

Daily Inspection of Surface Coal Mine; Certified Person; Reports of Inspection (Pertains to Surface Coal Mines)

OMB Control Number: 1219-0083

OMB Expiration Date: 9/30/2025

**Supporting Statement for Daily Inspection of Surface Coal Mine; Certified Person;
Reports of Inspection (Pertains to Surface Coal Mines)
Paperwork Reduction Act Submission**

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

OMB Control Number: 1219-0083

Information Collection Request Title: Daily Inspection of Surface Coal Mine; Certified Person; Reports of Inspection (Pertains to Surface 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 R—Miscellaneous

30 CFR 77.1713—Daily inspection of surface coal mine; certified person; reports of inspection

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

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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.

The Paperwork Reduction Act (PRA) governs paperwork burdens imposed by Federal agencies on the public for using identical questions to collect information from 10 or more persons. Paperwork burden is defined in 44 U.S.C. 3502(2) as time, effort, or financial resources expended to generate, maintain, or provide information to or for a Federal agency. Under 44 U.S.C. 3507, policies and procedures of information collection are established for controlling paperwork burdens imposed by Federal agencies on the public, including evaluating public comments.

To fulfill the statutory mandates to promote miners' health and safety, MSHA requires information under the information collection request (ICR) titled "Daily Inspection of Surface Coal Mine; Certified Person; Reports of Inspection (Pertains to Surface Coal Mines)". The information collection is intended to be used by MSHA operators and inspectors to ensure that corrective actions are taken to address any hazards found in active work areas to prevent injuries or deaths of miners.

Surface coal mines and facilities present a number of potential hazards. Highwalls, mining equipment, travelways, and the handling of mining materials present potentially hazardous conditions. Before daily examinations of working areas and surface installations were required, numerous miners lost their lives or were seriously injured in areas covered in the standard. The majority of these fatalities and injuries resulted from hazardous conditions that were not detected and immediately corrected in these areas. Mine operators ensure a safe working environment for miners by complying with the standards and conducting on-shift examinations for hazardous conditions in working areas and surface installations.

Burden and costs associated with the ICR includes:

- I. conducting daily inspections;
- II. creating inspection records; and
- III. signing or countersigning records.

Authorization and the associated rule text are described below.

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I. Conducting Daily Inspections

Under 30 CFR 77.1713(a), at least once during each working shift, or more often if necessary for safety, each active working area and each active surface installation must be examined by a certified person designated by the operator to conduct examinations for hazardous conditions, and any hazardous conditions noted during the examinations must be reported to the operator and must be corrected by the operator.

Under 30 CFR 77.1713(b), if any hazardous condition noted during an examination creates an imminent danger, the person conducting the examination must notify the operator and the operator must withdraw all persons from the area affected, except those exempted persons referred to in section 104(c) of the Mine Act, 30 U.S.C. 814(c), until the danger is abated.

II. Creating Inspection Records

Under 30 CFR 77.1713(c), after each examination, each certified person who conducted all or any part of the required examination must enter with ink or indelible pencil in a book approved by the Secretary the date and a report of the condition of the mine or any area of the mine which he has inspected together with a report of the nature and location of any hazardous condition found to be present at the mine. The book in which the entries are made must be kept in an area at the mine designated by the operator to minimize the danger of destruction by fire or other hazard.

III. Signing or Countersigning Records

Under 30 CFR 77.1713(d), all recorded examination reports must include a report of the action taken to abate hazardous conditions and must be signed or countersigned each day by at least one of the following persons:

- (1) The surface mine foreman;
- (2) The assistant superintendent of the mine;
- (3) The superintendent of the mine;
- (4) The person designated by the operator as responsible for health and safety at the mine; or,
- (5) An equivalent mine official.

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.

Operators of surface coal mines are required to conduct examinations of active work areas for hazardous conditions during each shift. Operators are required to keep records of the nature and location of any hazardous conditions found and any corrective actions taken to abate the hazardous conditions.

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The records are used by MSHA inspectors to determine that any hazards found have either been corrected or barricaded in compliance with the standard. Mine operators use these records to identify areas of the mine or equipment that present hazards to miners and, therefore, must be corrected to prevent miner injuries or deaths. Repeated hazardous conditions in any area or involving a particular piece of equipment would indicate to the operator the need for modification of operating procedures or replacement or repair of equipment.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

No information technology has been identified that would reduce the burden. However, in order to comply with the Government Paperwork Elimination Act, mine operators may retain 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 A.2 above.

No similar or duplicate information is available or submitted to MSHA. Where State agencies require similar examinations and records, those mine operators may use the records to satisfy the MSHA standard.

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 operators, both large and small. Congress intended that the Secretary enforce the law at all mining operators 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 (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 and believes that these information collection requirements are imposed on all mining operators 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.

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Under 30 CFR 77.1713(a), examinations for hazardous conditions must be conducted at least once during each shift. Less frequent examinations could result in unsafe conditions going undetected and possibly resulting in an accident. The records collected under this standard help mine operators and MSHA to ensure a safe working environment for 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.**

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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.

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 May 29, 2025 (90 FR 22771). MSHA received 1 anonymous comment. The commenter stated "The need for due diligence may be required or limited based on circumstances of events. There should be flexibility and adaptation to change or changes, as subject to future events."

MSHA Response:

Under 30 CFR 77.1713, coal mine operators must conduct an examination of each active working area of surface mines and each active surface installation for hazardous conditions at least once during each working shift. To fulfill the statutory mandates to promote miners' health and safety, MSHA requires the collection of information under this Information Collection Request (ICR). The records collected under this standard help MSHA to ensure a safe working environment for miners.

MSHA appreciates the anonymous comment regarding updating the Standard. However, the collection of information requirements contained in the ICR are to extend the regulations currently in place and approved by OMB. Introducing new practices, procedures, and requirements to the Standard are outside the scope of this notice, which is meant to extend the existing collection of information requirements for a further three years.

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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. Records are maintained by the mine operator.

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'.**

Respondents

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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 production data, there were 771 surface and facility coal mines in calendar year 2023 affected by this information collection request. MSHA records indicate that there were approximately 188,812 shifts worked during 157,040 working days in calendar year 2023 in surface coal mines (assuming 52 working weeks).

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	Mean Wage Rate	Benefit Multiplier	Inflation Multiplier	Overhead Cost Multiplier	Loaded Hourly Wage Rate
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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.

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		A	B	C	D	A x B x C x D
Mining Supervisor [a]	212100	\$52.49	1.461	1.037	1.01	\$80.32
Clerk [b]	212100	\$22.81	1.461	1.037	1.01	\$34.91
Foreman[c]	212100	\$59.68	1.461	1.037	1.01	\$91.33

Notes: MSHA uses the latest 4-quarter moving average 2023Q3-2024Q2 to determine that 31.6 percent of total loaded wages are benefits for private industry workers in construction, extraction, farming, fishing, and forestry occupations. The benefit multiplier is $1.461 = 1 + (0.316 / (1 - 0.316))$. The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q2, 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 $1.026 = 163.1 / 157.3$. 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 (43-3021), (43-3031), (43-3051), (43-3061), (43-4171), (43-5061), (43-5071), and (43-9061).

[c] The SOCs used for this occupation are (11-3051), (11-3051), (47-1011), (49-1011), (51-1011), and (53-1047). The 75th percentile of hourly wages is used to indicate a greater amount of required experience.

Hour Burden

I. Conducting Daily Inspections

Under 30 CFR 77.1713(a), at least once during each working shift, each active working area and active surface installation must be inspected. MSHA estimates that one inspection is conducted in 771 surface coal mines for each of the 188,812 shifts, resulting a total of 188,812 inspections for calendar year 2023. MSHA estimates number of responses per respondent to be 244.89 (188,812/771).

MSHA estimates that it will take a mining supervisor, earning \$80.32 per hour, one hour to conduct these inspections.

Table 12-2. Estimated Annual Respondent Hour and Cost Burden, Conducting Daily Inspections (30 CFR 77.1713(a))

Activity (Occupation)	Number of Respondents (Mines)	Number of Responses per Respondent	Total Responses (Inspections)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Daily Inspections (Mining Supervisor)	771	244.89	188,812	1.00	188,812.00	\$80.32	\$15,165,379.84
Subtotal (Rounded)	771		188,812		188,812		\$15,165,380

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

II. Creating Inspection Records

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Under 30 CFR 77.1713(c), after examinations, records of the examinations must be made. MSHA estimates that each of the 771 surface coal mines has a record book and a record will be made for each of the 188,812 shifts that the mines operate. MSHA estimates number of responses per respondent to be 244.89 (188,812/771).

MSHA estimates that it will take a clerk, earning \$34.91 per hour, 30 minutes to make records of the inspections.

Table 12-3. Estimated Annual Respondent Hour and Cost Burden, Creating Inspection Records (30 CFR 77.1713(c))

Activity (Occupation)	Number of Respondents (Mines)	Number of Responses per Respondent	Total Responses (Records)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Inspection Records (Clerk)	771	244.89	188,812	0.50	94,406.00	\$34.91	\$3,295,713.46
Subtotal (Rounded)	771		188,812		94,406		\$3,295,713

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

III. Signing or Countersigning Records

All examination reports must include a report of the action taken to abate hazardous conditions and must be signed or countersigned each day by persons designated in 30 CFR 77.1713(d). MSHA estimates that at the 771 surface coal mines, each shift inspection records will be signed or countersigned each day for each of the 188,812 shifts. MSHA estimates number of responses per respondent to be 244.89 (188,812/771).

MSHA estimates that it will take a foreman, earning \$91.33 per hour, 1 minute to sign or countersign a report of corrective actions taken to abate hazardous conditions.

Table 12-4. Estimated Annual Respondent Hour and Cost Burden, Signing or Countersigning Records (30 CFR 77.1713(d))

Activity (Occupation)	Number of Respondents (Mines)	Number of Responses per Respondent	Total Responses (Records)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Sign Records (Foreman)	771	244.89	188,812	0.02	3,146.87	\$91.33	\$287,403.33
Subtotal (Rounded)	771		188,812		3,147		\$287,403

Hour Burden Summary

The annual respondent hour and cost burden in summarized in Table 12-5.

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Table 12-5. Estimated Annual Respondent Hour and Cost Burden, Summary

Activity	Number of Respondents	Number of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
I. Conducting Daily Inspections	771	244.89	188,812	1.00	188,812.00	\$80.32	\$15,165,379.84
II. Creating Inspection Records	771	244.89	188,812	0.50	94,406.00	\$34.91	\$3,295,713.46
III. Signing Records	771	244.89	188,812	0.02	3,146.87	\$91.33	\$287,403.33
Total (Rounded)	771		188,812		286,365		\$18,748,497

Note: The total number of respondents and responses does not correspond to the sum of rows because different respondents work on the same record. The number of responses per respondent is calculated by dividing the number of responses by the number of respondents and rounded.

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**

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reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital or maintenance costs to respondents or recordkeepers resulting from the collection of this information.

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.

MSHA inspectors examine the records during routine inspections. There are no Federal costs associated with this information collection request.

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

Number of Respondents: The estimated number of respondents decreased from 796 to 771 due to a decrease in the number of coal mines.

Number of Responses: The estimated number of responses decreased from 248,880 to 188,812 due to a decrease in the number of respondents.

Annual Time Burden: The estimated annual time burden decreased from 373,320 hours to 286,365 hours due to a decrease in the number of respondents.

Annual Burden Costs: The estimated annual burden costs increased from \$18,344,945 to \$18,748,497 due to an increase in hourly wages.

Annual Other Burden Costs: The estimated annual other burden cost remains unchanged at \$0.

Federal Hours: The estimated annual federal hours remain unchanged at 0.

Federal Costs: The estimated annual federal costs remain unchanged at 0.

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Table 15-1. Summary of Changes

	Currently Approved ICR	Revised ICR	Difference
Number of Respondents	796	771	-25
Number of Responses	248,880	188,812	-60,068
Annual Time Burden	373,320	286,365	-86,955
Annual Burden Costs	\$18,344,945	\$18,748,497	\$403,552
Annual Other Burden Costs	\$0	\$0	\$0
Federal Hours	0	0	0
Federal 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 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.