

Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines  
OMB Control Number 1219-0009  
OMB Expiration Date: 5/31/2024

**Supporting Statement for  
Training Plans and Records of Training, for Underground Miners and Miners Working at  
Surface Mines and Surface Areas of Underground Mines  
Paperwork Reduction Act Submission**

This ICR seeks to extend, without change, an existing information collection.

**OMB Control Number:** 1219-0009

**Information Collection Request Title:** Training Plans and Records of Training for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines

**Type of OMB Review:** Extension

**Authority:**

*30 CFR Part 48 – Training and Retraining of Miners*

*Subpart A: Training and Retraining of Underground Miners*

- 30 CFR 48.3 Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.
- 30 CFR 48.9 Records of training.

*Subpart B: Training and Retraining of Miners Working at Surface Mines and Surface Areas of Underground Mines*

- 30 CFR 48.23 Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.
- 30 CFR 48.29 Records of training.

**Collection Instrument(s):** MSHA Form 5000-23, Certificate of Training

**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

### 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 Public Law 95-164, as amended, (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor (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.

The Mine Act recognizes that education and training is an important element of Federal efforts to make the nation's mines safe. Section 115(a) of the Mine Act, 30 U.S.C. 825(a), states that "each operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary. These standards are intended to ensure that miners will be effectively trained in matters affecting their health and safety, with the goal of reducing the occurrence of injury and illness in the nation's mines.

#### **A. Training Plan Approvals and Revisions**

30 CFR 48.3 and 48.23 require training plans for miners at underground mines, and surface mines and surface areas of underground mines, respectively. Specifically, 30 CFR 48.3(a) and 48.23(a) require each mine operator to have an MSHA-approved plan containing programs for training new miners, training experienced miners, training miners for new task, annual refresher training, and hazard training for miners.

30 CFR 48.3(b) and 48.23(b) requires training plans to be submitted for approval to the MSHA District Manager for the area in which the mine is located. Plans must contain the following information as listed in 30 CFR 48.3(c) and 48.23(c):

1) company name; 2) mine name; 3) MSHA identification number of the mine; 4) the name and position of the person designated by the operator who is responsible for health and safety training at the mine; 5) a list of MSHA-approved instructors with whom the operator proposes to make arrangements to teach the courses and the courses each instructor is qualified to teach; 6) the location where training will be given for each course; 7) a description of the teaching methods and the course materials which are to be used in training; 8) the approximate number of miners employed at the mine and the maximum number who will attend each session of training; 9) the predicted time or periods of time when regularly scheduled refresher training will be given including

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the titles of courses to be taught; 10) the total number of instruction hours for each course; and 11) the predicted time and length of each session of training for new task training including a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to determine the effectiveness of the training.

30 CFR 48.3(l) and 48.23(l) require the operator to notify the District Manager and the miners' representative of any changes of modification and obtain the approval of the District Manager.

### **B. Training Records MSHA Form 5000-23**

30 CFR 48.9 and 48.29 require records of training for underground mines, and surface mines and surface areas of underground mines, respectively. Upon completion of each training program, the mine operator must record and certify on MSHA Form 5000-23, Certificate of Training, that the miner has received the specified training in each subject area of the approved health and safety training plan. A copy of the training certificate must be given to the miner at the completion of the training.

The certificate of training forms, MSHA Form 5000-23, are to be maintained by the operator for a period of 2 years for current employees and for 60 days after termination of a miner's employment and must be available for inspection at the mine site. In addition, the miner is entitled to a copy of the certificate when the miner leaves the operator's employment.

### **C. Copies of Training Plans**

30 CFR 48.3(d) and 48.23(d) require the operator to provide the representative of the miners a copy of the training plan or post a copy on the mine bulletin board two weeks prior to its submission to the District Manager. Written comments from miners or their representatives must be submitted to the District Manager by either the operator or miners or their representatives.

30 CFR 48.3(f) and 48.23(f) require the operator to make a copy of the MSHA approved training plan available at the mine site for MSHA's inspection and miners representative's examination.

30 CFR 48.3(n) and 48.23(n) require the operator to post on the mine bulletin board and provide to the miners' representative a copy of all MSHA revisions and decision.

### **D. MSHA Evaluation, Revoke, Disapproval**

30 CFR 48.3(a)(2) and 48.23(a)(2) require MSHA to approve the training plan within 60 days of submission.

30 CFR 48.3(e) and 48.23(e) require all training in the training plan to be evaluated by the District Manager to determine the effectiveness of the training programs. Upon request from the District Manager, the operator must provide information for evaluation.

30 CFR 48.3(j) and 48.23(j) require the District Manager to notify the operator and the miners' representative in writing of the approval or status of the training programs.

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30 CFR 48.3(m) and 48.23(m) require the District Manager to notify the operator and the miners' representative in writing of the disapproval of a training plan or a proposed modification.

30 CFR 48.3(i) and 48.23(i) require the District Manager to send written reasons to revoke the approval of instructors. The instructor can submit their appeal to MSHA within 5 days of notification.

### **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.**

Once approved by the MSHA District Manager, training plans are returned to the mine operator. The approved plans are used to implement training programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training. MSHA also uses the plans to ensure that all miners are receiving the training necessary to perform their jobs in a safe manner.

MSHA Form 5000-23 provides the mine operator with a recordkeeping form, the miner with a certificate of training, and MSHA with a monitoring tool for determining compliance with requirements. MSHA Form 5000-23 in its present format provides the industry with one form that conforms to all the requirements of the training regulations.

### **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.**

The plans can be prepared using personal computers and word processing programs and submitted via email.

Additionally, MSHA has an electronic system (MSHA Training Plan Advisor) for mine operators to prepare and submit training plans through the internet. This is an optional method for the mining industry to prepare and file required training plans. The design of this system increases the likelihood that the plan will be complete, with the potential to decrease the paperwork burden from approximately 8 hours to 2.25 hours. It is accessed through <https://www.msha.gov/support-resources/forms-online-filing/2017/01/23/electronic-training-plan-advisor>.

In calendar year (CY) 2022, 491 training plans were submitted. MSHA estimates that 65 percent of all plans will be submitted electronically.

MSHA Form 5000-23 is provided by MSHA to mine operators in a booklet format. The form is also available to download at <https://www.msha.gov/support-resources/forms-online-filing/2018/05/23/certificate-training>. The computerized version of the form permits mine operators to enter information on the form

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electronically and print the completed form as a training certificate. MSHA Form 5000-23 is a recordkeeping form; it is not submitted to MSHA. It is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection information.

**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.**

Training plans are tailored to fit the needs of individual mining operations for which they are developed. There is no similar or duplicate information already available that could be used.

Due to the individualized nature of the training that each miner receives, there is no similar or duplicate information that could be used in lieu of MSHA Form 5000-23.

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

This information does not have a significant impact on small businesses or other small entities.

**6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Before a new mine is opened or a mine is reopened or reactivated, MSHA must approve the training plan. Once the plan is approved, only changes or modifications must be submitted for approval.

MSHA developed MSHA Form 5000-23 for use by the mine operator to record and certify that the miner has received the specified training. Upon completion of each training program, MSHA Form 5000-23 is completed by the instructor. All training completed within the miner's 12-month training cycle may be recorded on one MSHA Form 5000-23. A copy of the form is given to the miner at the end of the 12-month cycle. Additionally, a copy of the form is given to the miner at the completion of a single training program.

MSHA inspectors will sometimes ask mine operators to produce training certificates during an inspection to ensure that all miners have received the proper training. Without adequate training, miners may sustain serious or fatal injuries because they lack the knowledge to properly and safely perform various tasks and activities. This collection ensures compliance with the training requirements.

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

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

There are no requirements for more than quarterly reporting. An initial plan must be submitted for MSHA District Manager approval and revised plans must be submitted whenever changes to that plan are made necessary by changes in ownership and/or circumstances at the mine. Although there is no explicit requirement that a mine operator retain records for more than three years, the operator must maintain a current, approved training plan during the entire time the mine is in operation. While mine operators are not specifically required to keep MSHA Form 5000-23 records for more than two years for current employees or more than 60 days after termination of an employee (30 CFR 48.9 and 48.29), the mine operator must be able to provide current training records for all miners during the time the mine is in operation. This collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5.

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**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 giving interested persons 60 days to submit comments. MSHA published a 60-day Federal Register notice on September 18, 2023 (88 FR 63978). 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 payments 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.**

MSHA Form 5000-23 requires the full name of person trained, which provides no assurances of confidentiality. The electronically collected information is protected under: Office of Management and Budget Circular A-130, Managing Information as a Strategic Resource; the Computer Fraud & Abuse Act of 1986; Department of Labor (DOL) policies covering Network Operations and LAN Management and DOL's Privacy Policy on Data Collection over DOL Web Sites; and by the Federal Information Security Management Act of 2002, Title III, Public Law 107-347, as part of the E-Government Act of 2002.

As a practical matter, a request for MSHA records containing mine operator responses would be processed in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552) and its implementing DOL regulations, 29 CFR part 70.

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

There are no questions of a sensitive nature.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

## **Respondents**

For calendar year (CY) 2022, the MSHA reported approximately 1,719 mining operations (Coal plus Part 48 MNM mines, mills and shops) employing 97,158 miners (excluding office employees) and 3,213 contractors employing 45,867 miners, for a total of 4,932 employers and 143,025 miners.

There are differences in the reporting methods between this and the 2019 OMB 1219-0009 submission. This submission includes a large increase in the number of miners reported working at Part 48 mines: it appears that over 40,000 miners employed by contractors were not included in the Form 5000-23 training records calculation in the 2019 submission, causing the estimated burden to be lower than actual. In addition, there were three major changes that affected Part 48 training during the years 2019 to 2022. MSHA combined its Coal and Metal and Nonmetal Enforcement Programs into one global Enforcement Program with regulatory authority over all mines, mills, shops, miners and contractors. Therefore, Coal and Metal and Nonmetal data are no longer reported

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separately. Second, these years coincided with the Covid-19 pandemic. To help stop the spread of the virus among miners, MSHA suspended some of its training requirements. Third, many mines closed or curtailed operations, resulting in an approximate 10 percent decrease in miner hours worked. This resulted in fewer new and revised training plans submitted by mines, and subsequently reviewed by MSHA. In 2023, mining operations are rebounding after the pandemic, mines are increasing production, staffing and miner hours worked, but the industry has not fully recovered. Now that the pandemic has ended, all miners must once again receive the full complement of training.

## Wage Rates Determinations<sup>1</sup>

MSHA used data from the May 2022 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates<sup>2</sup> and adjusted the rates for benefits<sup>3</sup>, wage inflation<sup>4</sup>, and overhead costs<sup>5</sup>. 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 Multiplier	Loaded Hourly Wage Rate
Safety Specialist*	212100, 212200, 212300	\$42.98	1.482	1.035	1.17	\$77.14
Trainer*	213000	\$36.85	1.482	1.035	1.17	\$66.13
Clerk**	212100, 212200, 212300	\$23.70	1.482	1.035	1.17	\$42.53

Note: MSHA used the latest 4-quarter moving average 2022Q2-2023Q1 to determine that 32.5 percent of total loaded wages are benefits for private industry workers in construction, extraction, farming, fishing, and forestry occupations. The benefit multiplier is  $1.482 = 1 + (0.325 / (1 - 0.325))$ . The inflation multiplier was determined by using the employment price index from the most current quarter data is available, 2023Q1, divided by the base year and quarter of the OEWS employment and wage statistics, 2022Q2, for private industry workers in construction, extraction, farming, fishing, and forestry occupations, current dollar index. The inflation multiplier is  $1.035 = 155.7 / 150.5$ . MSHA used the overhead multiplier of 1.17.

\*The Standard Occupation Code (SOC) used for this occupation is (19-5011).

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

<sup>1</sup> 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.

<sup>2</sup> 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](https://www.bls.gov/oes/oes_ques.htm).

<sup>3</sup> 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 series ID CMU2030000405000D and CMU2030000405000P, 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  $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$ .

<sup>4</sup> 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 at <https://data.bls.gov/cgi-bin/srgate>. Inflation multiplier = (current quarter cost index value / OEWS wage base quarter index value).

<sup>5</sup> MSHA used an overhead rate of 17 percent. This overhead rate is based on a 2002 EPA report by Cody Rice, "Wage Rates for Economic Analysis of the Toxics Release Inventory Program", available at <https://www.regulations.gov/document/EPA-HQ-OPPT-2016-0387-0064>.

**A. Training Plans and Revisions (30 CFR 48.3 and 48.23)**

30 CFR 48.3 and 48.23: Underground and surface mine operators are required to have an MSHA-approved training plan. When new task training is required, mine operators must revise their training plan to include each new task. This revision must include a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to determine the effectiveness of the training.

Based upon MSHA's records from reporting districts it is estimated that during CY 2022, Mine Safety and Health Enforcement received 491 training plan submissions, including 351 new training plans and 140 revised training plans. MSHA estimates that 35 percent of the new training plans (123 plans) will be submitted by paper and 65 percent (228 plans) electronically.

The plans are usually prepared by mine operator personnel. Although the burden on the mine operator is dependent to some degree upon a particular mine's size, MSHA has determined that a typical training plan requires eight hours to prepare and submit a new paper plan, 2.25 hours to complete a new plan online, and one hour to revise a paper or electronic plan.

**Table 12-2. Estimated Annual Respondent Hour and Cost Burden, Training Plan Approvals and Revisions (30 CFR 48.3 and 48.23)**

Activity	Respondents (Mines)	Responses per Respondent	Responses (Plans)	Avg. Burden per Response (Hours)	Annual Burden (Hours)	Avg. Hourly Wage Rate	Annual Burden Cost
New Training Plans - Paper	123	1	123	8.00	984.00	\$77.14	\$75,905.76
New Training Plans - Electronic	228	1	228	2.25	513.00	\$77.14	\$39,572.82
Revised Training Plans	140	1	140	1.00	140.00	\$77.14	\$10,799.60
<b>Subtotal (Rounded)</b>	<b>491</b>		<b>491</b>		<b>1,637</b>		<b>\$126,278</b>

**B. Training Records by Mine Operators - MSHA Form 5000-23 (30 CFR 48.9 and 48.29)**

30 CFR 48.9 & 48.29: Upon a miner's completion of each MSHA-approved training program, the operator must record and certify on MSHA Form 5000-23 that the miner has received the specified training. MSHA Form 5000-23, Certificate of Training, was developed by MSHA for use by the mine operator to record and certify that the miner has received the specified training. Upon completion of each training program, the form is completed by the instructor. All training completed within the miner's 12-month training cycle may be recorded on one form. A copy of the form is given to the miner at the end of the 12-month cycle. Additionally, a copy of the form is given to the miner at the completion of a single training program upon the miner's request. MSHA assumes that the copies of these training certificates are provided electronically to miners and that operators incur no cost associated with producing copies of training certificates.

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MSHA estimates that 45 percent of the miners’ training (64,361 = 143,025 miners x 45%) is conducted by an employee of the mine operator. Another 30 percent of the training is conducted by State trainers funded from sources that include Federal grants. The specific burden for such State trainers is included in the answer to Item 14. The remaining 25 percent of the training is conducted by independent training contractors hired by the mine operator. The actual cost of the independent training contractor’s time is detailed under Item 13.

Although all the training completed by a miner within a one-year period may be recorded on one form, training specialists estimate that for each miner, two forms will probably be completed annually. The simple check-off method for completing the form and preparation time takes about five minutes per form using either the paper or electronic version.

**Table 12-3. Estimated Annual Respondent Hour and Cost Burden, Recording Training Conducted by Mine Operators - MSHA Form 5000-23 (30 CFR 48.9 and 48.29)**

Activity / Occupation	Respondents (Miners)	Responses per Respondent	Responses (Forms)	Avg. Burden per Response (Hours)	Annual Burden (Hours)	Avg. Hourly Wage Rate	Annual Burden Cost
Record Training, Conducted by Mine Operators	64,361	2	128,722	0.08	10,726.83	\$77.14	\$827,467.92
<b>Subtotal (Rounded)</b>	<b>64,361</b>		<b>128,722</b>		<b>10,727</b>		<b>\$827,468</b>

**C. Mine Operator to Provide Copies of Plans (30 CFR 48.3 and 48.23)**

30 CFR 48.3 & 48.23: The operator is required to provide the representative of the miners a copy of the training plan or post a copy on the mine bulletin board at different stages of a plan: before its submission to the District Manager, after MSHA approval, and MSHA revisions and decision.

MSHA assumes an operator would produce one copy of the training plan on average at each stage of the plan. MSHA estimates that a clerk, earning an average hourly wage of \$42.53, will take 5 minutes to make a copy of the training plan or post a copy on the mine bulletin board.

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**Table 12-4: Estimated Annual Respondent Hour and Cost Burden, Copying and Posting Training Plans (30 CFR 48.3 and 48.23)**

Activity	Respondents (Mines)	Responses per Respondent	Responses (Copies)	Avg. Burden per Response (Hours)	Annual Burden (Hours)	Avg. Hourly Wage Rate	Annual Burden Cost
Copy or Post New Training Plans before Submission	351	1	351	0.08	29.25	\$42.53	\$1,244.00
Copy or Post New Training Plans after Approval	351	1	351	0.08	29.25	\$42.53	\$1,244.00
Copy or Post Revised Training Plans	140	1	140	0.08	11.67	\$42.53	\$496.18
<b>Subtotal (Rounded)</b>	<b>842</b>		<b>842</b>		<b>70</b>		<b>2,984</b>

**Summary of Annual Burden Hours and Burden Cost for Respondents**

MSHA estimates that the 65,694 respondents will provide 130,055 responses each year. These responses would incur, on average, an annual collection burden of 12,434 hours with an associated annual cost of \$956,730.

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

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
New Training Plans - Paper	123	1	123	8.00	984.00	\$77.14	\$75,905.76
New Training Plans - Electronic	228	1	228	2.25	513.00	\$77.14	\$39,572.82
Revised Training Plans	140	1	140	1.00	140.00	\$77.14	\$10,799.60
Record Training, Conducted by Mine Operators	64,361	2	128,722	0.08	10,726.83	\$77.14	\$827,467.92
Copy or Post New Training Plans before Submission	351	1	351	0.08	29.25	\$42.53	\$1,244.00
Copy or Post New Training Plans after MSHA Approval	351	1	351	0.08	29.25	\$42.53	\$1,244.00
Copy and Post Revised Training Plans	140	1	140	0.08	11.67	\$42.53	\$496.18
<b>Total (Rounded)</b>	<b>65,694</b>		<b>130,055</b>		<b>12,434</b>		<b>\$956,730</b>

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

- **The cost estimate should be split into two components: (a) a total capital and startup cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

#### **A. Copy and Mail Training Plans**

MSHA estimates no cost for course development or the actual training. MSHA provides many publications, training modules and video tapes, as well as accident reports and compilations of accident statistics, routinely used in training courses at little or no cost to the industry. These resources are available to the mining industry and are frequently used by industry trainers whether employed by the mine operator directly or as contractors.

The operator is expected to incur a cost to produce one copy of the training plans prior to submission to MSHA, after MSHA approval, and MSHA revisions and decision to provide the representative of the miners a copy of the training plan or post a copy on the mine bulletin board. The total number of training plan copies would be 842 (= 351 new plans before submission + 351 new plans after MSHA approval + 140 revised plans).

Upon submitting the training plan to MSHA, operators and contractors may incur a cost to copy and mail their plan to MSHA Headquarters. MSHA estimates that 35 percent of the training plans, 172 plans (= 123 new plans + 49 revised plans) will be submitted by paper and 65 percent electronically. MSHA estimates that the copying and mailing cost would be \$2.00 per training plan by paper and

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none if submitted electronically. Furthermore, MSHA assumes that all operators will produce one additional copy of the training plan, to provide to the representative of miners or to be posted on the mine bulletin board. Each of these copies is estimated to cost \$0.50.

**Table 13-1. Estimated Annual Respondent Recordkeeping Cost Burden, Copying and Mailing Training Plans**

Activity	Respondents	Responses	Avg. Units per Response	Total Units	Unit Cost	Annual Cost
Copy and Mail Training Plans to MSHA	172	172	1	172.00	\$2.00	\$344.00
Print Copies	842	842	1	842.00	\$0.50	\$421.00
<b>Subtotal (Rounded)</b>	<b>1,014</b>	<b>1,014</b>		<b>1,014</b>		<b>\$765</b>

**B. Training Records by Independent Training Contractors – MSHA Form 5000-23**

Approximately 25 percent of the training (35,756 = 143,025 x 25%) is conducted by independent contractors hired by mine operators. It takes approximately five minutes to fill out a form, and two forms are needed per miner. MSHA estimates that independent MSHA-approved contract trainers, earning an average hourly wage rate of \$66.13 per hour, will complete the forms.

**Table 13-2. Estimated Annual Respondent Recordkeeping Cost Burden, Record Training Conducted by Independent Training Contractors – MSHA Form 5000-23**

Activity	Respondents (Miners)	Responses (Forms)	Avg. Burden per Response (Hours)	Annual Burden (Hours)	Avg. Hourly Wage Rate	Annual Burden Cost
Record Trainings, Conducted by Independent Training Contractors	35,756	71,512	0.08	5,959.33	\$66.13	\$394,090.71
<b>Subtotal (Rounded)</b>	<b>35,756</b>	<b>71,512</b>		<b>5,959</b>		<b>\$394,091</b>

MSHA estimates that 36,419 respondents would incur, on average, an annual burden cost of \$394,926 arising from 72,666 responses.

**Table 13-3. Estimated Annual Respondent Recordkeeping Cost Burden, Summary Totals**

Cost Component	30 CFR Provision	Respondents	Responses	Total Cost
Copy and Mail Training Plans	48.3, 48.23	1,014	1,014	\$765.00
Record Training, Conducted by Independent Training Contractors	48.9, 48.29	35,756	71,512	\$394,090.71
<b>Total (Rounded)</b>	-	<b>36,770</b>	<b>72,526</b>	<b>\$394,856</b>

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

**Table 14-1. Federal Hourly Wage Rates**

Occupation	Occupation Code	Mean Wage Rate	Benefit & Overhead Multiplier	Loaded Hourly Wage Rate
MSHA GS-12 Technical Staff*	1822	\$45.51	1.74	\$79.19

Note: Hourly wage rates developed from Office of Personnel Management (OPM) October 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 = 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 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 = (\$94,986.14 / 2,087 x 1.740).

**A. Approval of Plans**

In 2022, MSHA approved 491 new or revised training plans. Based on previous experiences, MSHA estimates that it takes approximately five hours to receive, review, approve or disapprove, update status, and return each new or revised plan by a MSHA technical staff (GS-12), earning an average hourly wage rate of \$66.13.

**Table 14-2. Estimated Federal Hour and Cost Burden, Approving New and Revised Training Plans**

Cost Component	Respondents (Mines)	Responses (Plans)	Average Burden per Response (Hours)	Total Burden Hours	Avg. Hourly Wage Rate	Annual Cost
New and Revised Training Plans	491	491	5.00	2,455.00	\$79.19	\$194,411.45
<b>Subtotal (Rounded)</b>	<b>491</b>	<b>491</b>		<b>2,455</b>		<b>\$194,411</b>

**B. Printing MSHA Form 5000-23**

MSHA Form 5000-23 is assembled in pads with 50 sets of forms per pad and four forms per set. The cost of MSHA Form 5000-23 purchases has varied significantly from year to year; in the last nine years the annual cost has ranged between \$0 and \$73,000. Using an historical multi-year average is difficult to support because the form was redesigned recently. Due to these fluctuating expenses, historical averages are not considered reliable. In 2023 the Mine Academy forecast the cost for the next three years will be \$30,000 per year for such forms, which are then provided to the operators and contractors that are respondents to this rule. Looking forward to the next three years,

the Mine Academy forecasts a 21 percent reduction in the annual cost of printing MSHA Form 5000-23 Training Record multi-page forms.

**Table 14-3. Estimated Federal Hour and Cost Burden, Printing Forms**

Cost Component	Respondents	Responses	Annual Cost
MSHA Form 5000-23 Expenses	4,932	4,932	\$30,000.00
<b>Subtotal (Rounded)</b>	<b>4,932</b>	<b>4,932</b>	<b>\$30,000</b>

**C. Training Records by State Trainers – MSHA Form 5000-23**

Approximately 30 percent of the training (42,908 = 143,025 x 30%) is conducted by State trainers funded from sources that include Federal grants. It takes approximately five minutes to fill out a form, and two forms are needed per miner. MSHA assumes that the rate per hour is equivalent to that of an independent contractor, earning an average hourly wage of \$66.13.

**Table 14-4. Estimated Federal Hour and Cost Burden, Recording Training Conducted by State Trainers – MSHA Form 5000-23**

Cost Component	Respondents (Miners)	Responses (Forms)	Avg. Burden per Response (Hours)	Annual Burden (Hours)	Avg. Hourly Wage Rate	Annual Cost
Record Training, Conducted by State Trainers	42,908	85,816	0.08	7,151.33	\$66.13	\$472,917.67
<b>Subtotal (Rounded)</b>	<b>42,908</b>	<b>85,816</b>		<b>7,151</b>		<b>\$472,918</b>

MSHA inspection personnel routinely check that miners have received the required training by periodic examination of MSHA Form 5000-23 and interviews of the miners. However, such examinations of the mine operator’s records are done as a part of a normal, complete mine inspection. Because the review of training records is just one aspect of the inspections required under section 103(a) of the Mine Act, 30 U.S.C. 813(a), MSHA believes that this burden is minimal and has assigned no Federal cost burden for this specific information collection.

MSHA estimates that the federal government would assume an annual burden cost of \$697,329 arising from 48,331 respondents generating 91,239 responses.

**Table 14-5. Estimated Federal Hour and Cost Burden, Summary Totals**

Cost Component	Respondents	Responses	Total Burden Hour	Total Cost
Approving Training Plans	491	491	2,455.00	\$194,411.45
Printing Forms	4,932	4,932	-	\$30,000.00
Record Training MSHA Form 5000-23,	42,908	85,816	7,151.33	\$472,917.67

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Conducted by State Trainers				
<b>Total (Rounded)</b>	<b>48,331</b>	<b>91,239</b>	<b>9,606</b>	<b>\$697,329</b>

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

Respondents: The number of respondents increased from 5,828 to 65,694 due to a change in the number of miners reported working at Part 48 mines.

Responses: The number of responses decreased from 143,145 to 130,055 due to a decrease in the number of miners and mine operators.

Burden Hours: The number of burden hours decreased from 14,773 to 12,434 due to a decrease in the number of responses.

Respondents or Recordkeeping Costs: The estimated annual cost remains decreased from \$468,122 to \$394,856 due to a decrease in burden hours.

**Table 15-1. Summary of Changes**

	<b>Previous</b>	<b>Current</b>	<b>Difference</b>
Respondents	5,828	65,494	59,866
Responses	143,145	130,055	-13,090
Burden Hours	14,773	12,434	-2,339
Burden Cost	\$468,122	\$394,856	-\$73,266
<b>Federal Hours</b>			
Federal Hours	13,930	9,606	-4,324
<b>Federal Costs</b>			
Federal Costs	\$951,089	\$697,329	-\$253,760

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

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

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

MSHA will display the expiration date for OMB approval of this information collection.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification statement.

**B. Collections of information employing statistical methods.**

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The collection of this information does not employ statistical methods.