of equipment, resulting in 75.2 hours (= 47 pieces x 1.6 hours) for an average MNM mine in Group 1. To see the assumption of how long it takes to conduct a hazard analysis for each Group, divide the total hours per mine by the average number of pieces of equipment for a mine in that Group.

Table 12-2. Estimated Annual Respondent Hour and Cost Burden, Hazard Analysis and Technology Evaluation (Year 1)

Commodity / Size	No. of Respondents (Operators)	No. of Responses per Respondent	Total Responses (New Safety Programs)	Average Burden (Hours)	Total Burden (Hours)*	Hourly Wage Rate	Total Burden Cost**
MNM/ Group 1	217	1	217	75.2	16,318.40	\$59.06	\$963,742.67
MNM/	4,430	1	4,430	40.6	179,858.00	\$61.41	\$11,045,605.71

Group 2							
MNM/ Group 3	6,803	1	6,803	9.0	61,227.00	\$61.41	\$3,760,129.11
Coal/ Group 1	112	1	112	75.2	8,422.40	\$68.29	\$575,197.87
Coal/ Group 2	454	1	454	39.2	17,796.80	\$71.79	\$1,277,569.20
Coal/ Group 3	378	1	378	9.0	3,402.00	\$71.79	\$244,217.52
Contractors	4,739	1	4,739	2.25	10,662.75	\$63.70	\$679,164.94
Subtotal (Rounded)	17,133		17,133		297,687		\$18,545,627

*The total burden hours for each cost item might not exactly equal the product of the number of responses and average burden hours per response due to rounding.

**The total burden cost for each cost item might not exactly equal the product of the total burden hours and hourly wage rate due to rounding.

B. Development of Maintenance Schedules, Year 1 Costs (30 CFR 56.23003(a)(2), 57.23003(a)(2), and 71.2103(a)(2))

In order to develop and implement a written safety program under final 30 CFR 56.23003(a)(2), 57.23003(a)(2), and 71.2103(a)(2), each mine operator and certain contractors is required to develop and implement a written safety program that includes actions the operator will take to develop and maintain procedures and schedules for routine maintenance and non-routine repairs for surface mobile equipment at the mine.

MSHA estimates that the development of the maintenance and repair procedures for the safety program will take a mechanic, earning an average hourly rate of \$42.22 to complete for MNM mines and \$47.70 for coal mines. MSHA estimates that it takes an average burden of 70.5, 47.6, and 12.0 hours for a MNM mine in Group 1, 2, and 3, respectively. MSHA further estimates that it takes an average burden of 70.5, 46.2, and 12.0 hours for a coal mine in Group 1, 2, and 3, respectively. For contractors, MSHA estimates that it will take a mechanic earning an average hourly wage of \$43.43 approximately 9.0 hours to complete the development of a maintenance schedule for the safety program.

As before, the average hour burden is estimated based on the average pieces of equipment per mine and the time it takes to complete a maintenance analysis for each piece of equipment. For example, it is estimated that an average MNM Group 1 mine has 47 pieces of equipment and it takes 1.5 hours to prepare a maintenance analysis for each piece of equipment, resulting in 70.5 hours (= 47 pieces x 1.5 hours) for an average MNM mine in Group 1.

Table 12-3. Estimated Annual Respondent Hour and Cost Burden, Development of Maintenance Schedule (Year 1)

Commodity / Size	No. of Respondents (Operators)	No. of Responses per Respondent	Total Responses (New Safety Programs)	Average Burden (Hours)	Total Burden (Hours)*	Hourly Wage Rate	Total Burden Cost**
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MNM/ Group 1	217	1	217	70.5	15,298.50	\$42.22	\$645,938.33
MNM/ Group 2	4,430	1	4,430	47.6	210,868.00	\$42.22	\$8,903,338.44
MNM/ Group 3	6,803	1	6,803	12.0	81,636.00	\$42.22	\$3,446,862.19
Coal/ Group 1	112	1	112	70.5	7,896.00	\$47.70	\$376,608.14
Coal/ Group 2	454	1	454	46.2	20,974.80	\$47.70	\$1,000,415.45
Coal/ Group 3	378	1	378	12.0	4,536.00	\$47.70	\$216,349.36
Contractors	4,739	1	4,739	9.0	42,651.00	\$43.43	\$1,852,185.89
Subtotal (Rounded)	17,133		17,133		383,860		\$16,441,698

*The total annual burden hours for each cost item might not exactly equal the product of the number of responses and average burden hours per response due to rounding.

**The annual burden cost for each cost item might not exactly equal the product of the total annual burden hours and average hourly wage rate due to rounding.

C. Make Available for Inspection and Provide Copies, Year 1 Costs (30 CFR 56.23004(b), 57.23004(b), and 77.2104(b))

Final 30 CFR 56.23004(b), 57.23004(b), and 77.2104(b) require that mine operators provide, at no cost, a copy of the written safety program to miners or their representatives upon request. MSHA estimates that each year the mine operator will provide a physical copy of the written safety program to post at the mine site and that, additionally, 50% of mine operators will provide a copy to the miners' representative, resulting 1.5 copies per mine. MSHA estimates that making available and copying the written safety program will take a clerk, earning an average hourly wage of \$35.58, \$35.01, or \$35.45 at (respectively) MNM, coal, or contract mine operations, approximately 3 minutes to complete for each copy.

Table 12-4. Estimated Annual Respondent Hour and Cost Burden, Making Available and Copying Written Safety Program (Year 1)

Commodity	No. of Respondents (Operators)	No. of Responses per Respondent	Total Responses (Copies)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
MNM	11,450	1.5	17,175	0.05	858.75	\$35.58	\$30,553.82
Coal	944	1.5	1,416	0.05	70.80	\$35.01	\$2,478.57
Contractor	4,739	1.5	7,109	0.05	355.43	\$35.45	\$12,601.14
Subtotal (Rounded)	17,133		25,700		1,285		\$45,634

*The total annual burden hours for each cost item might not exactly equal the product of the number of responses and average burden hours per response due to rounding.

**The annual burden cost for each cost item might not exactly equal the product of the total annual burden hours and average hourly wage rate due to rounding.

D. Annual Update of New Surface Mobile Equipment in Safety Program (30 CFR 56.23003(b), 57.23003(b), and 71.2103(b))

Final 30 CFR 56.23003(b), 57.23003(b), and 71.2103(b) require the responsible person to evaluate and update the written safety program for the mine at least annually, and when a change at the mine creates an identified hazard or risk, such as when mining conditions or practices change, as accidents or injuries occur, or as surface mobile equipment changes or modifications are made.

MSHA assumes that each year 10 percent of the surface mobile equipment at mines will be new equipment that requires incorporation into the safety program, and each piece of new equipment requires an update in the safety program. The time burden estimates for updating the safety program annually in years 2 and 3 include the time required to respond to changing conditions at each mine.

To complete the annual update of the safety program, MSHA estimates that an occupational health and safety professional will take 1.6 hours per piece of equipment, earning \$59.06 for MNM mines and \$68.29 for coal mines to update safety program about new surface mobile equipment at Group 1 coal and MNM mines with more than 90 miners, to complete a surface mobile equipment unit update. MSHA estimates that it takes a mining supervisor 2.8 to 2.9 hours per piece of equipment, earning \$61.41 for MNM mines and \$71.79 for coal mines respectively, to update safety program about new surface mobile equipment at Group 2 and 3 coal and MNM mines with 90 or fewer miners, to complete a surface mobile equipment unit update.

For contractors, MSHA estimates that it will take a mining supervisor earning an average hourly wage of \$63.70 approximately 0.75 hours to incorporate new surface mobile equipment into the safety program.

Table 12-5. Estimated Annual Respondent Hour and Cost Burden, New Surface Mobile Equipment Unit Update (Years 2-3)

Commodity / Size	No. of Respondents (Operators)	No. of Responses per Respondent	Total Responses (Updated Safety Programs)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
MNM/ Group 1	217	4.7	1,020	1.60	1,631.84	\$59.06	\$96,374.27
MNM/ Group 2	4,430	1.4	6,202	2.90	17,985.80	\$61.41	\$1,104,560.57
MNM/ Group 3	6,803	0.3	2,041	3.00	6,122.70	\$61.41	\$376,012.91
Coal/ Group 1	112	4.7	526	1.60	842.24	\$68.29	\$57,519.79
Coal/ Group 2	454	1.4	636	2.80	1,779.68	\$71.79	\$127,756.92
Coal/ Group 3	378	0.3	113	3.00	340.20	\$71.79	\$24,421.75
Contractors	4,739	0.3	1,422	0.75	1,066.28	\$63.70	\$67,916.49
Subtotal (Rounded)	17,133		11,960		29,769		\$1,854,563

*The total annual burden hours for each cost item might not exactly equal the product of the number of responses and average burden hours per response due to rounding.

**The annual burden cost for each cost item might not exactly equal the product of the total annual burden hours and average hourly wage rate due to rounding.

E. Annual Update of Changing Conditions in Safety Program (30 CFR 56.23003(b), 57.23003(b), and 71.2103(b))

MSHA assumes that it will take an occupational health and safety specialist approximately 13.5 hours to update the safety program for changing mine conditions annually at a Group 1 MNM or coal mine. MSHA assumes that it will take a mining supervisor approximately 7.1 hours at a Group 2 mine and 7.0 hours at a Group 3 mine to update the safety program for changing mine conditions annually, respectively.

For contractors, MSHA estimates that it will take a mining supervisor earning an average hourly wage of \$63.70 approximately 2.00 hours to update the safety program for changing mine conditions.

Table 12-6. Estimated Annual Respondent Hour and Cost Burden, Changing Conditions Update (Years 2-3)

Commodity / Size	No. of Respondents (Operators)	No. of Responses per Respondent	Total Responses (Updated Safety Programs)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
MNM/ Group 1	217	1	217	13.50	2,929.50	\$59.06	\$173,012
MNM/ Group 2	4,430	1	4,430	7.10	31,453.00	\$61.41	\$1,931,621
MNM/ Group 3	6,803	1	6,803	7.00	47,621.00	\$61.41	\$2,924,545
Coal/ Group 1	112	1	112	13.50	1,512.00	\$68.29	\$103,260
Coal/ Group 2	454	1	454	7.10	3,223.40	\$71.79	\$231,396
Coal/ Group 3	378	1	378	7.00	2,646.00	\$71.79	\$189,947
Contractors	4,739	1	4,739	2.00	9,478.00	\$63.70	\$603,702
Subtotal (Rounded)	17,133		17,133		98,863		\$6,157,484

*The total annual burden hours for each cost item might not exactly equal the product of the number of responses and average burden hours per response due to rounding.

**The annual burden cost for each cost item might not exactly equal the product of the total annual burden hours and average hourly wage rate due to rounding.

F. Make Available for Inspection and Provide Copies, Year 2 and 3 Annual Costs (30 CFR 56.23004(b), 57.23004(b), and 77.2104(b))

Final 30 CFR 56.23004(b), 57.23004(b), and 77.2104(b) require that mine operators provide, at no cost, a copy of the written safety program to miners or their representatives upon request. MSHA estimates that each year the mine operator will provide a physical copy of the written

safety program to post at the mine site and that, additionally, 50% of mine operators will provide a copy to the miners' representative, resulting 1.5 copies per mine. MSHA estimates that making available and copying the written safety program will take a clerk, earning an average hourly wage of \$35.58, \$35.01, or \$35.45 at (respectively) MNM, coal, or contract mine operations, approximately 3 minutes to complete for each copy.

Table 12-7. Estimated Annual Respondent Hour and Cost Burden, Making Available and Copying Written Safety Program (Years 2-3)

Commodity	No. of Respondents (Operators)	No. of Responses per Respondent	Total Responses (Copies)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
MNM	11,450	1.5	17,175	0.05	858.75	\$35.58	\$30,553.82
Coal	944	1.5	1,416	0.05	70.80	\$35.01	\$2,478.57
Contractor	4,739	1.5	7,109	0.05	355.43	\$35.45	\$12,601.14
Subtotal (Rounded)	17,133		25,700		1,285		\$45,634

*The total annual burden hours for each cost item might not exactly equal the product of the number of responses and average burden hours per response due to rounding.

**The annual burden cost for each cost item might not exactly equal the product of the total annual burden hours and average hourly wage rate due to rounding.

Existing MSHA's regulations in 30 CFR 46, 48, and 77 have covered training requirements in this final rule. Therefore, no additional information collection cost is incurred.

MSHA estimates that for the first three years following promulgation, 17,133 respondents will incur 942,666 total burden hours associated with the rule for a total burden cost of \$51.14 million, which will average an annual response of 56,517, collection burden of 314,222 hours, and an associated annual cost of \$17.05 million.

Table 12-8. Total Estimated Respondent Hour and Cost Burden, Safety Program

Promulgation Year	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Year 1	17,133		59,966		682,832.63		\$35,032,958.35
Year 2	17,133		54,792		129,916.61		\$8,057,679.96
Year 3	17,133		54,792		129,916.61		\$8,057,679.96
Total (Rounded)	17,133		169,550		942,666		\$51,148,318
Annual Average (Rounded)	17,133		56,517		314,222		\$17,049,439

Note: The number of total responses in Table V-1 and V-3 in preamble of the final rule published (88 FR 87904) should be 59,966 in year 1, 54,792 in year 2 and 3, as in Table 12-8.

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 startup cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service 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.**

MSHA estimates that a copy of the written Safety Program will be requested annually by a miner or their representative and that, additionally, another copy will be made by the operator to be placed and posted where it can be viewed by employees. MSHA estimates that each operator will incur a cost of \$1.00/copy.

Table 13-1: Estimated Annual Respondent Recordkeeping Cost Burden, Copying Safety Program

Respondents	Responses per Respondent	No. of Responses (Copies of Safety Program)	Unit Cost	Annual Burden Cost (Rounded)
17,133	1.5	25,700	\$1.00	\$25,700

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), 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.

The final rule does not require MSHA staff to review written safety programs for surface mobile equipment, but any review will be part of routine mine inspections. Therefore, there is no extra cost to the Federal Government.

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

This is a new information collection. Therefore, it is not currently on the OMB Inventory.

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 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 associates no forms with this collection.

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

There are no certification exceptions identified with this information collection.

B. Collections of information employing statistical methods.

This information collection does not employ any statistical methods.