

Explosive Materials and Blasting Units
OMB Control Number: 1219-0095
OMB Expiration Date: 6/30/2025

**Supporting Statement for
Explosive Materials and Blasting Units
(Pertains only to Category III Metal and Nonmetal Mines Deemed to be Gassy)
Paperwork Reduction Act Submission**

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

OMB Control Number: 1219-0095

Information Collection Request Title: Explosive Materials and Blasting Units (Pertains only to Category III Metal and Nonmetal Mines Deemed to be Gassy)

Type of OMB Review: Extension

Authority:

Part 57 - Safety and Health Standards—Underground Metal and Nonmetal Mines
Subpart T - Safety Standards for Methane in Metal and Nonmetal Mines
30 CFR 57.22606(a) - Explosive materials and blasting units (III 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)(1)(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 Item 17 or the OMB Form 83-I 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) 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 Explosive Materials and Blasting Units (Pertains only to Category III Metal and Nonmetal Mines Deemed to be Gassy). The information collection is intended to determine whether nonapproved explosive materials and blasting units and procedures are safe for use in Category III mines.

All mines must use approved blasting units and explosives to ensure miner health and safety. If mine operators choose to use unapproved blasting units and explosives, they must obtain approval from MSHA before doing so. Under title 30 of the Code of Federal Regulations (30 CFR) 57.22003(a) and (a)(3), mine category III applies to all underground metal and nonmetal mines and the surface mills of Subcategory I-C mines (gilsonite) in which noncombustible ore is extracted and which liberate a concentration of methane that is explosive, or is capable of forming explosive mixtures with air, or have the potential to do so based on the history of the mine or the geological area in which the mine is located. The concentration of methane in such mines is explosive or is capable of forming explosive mixtures if mixed with air at certain composition.

I. Notifying MSHA Prior to Using Nonapproved Explosive Materials and Blasting Units

Under 30 CFR 7.4 and 15, MSHA tests and approves blasting units and explosive materials as permissible for use in mines, respectively. Under 30 CFR 57.22606(a), mine operators of Category III metal and nonmetal mines must notify the appropriate MSHA District Manager of all nonapproved explosive materials and blasting units prior to their use. Explosive materials used for blasting must be approved by MSHA under 30 CFR part 15, or nonapproved explosive materials must be evaluated and determined by the District Manager to be safe for blasting in a potentially gassy environment. The notice must also include the millisecond-delay interval between successive shots and between the first and last shot in a round.

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

MSHA uses the information provided by the mine operator to determine whether non-approved explosive materials and blasting units and procedures are safe for use in underground Category III gassy metal and nonmetal mines and the surface mills of Subcategory I-C mines (gilsonite). Without such determinations, miners may be exposed to significant safety risks.

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 burden. However, in order to comply with the Government Paperwork Elimination Act, mine operators of Category III mines may transmit the records in whatever method they choose, which may include utilizing computer technology to store the records electronically.

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.

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.

The Category III mine operator must notify the appropriate MSHA District Manager of all nonapproved explosive materials and blasting units to be used prior to their use. Failure to enforce the standards could result in mine operators using explosive materials and blasting units that create unsafe conditions in potentially gassy environments, jeopardizing the safety of miners.

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

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**

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

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

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR Section 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 these 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 December 2, 2024 (89 FR 95244). MSHA received no comments.

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

MSHA does not provide payment or gifts to respondents.

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

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 ‘Annual Cost to Federal Government’.**

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, between January 1, 2021, and December 31, 2023, four Category III metal and nonmetal mines submitted notifications for methane liberation.

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 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	Wage Rate	Benefit Multiplier	Inflation Multiplier	Overhead Cost Multiplier	Loaded Hourly Wage Rate
		A	B	C	D	A x B x C x D
Management Official [a]	212200 212300	\$63.39	1.465	1.027	1.01	\$96.33

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

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.

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.

the overhead multiplier of 1.01.

[a] The Standard Occupation Code (SOC) used for this occupation is (11-1021).

Hour Burden

I. Notifying MSHA Prior to Using Nonapproved Explosive Materials and Blasting Units

Under 30 CFR 57.22606(a), mine operators must notify the appropriate MSHA District Manager of all nonapproved explosive materials and blasting units to be used prior to their use. MSHA estimates that one affected mine will need to change explosive materials or blasting units in a year (4 affected mines over 3 years, rounded to 1 mine per year). Therefore, on average one operator would need to prepare a notice each year to send to the appropriate MSHA District Manager stating that they are seeking to use nonapproved explosive materials or blasting units.

MSHA estimates that a mine management official, earning \$96.33 per hour, will take approximately one hour to prepare and submit the notice.

Table 12-2. Estimated Annual Respondent or Recordkeeper Cost Burden, Preparing and Submitting Notice (30 CFR 57.22606(a))

Activity (Occupation)	Number of Respondents (Category III Mines)	Number of Responses per Respondent	Total Responses (Notifications)	Burden per Response (Hours)	Annual Burden (Hours)	Hourly Wage Rate	Burden Cost
Prepare and Submit Notice (Management Official)	1	1.00	1	1	1.00	\$96.33	\$96.33
Subtotal (Rounded)	1		1		1		\$96

Note: The number of responses per respondent is calculated by dividing the number of responses by the number of respondents.

Hour Burden Summary

MSHA estimates that the one respondent (mine operator) would incur, on average, an annual collection burden of one hour with an associated annual cost of \$96.33. The annual respondent hour and cost burden is summarized in the Summary Totals table below.

Table 12-3. Estimated Annual Respondent or Recordkeeper Cost Burden, Summary Totals

Activity	Number of Respondents	Number of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Prepare and Submit Notice	1	1.00	1	1	1.00	\$96.33	\$96.33
Total (Rounded)	1		1		1		\$96

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) 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.

I. Provide MSHA Notice Prior to Using Nonapproved Explosive Materials and Blasting Units

Under 30 CFR 57.22606(a), respondents are required to submit their notice of intent to use nonapproved blasting materials or blasting units to the appropriate MSHA District Manager. Historically the respondents have typically used certified mail to submit the information. MSHA estimates the cost for mailing to be \$6.00.

Table 13-1. Estimated Annual Respondent or Recordkeeper Cost Burden, Submitting Notice to use Nonapproved Blasting Materials or Blasting Units (30 CFR 57.22606(a))

Cost Component	Number of Responses	Unit Cost	Cost to Recordkeepers
Mailing Cost	1	\$6.00	\$6.00
Total (Rounded)	1		\$6.00

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	Mean Wage Rate	Benefit & Overhead Multiplier [a]	Loaded Hourly Wage Rate
		A	B	A x B
GS-12 MSHA Inspector [b]	1822	\$47.55	1.586	\$75.41

Note: Hourly wage rates developed from Office of Personnel Management (OPM) September 2023 FedScope Employment Cube, <http://www.fedscope.opm.gov/>.

[a] Benefit and overhead multiplier = 1 + (MSHA personnel benefits, travel and transportation, and rental expenses / MSHA personnel compensation) = (1 + ((76,679+20+5,309+5,932+17,577+71) / 180,071)) (FY 2024 budget submission, use FY2023 Revised Enacted Budget: <https://www.dol.gov/sites/dolgov/files/general/budget/2024/CBJ-2024-V2-13.pdf>).

[b] Data search qualifiers are: 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. In order to include the cost of benefits and overhead, MSHA multiplies the average annual salary by a Federal benefit and overhead multiplier for MSHA of 1.586. Rate equals \$75.41 = ((99,228 / 2,087) x 1.586).

I. Federal Hour and Cost Burden to Review Notices on Intent to Use Nonapproved Explosive Materials and Blasting Units

Under 30 CFR 57.22606(a), explosive materials used for blasting must be evaluated and determined by the District Manager to be safe for blasting in a potentially gassy environment prior to their use.

MSHA estimates that it will take a GS-12 MSHA inspector, earning \$75.41 per hour, approximately one hour to review the one notice of the proposed use of non-approved explosive materials and blasting units.

Table 14-2. Estimated Federal Hour and Cost Burden, Review Notice to use Nonapproved Blasting Materials or Blasting Units (30 CFR 57.22606(a))

Federal Occupation	Number of Responses (Notice)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
GS-12 MSHA Inspector	1	1	1	\$75.41	\$75.41
Total (Rounded)	1		1		\$75

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

Number of Respondents: The estimated number of respondents remains unchanged at 1.

Number of Responses: The estimated number of responses remains unchanged at 1.

Annual Time Burden: The estimated annual time burden remains unchanged at 1 hour.

Annual Burden Costs: The estimated annual burden costs increased from \$86 to \$96 due to an increase in wages.

Annual Other Burden Costs: The estimated annual other burden cost remains unchanged at \$6.

Federal Hours: The estimated annual federal hours remain unchanged at 1.

Federal Costs: The estimated annual federal costs increased \$63 to \$75 due to an increase in Federal wages.

Table 15-1. Summary of Changes

	Previous ICR	Currently Approved ICR	Difference
Number of Respondents	1	1	0
Number of Responses	1	1	0
Annual Time Burden	1	1	0
Annual Burden Costs	\$86	\$96	\$10
Annual Other Burden Costs	\$6	\$6	\$0
Federal Hours	1	1	0
Federal Costs	\$63	\$75	\$12

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 is not seeking approval to not display the expiration date for OMB approval of this information collection and there is no form associated 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

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