

Escape and Evacuation Plans for Surface Coal Mines, Surface Facilities and Surface Work Areas of Underground Coal Mines
OMB Control Number 1219-0051
OMB Expiration Date: 6/30/2025

**Supporting Statement for
Escape and Evacuation Plans for Surface Coal Mines, Surface Facilities and
Surface Work Areas of Underground Coal Mines
Paperwork Reduction Act Submission**

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

OBM Control Number: 1219-0051

Information Collection Request Title: Escape and Evacuation Plans for Surface Coal Mines, Surface Facilities and Surface Work Areas of Underground Coal Mines

Type of OMB Review: Extension

Authority:

Part 77 – Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas of Underground Coal Mines
Subpart L - Fire Protection
30 CFR 77.1101 - Escape and evacuation; plan.

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.

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Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act) 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, metal, and nonmetal mines.

In order to fulfill the statutory mandates to promote miners' health and safety, MSHA requires the collection of information under the information collection request entitled Escape and Evacuation Plans for Surface Coal Mines, Surface Facilities and Surface Work Areas of Underground Coal Mines. The information collection addressed by this notice is intended to train persons working at surface installations on how to safely escape and evacuate these sites in case of a fire hazard.

Individuals working at surface installations are at risk if a fire breaks out at a mine. To protect workers' safety and health in mines or at surface installations at mines, mine operators must keep escape, and evacuation plans up to date.

Under 30 CFR 77.1101(a), each operator of a mine must establish and keep current a specific escape and evacuation plan to be followed in the event of a fire.

Under 30 CFR 77.1101(b), each operator must instruct all their employees in current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

Under 30 CFR 77.1101(c), plans for escape and evacuation plans must include the designation and proper maintenance of adequate means for exit from all areas where persons are required to work or travel, including buildings, equipment, and areas where persons normally congregate during the work shift.

Fire protection requirements for underground coal mines is covered by ICR 1219-0054.

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

The escape and evacuation plans are prepared by the mine operator and used by mines, MSHA, and persons involved in rescue and recovery. The plan is used to instruct employees in the proper methods of exiting structures in the event of a fire. MSHA inspection personnel use the plan to determine compliance with the standard requiring a means of escape and evacuation be established and the requirement that employees be instructed in the procedures to follow should a fire occur.

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 improved information technology has been identified that would reduce the existing burden. However, in order to comply with the Government Paperwork Elimination Act, Pub. L. 105-277, mine operators may develop escape and evacuation plans using computer-aided design (CAD) drawings and retain the records in whatever method they choose, either in paper or electronic copies.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No similar or duplicate information is available or submitted to MSHA. Escape and evacuation plans are developed for individual mines and are unique to the mine. Where equipment manufacturers' recommendations, engineering construction drawings, architectural design drawings (which reflect building code requirements such as sprinkler systems, exit signs, fire alarms, firehose stations, restricted occupancy, etc.) or other similar information exists, such information may become an essential part of the required plan.

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

The information collection provisions apply to all mine operations, both large and small. Congress intended that the Secretary enforce the law at all mining operations within the Agency's jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. [S. Rep. No. 95-181, 28 (1977)]. Section 103(e) of the Mine Act, 30 U.S.C. 813(e), directs the Secretary not to impose an unreasonable burden on small businesses when obtaining any information under the Mine Act. MSHA considered the burden on small mines when developing the collection. Hence, MSHA believes that these information collection requirements are imposed on all mining operations and do not have a significant impact on a substantial number of small business 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.

Persons working at surface installations such as preparation plants, draw-off tunnels, slopes, and other buildings must be trained on how to safely escape and evacuate these sites in case of a fire hazard. They must also be familiar with the means of escape. Reducing the frequency of or eliminating preparation of the mandatory escape and evacuation plan prior to commencing operations, or to remove the requirement to maintain the plan current with mine conditions,

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would eliminate an essential training tool and would expose miners to unnecessary confusion and risk of injury or death should a fire occur in or at their work location. An escape and evacuation plan needs to be developed only once for a specific surface coal mine, surface facilities, or surface work area of an underground coal mine. Therefore, a plan, once developed, need only be revised if new equipment, additional buildings, or other significant changes occur. Changes in mine ownership do not result in a need for developing new surface escape and evacuation plans except where the new owner makes changes to the mine's surface facilities or mining equipment.

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

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade 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 otherwise consistent with the guidelines in 5 CFR 1320.

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.

In accordance with 5 CFR 1320.8(d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that the information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and provided 60 days for the public to submit comments. MSHA published a 60-day Federal Register notice on October 31, 2024 (89 FR 86839). 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 payments or gifts to 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.

There is no assurance of confidentiality provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so,**

agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form, and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under Item 13.**

Respondents

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

Based on MSHA internal data, there were 995 surface coal mines, surface facilities, and surface work areas of underground coal mines affected by this standard as of September 30, 2023. MSHA estimated that there were approximately 21 new surface coal mines, surface coal facilities, and surface work areas of underground coal mines opened annually during the previous 3 years.

Wage Rates Determinations¹

MSHA used data from the May 2023 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates² and adjusted the rates

¹ For all wage rates, including Federal 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 To obtain OEWS data, follow BLS's directions in its Frequently Asked Questions: "E. How to get OEWS data. 4. What are the different ways to obtain OEWS estimates from this website?" at https://www.bls.gov/oes/oes_ques.htm. The average wage rate is calculated as the employment-weighted average of hourly mean wages for the occupation.

for benefits,³ wage inflation,⁴ and overhead costs.⁵ The occupations listed below in Table 12-1 are those that were determined to be relevant for the cost calculations.

Table 12-1. Hourly Wage Rates

Occupation	NAICS Code	Average Wage Rate	Benefit Multiplier	Inflation Multiplier	Overhead Cost Multiplier	Loaded Hourly Wage Rate
		A	B	C	D	A x B x C x D
Mine supervisor [a]	212100	\$52.49	1.465	1.027	1.01	\$79.76
Clerk [b]	212100	\$22.81	1.465	1.027	1.01	\$34.66

Notes: MSHA uses the latest 4-quarter moving average 2023Q2-2024Q1 to determine that 31.8 percent of total loaded wages are benefits for private industry workers in construction, extraction, farming, fishing, and forestry occupations. The benefit multiplier is $1.465 = 1 + (0.318 / (1 - 0.318))$. The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q1, divided by the base year and quarter of the OEWS employment and wage statistics, 2023Q2, for private industry workers in construction, extraction, farming, fishing, and forestry occupations, current dollar index. The inflation multiplier is $1.027 = 161.6 / 157.3$. MSHA uses the overhead multiplier of 1.01.

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

[b] The SOCs used for this occupation are (43-3031), (43-3051), (43-3061), (43-5071), and (43-9061).

Hours Burden

MSHA estimates that, on average, approximately 1 percent of the 995 existing surface coal mines, surface coal facilities, and surface work areas of underground mines (10 mines) will need to revise their escape and evacuation plans annually. MSHA estimates that approximately 21 new surface coal mines, surface coal facilities, and surface work areas of underground coal mines will open annually and they are required to prepare escape and evacuation plans.

MSHA estimates that a coal mine supervisor, earning \$79.76 per hour, will take approximately 4 hours to prepare a new escape and evacuation plan and approximately 2 hours to revise an existing plan.

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 at <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 uses 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).

⁵ MSHA uses an overhead rate of 1 percent. The mining environment generally involves very little overhead, especially costs associated with workers engaged in administrative or clerical tasks.

MSHA estimates that it will take a clerk, earning \$34.66 per hour, approximately 1 hour to type and file a new escape and evacuation plan, and approximately 30 minutes to type and file a revised plan.

Table 12-2. Estimated Annual Respondent Hour and Cost Burden, Escape and Evacuation; Plan (30 CFR 77.1101)

Activity (Occupation)	Number of Respondents (Surface Coal Mines)	Number of Responses per Respondent	Total Responses (Plans)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
New Plans (Mine supervisor)	21	1	21	4.0	84.00	\$79.76	\$6,699.84
New Plans (Clerk)	21	1	21	1.0	21.00	\$34.66	\$727.86
Revised Plans (Mine supervisor)	10	1	10	2.0	20.00	\$79.76	\$1,595.20
Revised Plans (Clerk)	10	1	10	0.5	5.00	\$34.66	\$173.30
Total (Rounded)	31		62		130		\$9,196

Note: The total number of respondents do not correspond to the sum of respondents from each cost item because the same respondents carry out multiple activities.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

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- **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 does not anticipate that mine operators will incur any costs other than those described in Item 12.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Because the review of escape and evacuation plans is one aspect of the inspections required under section 103(a) of the Mine Act, 30 U.S.C. 813(h), MSHA believes that this burden is minimal and has assigned no federal cost burden for this specific information collection.

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

Respondents: The estimated annual number of respondents decreased from 35 to 31 due to a decrease in the number of new mines.

Responses: The estimated annual number of responses increased from 35 to 62 due to a change in methodology as it pertains to counting responses when multiple occupations carry out related activities. In past versions of this ICR, those activities were counted as a single response. In this ICR, they are counted as multiple responses.

Time Burden: The estimated annual time burden decreased from 150 to 130 hours due to a decrease in the number of respondents.

Burden Costs: The estimated annual burden costs increased from \$8,321 to \$9,196 due to an increase in wages.

Other Burden Costs: The estimated annual other burden costs remained unchanged at \$0.

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Table 15-1. Summary of Changes

	Previous ICR	Current ICR	Difference
Number of Respondents	35	31	-4
Number of Responses	35	62	27
Annual Time Burden	150	130	-20
Annual Burden Costs	\$8,321	\$9,196	\$875
Annual Other Burden Costs	\$0	\$0	\$0

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

MSHA does not intend to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA associates no forms with this information collection.

18. Explain each exception to the certification statement.

MSHA does not seek any exceptions.

B. Collections of Information Employing Statistical Methods.

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.