

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
OMB Control Number: 1219-0042
OMB Expiration Date: 12/31/2023

**Supporting Statement for
Representative of Miners, Notification of Legal Identity, and Notification of Commencement of
Operations and Closing of Mines
Paperwork Reduction Act Submission**

OMB Control Number: 1219-0042

Information Collection Request Title: Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines

OMB Type of Review: Extension

Authority:

Representative of Miners: 30 CFR 40.2, 30 CFR 40.3, 30 CFR 40.4, and 30 CFR 40.5

Legal Identity Report: 30 CFR 41.20

Notification of Commencement of Operations and Closing of Mines: 30 CFR 56.1000 and 30 CFR 57.1000 (pertains to the surface and underground metal and nonmetal mines)

Collection Instrument(s):

MSHA Form 2000-7, Legal Identity Report

MSHA Form 7000-51, Mine Operator Identification Request

MSHA Form 2000-238, Representative of Miners Designation Form

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) Public Law 95-164 as amended, 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 (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 and metal and nonmetal mines.

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
OMB Control Number: 1219-0042
OMB Expiration Date: 12/31/2023

Representative of Miners: Section 103(f) and (g) of the Mine Act establishes miners' rights that may be exercised through a representative. 30 CFR 40 contains procedures that a person or organization must follow to be identified by the Secretary as a representative of miners. 30 CFR 40 defines what is meant by "representative of miners," a term that is not defined in the Mine Act.

30 CFR 40.2 requires a representative of miners to file information specified in MSHA Form 2000-238 in Section 40.3 with the MSHA District Manager and the mine operator. All filed information shall be maintained by the appropriate MSHA district office and made available for public inspection.

30 CFR 40.3 requires the following information to be filed by the representative of miners with MSHA and the mine operator:

- 1) The name, address, and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the position or title of the official who is to serve as the representative and his or her telephone number;
- 2) The name and address of the operator of the mine where the represented miners work and the name, address, and MSHA identification number, if known, of the mine;
- 3) A copy of the document evidencing the designation of the representative of miners;
- 4) A statement that the person or position named as the representative of miners is the representative for all purposes of the Mine Act; or if the representative's authority is limited, a statement of the limitation;
- 5) The names, addresses, and telephone numbers of any additional or alternate representatives to serve in the representative of miners' absence;
- 6) A statement that copies of all information filed pursuant to this section have been delivered to the operator of the affected mine, prior to or concurrently with the filing of this statement; and
- 7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

30 CFR 40.4 requires a copy of the information provided to the operator pursuant to Section 40.3 to be posted upon receipt by the operator on the mine bulletin board and maintained in a current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated.

30 CFR 40.5(a) requires that a representative who is unable to comply with the requirements of Part 40 must file a written statement with the appropriate MSHA District Manager terminating his or her designation.

30 CFR 40.5(b) requires that MSHA shall terminate and remove all designations of the terminated representatives of miners. MSHA must notify the mine operator of the termination.

Notification of Mine Operator's Legal Identity: Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary, the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses.

30 CFR 41 requires the mandatory use of MSHA Form 2000-7, Legal Identity Report, for notifying MSHA of the legal identity of the mine operator. The legal identity of a mine operator enables the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties. Because of turnover in mining company

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
OMB Control Number: 1219-0042
OMB Expiration Date: 12/31/2023

ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interests in other mines held by the operator and relevant persons in a partnership, corporation, or other organization. This information is also necessary to the Department of Labor's Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Additionally, MSHA Form 7000-51, Mine Operator Identification Request is used to allow mine operators to request an MSHA mine identification number for each mine. Mine operators request mine identification numbers prior to completing and submitting the required MSHA Form 2000-7. MSHA requires Form 7000-51 to be submitted electronically, facilitating this legal identity reporting process.

Notification of Commencement of Operations and Closing of Mines: 30 CFR 56.1000 (Surface) and 57.1000 (Underground) require that operators of metal and nonmetal (MNM) mines must notify MSHA when the operation of a mine will commence or when a mine will be closed.

Mine operators must make MSHA aware of mine openings and closings so that the Agency can plan to use its resources efficiently to achieve the requirements of the Mine Act. Section 103(a) of the Mine Act requires that each underground mine to be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines that operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices, and the notification required by this standard can prevent wasted time and trips.

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.

Representative of Miners: The information submitted to MSHA is used by the Agency to identify the representative of miners for all purposes provided for in the Mine Act. Information submitted in compliance with 30 CFR 40 requirements also serves to notify both the operator and individual miners of the identity of the miners' representative. Providing notification to the operator, consistent with the Mine Act, ensures that the miners' representative who is also an employee of the operator does not suffer the loss of pay during participation in an inspection. Posting the identity of the representative of miners at the mine also ensures that miners who wish to exercise their rights through the miners' representative know whom they should contact.

Notification of Mine Operator's Legal Identity: MSHA uses the information to properly identify persons charged with violating mandatory safety and health standards and in the assessment of civil penalties for those violations. The Department's Office of the Solicitor uses the information to expedite serving documents on the mine operator.

Mine ID Request: MSHA enters the information provided by the mine operator into the Agency's Mine Information System and assigns a mine identification number unique to the mine.

Notification of Commencement of Operations and Closing of Mines: The MSHA official in charge of the district office that services the affected mine is responsible for receiving the information and informing the appropriate supervisors and inspectors. Inspection plans can then be developed to include coverage of the mines that are currently in operation so statutory inspection requirements can be met.

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.

Representative of Miners, MSHA Form 2000-238: To comply with the Government Paperwork Elimination Act (GPEA) of 1998, MSHA provides a form for miners' representatives to file the necessary information under 30 CFR 40.3 using a web-based application. MSHA Form 2000-238 provides the option for miners to request that the designated representative file the form confidentially. The miners' representative may complete the form, submit it electronically, print it out, send it by mail, or give it to the District Manager or the MSHA inspector in person. MSHA also provides access to the form through the use of the MSHA call center, which assists the miners' representative in filling out and filing the form. Almost all of the notices of miners' representatives are in the form of written correspondence or formal letters. Almost all of the correspondences are hand delivered to MSHA district and field offices or presented to MSHA inspectors while on the mine site.

Notification of Mine Operator's Legal Identity, MSHA Form 2000-7: MSHA Form 2000-7 is available online for submission on MSHA's web page. Respondents previously submitted approximately 94 percent of the forms electronically.

Mine ID Request, MSHA Form 7000-51: Operators can only complete the form online at MSHA's website. When the mine operator contacts the local field or district office regarding what information MSHA needs to obtain a mine identification number, MSHA will inform them that the form is available on the MSHA website and that they must submit the information electronically. MSHA estimates that all respondents will submit MSHA Form 7000-51 electronically.

Notification of Commencement of Operations and Closing of Mines: While MSHA has not identified any improved information technology that would reduce the burden, mine operators can submit the information electronically using email. However, MSHA has found that respondents made the majority of the notifications required by this standard by telephone. Respondents made a small percentage of the notifications face-to-face to an inspector. MSHA received some in writing and very few electronically. Respondents made approximately 75 percent of all MNM mine openings and closings notifications by telephone, approximately 10 percent verbally to the MSHA inspector during routine inspections, and the remaining 15 percent in writing.

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 information is available or submitted to MSHA.

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

These information collections do not have significant economic impacts 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.

Representative of Miners: Under the Mine Act, miners are entitled to exercise all statutory rights. One statutory right is to designate a representative to accompany the Secretary's authorized representative during an inspection of the mine. Without this information, MSHA may be unable to fulfill its duty to miners by permitting a miners' representative to accompany the Secretary's authorized representative. The person seeking to be designated as a representative of miners must file the information required under 30 CFR 40 with MSHA and the affected mine operator. Once the necessary information has been filed, a miners' representative retains his or her status until he or she files a statement with the District Manager terminating his or her designation.

Notification of Mine Operator's Legal Identity: The information concerning the legal identity of the mine operator and any changes that may occur needs to be submitted only once if a change occurs. Without the information, MSHA would be unable to properly ascertain the identity of persons and entities charged with violating mandatory health and safety standards and properly assessing civil penalties based on ownership of mines. Also, this information is necessary for the Department of Labor Office of the Solicitor to determine the proper parties to be included in legal actions authorized by the Mine Act.

Mine ID Request: The information concerning a mine operator, mine name, location, and other relevant data needs to be submitted only once per change. This information is necessary for the same reasons as the Notification of Legal Identity.

Notification of Commencement of Operations and Closing of Mines: The mine operator must notify MSHA once of each opening or closing. If the Agency is not notified, inspection resources would be wasted when inspectors travel great distances only to find that a mine is closed. In addition, miners (at mines that re-open) may not receive the benefit of safety and health inspections because MSHA would not be aware that the mine had re-opened.

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**

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
OMB Control Number: 1219-0042
OMB Expiration Date: 12/31/2023

- **Requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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

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

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

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

Per 5 CFR 1320.8(d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed per the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments. MSHA published a 60-day Federal Register notice on June 7, 2023 (88 FR 37284). MSHA received no comments.

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

MSHA does not provide payment or gifts to the respondents identified by this collection.

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

MSHA Form 2000-238, Representative of Miners Designation Form, provides that respondents can elect to keep the name and telephone number of each miner designating a miner's representative confidential, which is based on sections 103(f) and (g) of the Mine Act. MSHA Form 2000-7, Legal Identity Report, and MSHA Form 7000-51, Mine Operator Identification Request, each contains a Privacy Act notice as personally identifiable information, such as social security numbers, collected on these forms falls under the Privacy Act Systems of Records Notice (SORN) DOL/MSHA-1, Mine Safety and Health Administration Standardized Information System (MSIS), (April 29, 2016, 67 FR 16816).

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 aside from social security numbers covered by the above SORN needed to identify each mine.

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 ‘Annual Cost to Federal Government’.**

PRA Respondents

Based on information as of 2022, MSHA estimates there are 12,017 mines. Of these, 738 are coal mines, 11,279 MNM mines, and 897 are new mines. MSHA estimates that 9,595 of those mines will be respondents to this rule.

Wage Rates Determinations¹

MSHA used data from the May 2021 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates² and adjusted the rates for benefits,³ wage inflation,⁴ and overhead costs. The occupations listed below in Table 12-1 are those that were determined

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 to determine what 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 $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$.

⁴ 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> ; Inflation Multiplier = (Current Quarter Cost Index Value / OEWS Wage Base Quarter Index Value).

to be relevant for the cost calculations.

Table 12-1 Hourly Wage Rates

| | | A | B | C | D | A x B x C x D |
|------------------------|------------------------------|-----------------------|---------------------------|-----------------------------|---------------------------------|--------------------------------|
| Occupation | NAICS Code | Mean Wage Rate | Benefit Multiplier | Inflation Multiplier | Overhead Cost Multiplier | Loaded Hourly Wage Rate |
| Mining Representative* | 212100, 212200, 212300 | \$25.19 | 1.491 | 1.056 | 1.17 | \$46.40 |
| Office Clerk* | 212100, 212200, 212300 | \$22.04 | 1.491 | 1.056 | 1.17 | \$40.61 |
| Office Clerk (MNM)** | 212200, 212300 | \$22.09 | 1.491 | 1.056 | 1.17 | \$40.70 |

Note: MSHA used the latest 4-quarter moving average 2021Q4-2022Q3 to determine that 32.9 percent of total loaded wages are benefits. The inflation multiplier of 1.056 was determined by using the employment price index from the most current quarter data is available, 2022Q3, divided by the base year and quarter of the OEWS employment and wage statistics, 2021Q2. MSHA used the overhead multiplier of 1.17.

*The Standard Occupation Codes (SOC) used for this occupation are (47-5022),(47-5099), (49-9051),(51-9021), (53-3032), and (53-3033)

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

A. Miners Representative Designation Form, MSHA Form 2000-238 (30 CFR 103(f) and (g))

Section 103(f) and (g) of the Mine Act establishes miners’ rights that may be exercised through a representative. The miners’ representative files the information with both MSHA and the affected mine operator in MSHA Form 2000-238. Once the miners’ representative has filed the information, a representative retains his or her status until the designation is terminated. The reporting burden is, therefore, limited to the turnover or replacement of designated miners’ representatives.

MSHA records indicate that there were 738 active coal mines as of November 2022. MSHA personnel estimate that 2 percent (15 = 738 mines x 2 percent) of the total active coal mines will file to change or obtain new miners’ representative designations with MSHA annually. Additionally, MSHA receives approximately 60 notifications of new miners’ representative designations in MNM districts each year. Together, MSHA estimates an average of 75 (=15 + 60) mines will file MSHA Form 2000-238 to change or obtain new miners’ representative designations with the Agency. Almost all of the correspondences are hand delivered to MSHA district and field offices or presented to MSHA inspectors while on the mine site.

The burden is the same for each miner’s representative regardless of the size of the mine or the number of miners represented. MSHA estimates that it takes a miner representative, earning \$46.40 per hour, an average of 45 minutes to prepare and print the required notification for both the MSHA District Office and the mine operator, and 5 minutes to post it by the operator on the mine bulletin board.

Table 12-2 Estimated Annual Respondent Hour and Cost Burden, Miners Representative Designation Form MSHA Form 2000-238 (30 CFR 103(f) and (g))

| Occupation | Respondents (Mines) | Responses per Respondent | Total Responses (MSHA Form 2000-238) | Burden per Response (Minutes) | Annual Burden (Hours) | Hourly Wage Rate | Annual Burden Cost |
|------------------------|---------------------|--------------------------|--------------------------------------|-------------------------------|-----------------------|------------------|--------------------|
| Miner Representative | 75 | 1 | 75 | 50 | 62.50 | \$46.40 | \$2,900.00 |
| Total (Rounded) | 75 | | 75 | | 63 | | \$2,900 |

B. Legal Identity Report, MSHA Form 2000-7 (30 CFR 109(d))

Section 109(d) of the Mine Act requires each operator of a mine to file with the Secretary, the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses.

Based on data from the past three years (2020 through 2022), MSHA estimates that each year there is an average of 12,028 existing mines in operation, of which about 897 are new mines. Of the remaining 11,131 mines, MSHA estimates that 4,812 operators will amend the information in their legal identity reports each year. MSHA Form 2000-7, Legal Identity Report, is used to notify MSHA of the legal identity of the mine operator.

MSHA estimates that it would take the mine operator 30 minutes by hard copy and 20 minutes electronically to complete a report for newly opened mines, and 15 minutes by hard copy and 10 minutes electronically to amend the information in a previously submitted report. For both initial reports and amendments, MSHA estimates that six percent of respondents submit in a hard copy written format and that 94 percent do electronically. That is, 54 new mines (= 897 mines x 6 percent) would file hard copies and 843 (=897 mines x 94 percent) new mines would file electronically. Similarly, 289 existing mines (=4,812 mines x 6 percent) are expected to file hard copies, and 4,523 existing mines (=4,812 mines x 94 percent) would file electronically.

MSHA estimates that the 5,709 respondents (mine operators) would incur, on average, an annual collection burden of 1,134 hours with an associated annual cost of \$46,055.

Table 12-3 Estimated Annual Respondent Hour and Cost Burden, Legal Identity Report MSHA Form 2000-7 (30 CFR 109(d))

| Activity | Respondents (Mines) | Responses per Respondent | Total Responses (MSHA Form 2000-7) | Burden per Response (Minutes) | Annual Burden (Hours) | Hourly Wage Rate | Annual Burden Cost |
|-----------------------------------|---------------------|--------------------------|------------------------------------|-------------------------------|-----------------------|------------------|--------------------|
| New Mine Reports - Electronic | 843 | 1 | 843 | 20 | 281.00 | \$40.61 | \$11,411.41 |
| Amended Mine Reports - Electronic | 4,523 | 1 | 4,523 | 10 | 753.83 | \$40.61 | \$30,613.17 |
| New Mine Reports - Hard Copy | 54 | 1 | 54 | 30 | 27.00 | \$40.61 | \$1,096.47 |
| Amended Mine Reports - Hard Copy | 289 | 1 | 289 | 15 | 72.25 | \$40.61 | \$2,934.07 |
| Total (Rounded) | 5,709 | | 5,709 | | 1,134 | | \$46,055 |

C. Mine Operator Identification Request, MSHA Form 7000-51 (30 CFR 109(d))

Mine operators request mine identification numbers using MSHA Form 7000-51, Mine Operator Identification Request, prior to completing and submitting a legal identity report in MSHA Form 2000-7. MSHA estimates that each year there is an average of 12,028 existing mines in operation, of which about 897 are new mines that would need to request mine identification numbers.

MSHA estimates that it takes a clerical worker, earning an average hourly wage of \$40.61, 20 minutes to complete a report for newly opened or soon-to-be-opened mines. MSHA also estimates that respondents will complete all these forms online.

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
 OMB Control Number: 1219-0042
 OMB Expiration Date: 12/31/2023

Table 12-4 Estimated Annual Respondent Hour and Cost Burden, Mine Operator Identification Request 7000-51 (30 CFR 109(d))

| Occupation | Respondents (Mines) | No. of Responses per Respondent | Total Responses (MSHA Form 7000-51) | Avg. Burden per Response (minutes) | Total Annual Burden (Hours) | Avg. Hourly Wage Rate | Annual Burden Cost |
|------------------------|---------------------|---------------------------------|-------------------------------------|------------------------------------|-----------------------------|-----------------------|--------------------|
| Clerical Worker | 897 | 1 | 897 | 20 | 299.00 | \$40.61 | \$12,142.39 |
| Total (Rounded) | 897 | | 897 | | 299 | | \$12,142 |

D. Notification of Commencement of Operations and Closing of MNM Mines (30 CFR 56.1000 and 57.1000)

30 CFR 56.1000 (Surface) and 57.1000 (Underground) require that operators of MNM mines must notify MSHA when the operation of a mine will commence or when a mine will be closed.

Currently, the number of MNM mines is 11,279. MSHA estimates that the Agency receives an average of 2,914 notifications of the commencement of operation and closing of mines annually from MNM mines. Most of these are temporary in nature and reflect the seasonal status of the mines. MSHA estimates that respondents made approximately 75 percent (2,186 notifications = 2,914 x 75 percent) of all MNM mine opening and closing notifications by telephone calls of three minutes duration, 10 percent (291 notifications = 2,914 x 10 percent) verbally to the MSHA inspector during routine inspections where the time burden is de minimis, and 15 percent (437 notifications = 2,914 x 15 percent) in writing with an estimated 30minute burden. MSHA estimates that a clerical worker working in MNM mines earns an hourly wage of \$40.70 per hour.

Table 12-5 Estimated Annual Respondent Hour and Cost Burden, Notification of Commencement of Operations and Closing of MNM Mines (30 CFR 56.1000 and 57.1000)

| Activity | Respondents (Mines) | No. of Responses per Respondent | Total Responses (Notifications) | Avg. Burden per Response (Minutes) | Annual Burden (Hours) | Avg. Hourly Wage Rate | Annual Burden Cost |
|------------------------|---------------------|---------------------------------|---------------------------------|------------------------------------|-----------------------|-----------------------|--------------------|
| Notification-Telephone | 2,186 | 1 | 2,186 | 3 | 109.30 | \$40.70 | \$4,448.51 |
| Notification-Verbal | 291 | 1 | 291 | 0 | 0 | \$40.70 | \$0.00 |
| Notification-Written | 437 | 1 | 437 | 30 | 218.50 | \$40.70 | \$8,892.95 |
| Total (Rounded) | 2,914 | | 2,914 | | 328 | | \$13,341 |

MSHA estimates that the 9,595 respondents (mine operators) would incur, on average, an annual collection burden of 1,823 hours with an associated annual cost of \$74,439.

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
 OMB Control Number: 1219-0042
 OMB Expiration Date: 12/31/2023

Table 12-6: Estimated Annual Respondent Hour and Cost Burden, Totals

| Activity | No. of Respondents | No. of Responses per Respondent | Total Responses | Average Burden (Hours) | Total Burden (Hours) | Hourly Wage Rate | Total Burden Cost |
|---|--------------------|---------------------------------|-----------------|------------------------|----------------------|------------------|-------------------|
| Seal Design Application (Mining Engineer) | 20 | 1 | 20 | 2.00 | 40.00 | \$89.99 | \$3,599.59 |
| Seal Design Application (Office Clerk) | 20 | 1 | 20 | 1.00 | 20.00 | \$41.55 | \$831.06 |
| Seal Design Certification and Ventilation Plan Revision (Mining Engineer) | 166 | 1 | 166 | 6.00 | 996.00 | \$89.99 | \$89,629.80 |
| Seal Design Certification and Ventilation Plan Revision (Office Clerk) | 166 | 1 | 166 | 0.50 | 83.00 | \$41.55 | \$3,448.91 |
| Sampling Evaluation | 166 | 1 | 166 | 1.00 | 166.00 | \$89.99 | \$14,938.30 |
| MSHA Notification of Miner Withdrawal | 5 | 1 | 5 | 0.10 | 0.50 | \$88.33 | \$44.16 |
| Ventilation Plan Revision for Miner Reentry (Mining Supervisor) | 5 | 1 | 5 | 1.00 | 5.00 | \$88.33 | \$441.64 |
| Ventilation Plan Revision for Miner Reentry (Office Clerk) | 5 | 1 | 5 | 0.50 | 2.50 | \$41.55 | \$103.88 |
| Recording Sample | 166 | 246 | 40,778 | 0.05 | 2,038.90 | \$53.44 | \$108,957.29 |
| Certifying Exams and Countersigning Seal Construction and Repair Records (Miner) | 166 | 8 | 1,266 | 0.75 | 949.50 | \$53.44 | \$50,740.57 |
| Certifying Exams and Countersigning Seal Construction and Repair Records (Senior Manager) | 166 | 8 | 1,266 | 0.10 | 126.60 | \$137.20 | \$17,369.11 |
| Certification of Construction or Repair Accords with Ventilation Plan | 166 | 8 | 1,266 | 0.05 | 63.30 | \$137.20 | \$8,684.56 |
| MSHA Notification of Seal Construction and Test Results (Senior Manager) | 127 | 1 | 127 | 0.05 | 6.35 | \$137.20 | \$871.20 |
| MSHA Notification of Seal Construction and Test Results (Office Clerk) | 127 | 1 | 127 | 0.20 | 25.40 | \$41.55 | \$1,055.45 |
| Ventilation Plan Revisions to Permit Welding, Cutting, and Soldering within 150 ft. of A Seal (Mining Supervisor) | 2 | 1 | 2 | 0.25 | 0.50 | \$88.33 | \$44.16 |
| Ventilation Plan Revisions to Permit Welding, Cutting, and Soldering within 150 ft. of A Seal (Office Clerk) | 2 | 1 | 2 | 0.10 | 0.20 | \$41.55 | \$8.31 |
| Labeling Sampling Pipes | 2 | 1 | 2 | 0.17 | 0.33 | \$53.44 | \$17.81 |
| Training Certification of Sampling Employees | 166 | 1 | 212 | 0.10 | 21.20 | \$88.33 | \$1,872.57 |
| Training Certification of Seal | 166 | 1 | 247 | 0.10 | 24.70 | \$137.20 | \$3,388.76 |

| | | | | | | | |
|-----------------------------------|------------|--|---------------|--|--------------|--|------------------|
| Construction and Repair Employees | | | | | | | |
| Total (Rounded) | 166 | | 44,262 | | 4,570 | | \$306,047 |

Note: The sum of the number of respondents and the sum of the number of responses might not add up to the total reported numbers in the table due to multiple people responding to the same activity.

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

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates 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) before 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.**

A. Miners Representative Designation Form, MSHA Form 2000-238 (30 CFR 103(f) and (g))

Almost all the notices of miners' representatives are in the form of written correspondence or form letters when submitting MSHA Form 2000-238. Almost all the correspondences are hand delivered to MSHA district and field offices or presented to MSHA inspectors while on the mine site. MSHA believes that no equipment is necessary, and no equipment costs are incurred in complying with this standard. Therefore, the printing cost of 75 copies of MSHA Form 2000-238 is negligible and has not been assigned a cost to this burden.

B. Legal Identity Report, MSHA Form 2000-7 (30 CFR 109(d))

The mine operator only needs to complete MSHA Form 2000-7 and submit the form once to notify MSHA of the legal identity of the mine operator. Therefore, start-up cost, operation and maintenance cost, and purchase of services cost, have not been associated specifically with this regulatory requirement.

MSHA estimates that six percent of respondents would submit a hard copy in written format and 94 percent electronically. In total, 343 mines would file hard copies and incur costs, including 54 new mines and 289 existing mines. All new reports or changes submitted electronically incur zero costs. Other mines would file electronically and incur zero costs.

On average, MSHA estimates that a mine operator who responds in writing would spend \$1 for printing and mailing MSHA Form 2000-7. MSHA estimates that 343 notifications will impose a cost of \$343.

C. Mine Operator Identification Request, MSHA Form 7000-51 (30 CFR 109(d))

All mines are required to apply for an MSHA mine identification number. The Mine Operator Identification Request is a mandatory MSHA Form 7000-51 that the mine operator must submit to request a mine identification number. The mine operator only needs to complete and submit the form once. MSHA has not made provisions to distribute hard copies of the form so operators can only complete it online at MSHA's website. Mine operators may also call MSHA and MSHA staff can complete the form for them. Therefore, the electronic submission of a mine identification number incurs zero cost.

D. Notification of Commencement of Operations and Closing of MNM Mines (30 CFR 56.1000 and 57.1000)

MNM mine operators who respond in writing may incur postage and administrative costs. MSHA estimated that 437 mines would submit notifications in writing. On average, MSHA estimates that a mine operator who responds in writing may incur a postage cost of \$1.00 per page notification. MSHA estimates that 437 responses will impose a cost of \$437.

Table 13-1 Estimated Annual Respondent Recordkeeping Cost Burden

| Cost Component | No. of Responses (Mine Operators) | Cost per Notification | Burden Cost |
|--|-----------------------------------|-----------------------|--------------|
| Mail Mine Operator ID Request | 343 | \$1.00 | \$343.00 |
| Mail Notification of Commencement of Operations Closing of Mines | 437 | \$1.00 | \$437.00 |
| Total (Rounded) | 780 | | \$780 |

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.

Table 14-1 Federal Hourly Wage Rates

| Occupation | Occupation Code | A Mean Wage Rate | B Benefit & Overhead Multiplier | = A x B Loaded Hourly Wage Rate |
|--------------------------------|-----------------|---------------------|------------------------------------|------------------------------------|
| GS-07 MSHA Clerk* | 0303 | \$27.09 | 1.740 | \$47.13 |
| GS-12 MSHA Safety Specialist** | 1822 | \$45.51 | 1.740 | \$79.19 |

Note: Hourly wage rates developed from Office of Personnel Management (OPM) June 2022 FedScope Employment Cube, <http://www.fedscope.opm.gov/>. Benefit and overhead multiplier recommended by the Congressional Budget Office, “Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015,” April 25, 2017, <https://www.cbo.gov/publication/52637>.

* Data search qualifiers were: Agency = DLMS, Occupation = 0303 (Miscellaneous Clerk and Assistant), Work Schedule = Full-Time, Salary Grade = GS-07, Measure = Average Salary. The hourly wage is the annual salary divided by 2,087. To include the cost of benefits, MSHA multiplied the average annual salary by a federal benefit and overhead multiplier for MSHA of 1.740 (FY 2023 budget submission). Rate equals \$47.13 = (\$56,533 / 2,087 x 1.740).

** Data search qualifiers were: Agency = DLMS, Occupation = 1822 (Mine Safety and Health Inspection), Work Schedule = Full-Time, Salary Grade = GS-12, Measure = Average Salary. The hourly wage is the annual salary divided by 2,087. To include the cost of benefits, MSHA multiplied the average annual salary by a federal benefit and overhead multiplier for MSHA of 1.740 (FY 2023 budget submission). Rate equals \$79.19 = (\$94,986 / 2,087 x 1.740).

A. Miners Representative Designation Form, MSHA Form 2000-238 (30 CFR 103(f) and (g))

MSHA estimates the cost to the Federal Government to be negligible in that each District Manager maintains only a current register of representatives of miners.

B. Legal Identity Report, MSHA Form 2000-7 (30 CFR 109(d))

MSHA enforcement personnel examine the records during routine inspections. There is no significant cost to the Federal Government.

C. Mine Operator Identification Request, MSHA Form 7000-51 (30 CFR 109(d))

MSHA personnel use the mine’s operator-provided information to assign a mine identification number.

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
 OMB Control Number: 1219-0042
 OMB Expiration Date: 12/31/2023

MSHA completes half of the form and also checks to make sure that an ID has not already been assigned to a mine. There is no significant cost to the Federal Government.

D. Notification of Commencement of Operations and Closing of MNM Mines (30 CFR 56.1000 and 57.1000)

As noted above, MSHA receives an annual average of 2,914 notifications of the commencement and closing of operations from MNM mines each year. Of those, approximately 355 notifications are related to new MNM mine openings and closings. With each notification, an MSHA inspector must complete the Legal Identity Report, MSHA Form 2000-7, and supplemental information form. MSHA estimates that it takes an inspector approximately 45 minutes to complete each form, and it takes support personnel approximately 15 minutes to enter the data into a computer. An MSHA inspector (OPM job series 1822) at the GS-12 level would complete MSHA Form 2000-7, at an average hourly cost of \$79.19. An MSHA clerk and assistant (OPM job series 0303) at the GS-7 level would enter data from MSHA Form 2000-7, at an average hourly cost of \$47.13.

Table 14-2 Estimated Federal Hour and Cost Burden, New MNM Mine Form Review

| Federal Occupation | Respondents (Inspector) | Total Responses | Burden per Response (Minutes) | Annual Burden (Hours) | Federal Hourly Wage Rate | Federal Burden |
|------------------------------|--------------------------------|------------------------|--------------------------------------|------------------------------|---------------------------------|-----------------------|
| GS-07 MSHA Clerk | 355 | 355 | 15 | 88.75 | \$47.13 | \$4,183.06 |
| GS-12 MSHA Safety Specialist | 355 | 355 | 45 | 266.25 | \$79.19 | \$21,085.15 |
| Total (Rounded) | 355 | 355 | | 355 | | \$25,268 |

Of the 2,914 notifications, the remaining 2,559 notifications are related to existing MNM mines closing or re-opening. MSHA estimates that it takes an Agency inspector approximately 15 minutes to revise the information on the two forms noted above (Legal Identity Report, MSHA Form 2000-7, and supplemental information form), and it takes support personnel approximately five minutes to enter the data into a computer.

Table 14-3 Estimated Federal Hour and Cost Burden, Existing MNM Mine Form Review

| Federal Occupation | Respondents (Inspector) | Total Responses | Average Burden (Minutes) | Total Hour Burden | Federal Wage Rate | Federal Burden |
|-------------------------------|-------------------------|-----------------|--------------------------|-------------------|-------------------|-----------------|
| GS-07 MSHA Support Staff | 2,559 | 2,559 | 15 | 639.75 | \$47.13 | \$30,153.37 |
| GS-012 MSHA Safety Specialist | 2,559 | 2,559 | 5 | 213.25 | \$79.19 | \$16,887.92 |
| Total (Rounded) | 2,559 | 2,559 | | 853 | | \$47,041 |

In total, reviewing notification forms for the commencement of operations and closing of MNM Mines would create an annualized burden of \$72,309 to the Federal government.

Table 14-4 Estimated Federal Hour and Cost Burden, Total MNM Mine Form Review

| Federal Occupation | Respondents | Total Responses | Average Burden (Minutes) | Total Hour Burden | Total Federal Burden |
|-------------------------------|--------------|-----------------|--------------------------|-------------------|----------------------|
| New MNM Mine Form Review | 355 | 355 | 60 | 355 | \$25,268.21 |
| Existing MNM Mine Form Review | 2,559 | 2,559 | 20 | 853 | \$47,041.29 |
| Total (Rounded) | 2,914 | 2,559 | 80 | 1208 | \$72,309 |

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

Respondents: The number of respondents decreased from 10,344 to 9,595 due to the decline in the number of mines.

Responses: The number of responses decreased from 10,344 to 9,595 due to the decline in the number of respondents.

Burden Hours: The number of burden hours decreased from 1,965 to 1,823 due to the decline in the number of respondents.

Respondents or Recordkeeping Costs: The estimated annual cost decreased from \$838 to \$780 due to the decrease in respondents.

Table 15-1

| | Previous | Current | Difference |
|---------------|----------|----------|------------|
| Respondents | 10,344 | 9,595 | -749 |
| Responses | 10,344 | 9,595 | -749 |
| Burden Hours | 1,965 | 1,823 | -142 |
| Burden Cost | \$838 | \$780 | -\$58 |
| Federal Hours | 1293 | 1,208 | -85 |
| Federal Costs | \$72,031 | \$72,309 | \$278 |

Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines
OMB Control Number: 1219-0042
OMB Expiration Date: 12/31/2023

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 schedule for the entire project, including beginning and ending dates of the collection of information, completion of the 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 will display the OMB number and expiration date on the MSHA Form 2000-7.
MSHA will display the OMB number and expiration date on the MSHA Form 7000-51.
MSHA will display the OMB number and expiration date on the MSHA Form 2000-238.

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 request.

B. Collection of Information Employing Statistical Methods

This information collection does not employ statistical methods.