

**Supporting Statement for  
Hazardous Conditions Complaints  
Paperwork Reduction Act Submission**

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

**OMB Control Number:** 1219-0014

**Information Collection Request Title:** Hazardous Conditions Complaints

**Type of OMB Review:** Extension

**Authority:**

Part 43 – Procedures for Processing Hazardous Conditions Complaints

Subpart B – Special Inspections

30 CFR 43.4 – Requirements for Giving Notice

Subpart C – Informal Review

30 CFR 43.7 – Informal Review Upon Written Notice Given to an Inspector on the Mine Premises

**Collection Instrument(s):** Hazardous Conditions Complaint (Web Only Instrument)

**General Instructions**

**A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses or employ statistical methods” is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.**

**Specific Instructions**

**A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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

The Paperwork Reduction Act of 1995 (PRA) governs paperwork burdens imposed on the public by Federal agencies for using identical questions to collect information from 10 or more persons. The PRA defines paperwork burden 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, the PRA also establishes policies and procedures of information collection for controlling paperwork burdens imposed by Federal agencies on the public, including evaluating public comments.

To fulfill its statutory mandate to promote miners' health and safety, MSHA requires information under the ICR titled "Hazardous Conditions Complaints." This information collection is intended to ensure that notifications of an alleged violation or imminent danger made by a miner or a representative of miners is investigated and addressed as soon as possible.

MSHA regulations in 30 CFR part 43 implement section 103(g) of the Mine Act and provide the procedures for processing hazardous conditions complaints (HCC). Under section 103(g)(1) of the Mine Act, 30 U.S.C. 813(g)(1), a representative of miners, or a miner where there is no representative of miners, who has reasonable grounds to believe that a violation of the Mine Act or a mandatory health or safety standard exists, or an imminent danger exists, has the right to obtain a special inspection by giving notice of the violation or danger to the Secretary or their duly authorized representative. Upon receipt of a notification, a special inspection must be made as soon as possible to determine if the violation or imminent danger exists. If the Secretary determines that a violation or imminent danger does not exist, they must notify the miners' representative or the miner of that determination.

Under section 103(g)(2) of the Mine Act, 30 U.S.C. 813(g)(2), the Secretary must establish procedures for informal review of any refusal by an authorized representative to issue a citation with respect to an alleged violation or withdrawal order with respect to an alleged danger, including notification to the miners' representative or the miner who requests the review of the reasons for the Secretary's final disposition of the case.

Burden costs associated with this ICR include:

- I. Miners or miners' representatives giving MSHA written notices of hazardous conditions, including violations of the Mine Act or a mandatory health or safety standard exists, or an imminent danger; and

- II. MSHA processing complaints of hazardous conditions, including providing notice of negative findings regarding special inspections and statements of final decisions regarding informal reviews.

## **I. Miners or Miners' Representatives Giving Notice of Hazardous Conditions to MSHA**

### Special Inspections

Under 30 CFR 43.4(a), a representative of miners or a miner where there is no representative, who has reasonable grounds to believe that a violation of the Mine Act or a mandatory health or safety standard exists, or that an imminent danger exists, may obtain a special inspection by giving notice to the Secretary or any authorized representative of the Secretary of a violation or danger.

Under 30 CFR 43.4(b), the notice must set forth the alleged violation or imminent danger as well as the location of the violation or danger and must be in writing signed by the representative of miners or the miner giving the notice.

Under 30 CFR 43.4(c), a copy of the written notice must be provided to the operator or his agent by the Secretary or his authorized representative no later than the time that the inspection begins. In addition, if the notice indicates that an imminent danger exists, the operator or his agent must be notified as quickly as possible of the alleged danger. The name of the person giving the notice and the names of any individual miners referred to in the notice cannot appear in the copy of the written notice or in a notification provided to the operator.

### Informal Reviews

Under 30 CFR 43.7(a), where the authorized representative or the Secretary refuses to issue a citation or order with respect to the alleged violation or imminent danger, the representative of miners or the miner who provided the notice may obtain review of a refusal.

Under 30 CFR 43.7(b), a request for informal review of a refusal to issue a citation or withdrawal order must be sent in writing to the appropriate District Manager within 10 days of the date of the refusal to issue a citation or withdrawal order and must be accompanied by any supporting information the person requesting the review wishes to submit.

Under 30 CFR 43.8, a person who provided notice of a hazardous condition and to whom a notice of negative finding has been issued may request an informal review of the finding.

## **II. MSHA Processing Hazardous Conditions Complaints**

### Notices of Negative Finding regarding Special Inspections

Under 30 CFR 43.6(a), if it is determined that a special inspection is not warranted, a written notice of negative finding must be issued as soon as possible following the determination.

Under 30 CFR 43.6(b), if it is determined that an inspection is warranted and upon the inspection it is determined that neither a citation nor a withdrawal order should be issued for the alleged violation or imminent danger, a written notice of negative finding must be issued by the authorized representative of the Secretary prior to leaving the mine premises.

Under 30 CFR 43.6(c), any notice of negative finding must be issued to the representative of miners or the miner seeking the special inspection, and a copy must be served upon the operator.

Written Statements of Final Disposition regarding Informal Reviews

Under 30 CFR 43.7(d), after a review of all written and oral statements submitted, the District Manager may either affirm the refusal to issue a citation or withdrawal order or may direct that a new inspection be conducted with respect to the alleged violation or imminent danger. The District Manager must furnish the person requesting the review with a written statement of the reasons for his or her final disposition of the request as soon as possible. A copy of the statement must be furnished to the operator. The District Manager's determination in the matter will be final.

**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.**

A notification of an alleged violation or imminent danger by a miner or a representative of miners is investigated as soon as possible to determine if a citation or a withdrawal order is appropriate, unless the conditions cited in the complaint would clearly not constitute a violation or imminent danger even if they were found to exist. Where an inspector makes a special investigation and finds a violation or imminent danger, the inspector issues a citation or withdrawal order as appropriate.

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

No improved information technology has been identified that would reduce the existing burden. However, to comply with the Government Paperwork Elimination Act, miners, miners' representatives, and mine operators may submit or retain records in whatever method they choose, including using computer technology to store the records electronically.

MSHA has also implemented a toll-free telephone line (1-800-746-1553), for the reporting of hazardous conditions that is staffed 24 hours a day by a live operator. MSHA also provides posters for display at mine surface facilities and other public places informing miners of the toll-free telephone line. In addition to the toll-free telephone line, MSHA has provided a web-based email reporting system for electronic submission of HCCs since 2002. Further, the Hazardous Conditions Complaint (HCC) email submission forms can be found on MSHA's website at <https://www.msha.gov/support-resources/forms-online-filing/2018/05/23/hazardous-condition-complaint>.

However, as the time required to orally describe a hazardous condition or to reduce it to a written document by hand or on a keyboard is essentially the same, neither the use of electronic nor telephone options for the reporting of hazards significantly reduces the burden.

**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.

**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 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 (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 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.**

Elimination of the written and/or oral complaints and the associated MSHA inspections and investigations of the reported hazardous conditions could prolong the miners' exposure to a potentially hazardous condition, weaken the miners' confidence in the Agency's ability to protect their health and safety, and discourage mine operators from developing and maintaining compliance programs that protect 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 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*, notify the public that these information collection requirements are being reviewed in accordance with the PRA, and provide 60 days for the public to submit comments. MSHA published a 60-day Federal Register notice on September 25, 2025 (90 FR 46261). 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.**

To ensure the confidentiality of the complainant, as required by section 103(g) of the Mine Act, 30 U.S.C. 813(g), any references that could identify the complainant are removed from the notice provided to the mine operator. In addition, MSHA accepts anonymous oral hazard complaints over its toll-free HCC phone line or via calls directly to Headquarters, District, or Field Offices, which Agency personnel transcribe, thus ensuring confidentiality. MSHA also accepts anonymous email complaints if it appears those complaints allege safety and health hazards to miners.

**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**

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

Based on MSHA internal data, there were 1,055 mines, including 253 coal mines and 802 MNM mines, affected by this information collection request in 2024. MSHA's records show that 1,413 MNM HCCs and approximately 836 Coal HCCs were received during 2024.

## **Wage Rates Determination<sup>1</sup>**

MSHA uses data from the May 2024 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates<sup>2</sup> and adjusts the rates for

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<sup>1</sup> 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.

<sup>2</sup> 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](https://www.bls.gov/oes/oes_ques.htm). The average wage rate is calculated as the employment-weighted average

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 Hourly Wage Rate	Benefit Multiplier	Inflation Multiplier	Overhead Cost Multiplier	Loaded Hourly Wage Rate
		A	B	C	D	A x B x C x D
Coal Miner [a]	212100	\$33.29	1.453	1.022	1.01	\$49.94
Metal Nonmetal Miner [a]	212200 & 212300	\$28.65	1.453	1.022	1.01	\$42.97

Notes:

Benefit Multiplier – MSHA uses the latest 4-quarter moving average 2024Q1-2024Q4 to determine that 30.8 percent of total loaded wages are benefits for private industry workers in construction, extraction, farming, fishing, and forestry occupations. The benefit multiplier is  $1.453 = 1 + (0.308 / (1 - 0.308))$ .

Inflation Multiplier – The inflation multiplier is determined by using the employment price index from the most current quarter, 2024Q4, divided by the base year and quarter of the OEWS employment and wage statistics, 2024Q2, for private industry workers in construction, extraction, farming, fishing, and forestry occupations, current dollar index. The inflation multiplier is  $1.022 = 166.7 / 163.1$ .

Overhead Multiplier – MSHA uses the overhead multiplier of 1.01.

[a] The SOCs used for this occupation are (47-5000), (49-9043), (49-9071), (51-9021), and (53-7000).

## Hour Burden

### I. Giving Notices of Hazardous Conditions

Under 30 CFR 43.4(a) and (b), a representative of miners or a miner may request a special inspection by giving written notices if a violation or danger.

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of hourly mean wages for the occupation.

<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 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  $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$ .

<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. (<https://data.bls.gov/cgi-bin/srgate>; Inflation Multiplier = (Current Quarter Cost Index Value / OEWS Wage Base Quarter Index Value)).

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

MSHA assumes on average 2,249 HCCs are received each year: 836 HCCs that referenced 253 unique coal mines and 1,413 HCCs that referenced 802 unique MNM mines. Although the time required by individual miners or miners' representatives to prepare a written notification of an alleged violation or imminent danger may vary widely from a few minutes to hours, MSHA estimates it takes an average of 12 minutes for a coal miner earning \$49.94 per hour, or a MNM miner earning \$42.97 per hour to prepare a written notification of an alleged violation.

**Table 12-2. Estimated Annual Respondent Hour and Cost Burden, Giving Notices of Hazardous Conditions (30 CFR 43.4(a) and (b))**

Activity (Occupation)	Number of Respondents (Miners)	Number of Responses per Respondent	Total Responses (Complaints)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
Giving Notices of Hazardous Conditions at a Coal Mine (Coal Miner)	836	1	836	0.20	167.20	\$49.94	\$8,349.97
Giving Notices of Hazardous Conditions at a MNM Mine (MNM Miner)	1,413	1	1,413	0.20	282.60	\$42.97	\$12,143.32
<b>Total (Rounded)</b>	<b>2,249</b>		<b>2,249</b>		<b>450</b>		<b>\$20,493</b>

Requesting an Informal Review of a Refusal to Issue a Citation or Withdrawal Notice

Under 30 CFR 43.7(a) and (b), a review procedure is described where a miner or a representative of miners may in writing request an informal review if no citation or withdrawal order is issued as a result of the original notice, as required by section 103(g)(2) of the Mine Act, 8 U.S.C. 813(g)(2). This option is rarely used. Hence, MSHA assumes the cost is de minimis and it is not included in the burden estimates.

**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.**

MSHA accepts complaints in whatever form they are submitted. The complaints may take the form of a handwritten note, a formal letter sent by certified mail, a hand delivered letter, an anonymous phone call through the toll-free hotline, a text message, or an email to MSHA Headquarters, District, or Field Offices. Telephone complaints or electronic complaints are transcribed (reduced) by MSHA. In all cases, no special equipment is required by the standard for the respondents to file a complaint.

MSHA estimates the cost to the respondents to be negligible. Many formal letters of complaint come through a union or safety advocacy organization and those costs are not borne by the individual complainant. Orally communicated complaints are most often local, over the toll-free MSHA phone line, or via email and, as a result, have negligible cost to the complainant. Only the handwritten complaints sent through the U.S. Post Office or private delivery service would incur a cost borne by the complainant and these complaints are rare.

**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 uses data from the FedScope published by the Office of Personnel Management (OPM) for hourly wage rates of Federal employees and adjusts the rates for benefits and overhead. The occupations listed below in Table 14-1 are those that were determined to be relevant for the federal government cost calculations.

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

Occupation	Occupation Code	Mean Hourly Wage Rate	Benefit & Overhead Multiplier [a]	Loaded Hourly Wage Rate
		A	B	A x B
GS-12 Inspector [b]	1822	\$49.52	1.587	\$78.60

Notes: Hourly wage rates are developed from Office of Personnel Management (OPM) September 2024 FedScope Employment Cube, <http://www.fedscope.opm.gov/>.

[a] Benefit and overhead multiplier = 1 + (MSHA personnel benefits + Federal Employees' Compensation Act + benefits for former personnel + travel and transportation (persons and things) + rental payments (GSA and others))/ costs of pay adjustments =  $(1 + ((69,203 + 6,746 + 20 + 7,888 + 5,762 + 16,633 + 71) / 181,036))$  submission, use FY2024 Revised Enacted Budget: <https://www.dol.gov/sites/dolgov/files/general/budget/2025/CBJ-2025-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 1.587. Loaded hourly rate is \$78.60 =  $((\$164,028 / 2,087) \times 1.587)$ .

[c] Data search qualifiers are: Agency = DLMS, Occupation = 0303 (Miscellaneous Clerk and Assistant), Work Schedule = Full-Time, Salary Grade = GS-07, Measure = Average Salary. The hourly wage is the annual salary divided by 2,087. 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 1.587. Loaded hourly rate is \$46.38 =  $((\$96,803 / 2,087) \times 1.587)$ .

## II. Processing HCCs

Under 30 CFR 43.4(c), MSHA must provide the operator with a copy of the written notice or a notification to the operator of a violation or danger no later than the time that the inspection begins. MSHA must redact the name of the person giving the notice and the names of any individual miners referred to in the notice in the copy.

Under 30 CFR 43.6, MSHA must issue a written notice of negative finding if it determines that a special inspection is not warranted, or neither a citation nor a withdrawal order should be issued. A written notice of negative finding shall be issued by the authorized representative of the Secretary prior to leaving the mine premises. The notice of negative finding must be issued to the representative of miners or the miner seeking the special inspection and a copy must be served upon the operator.

Under 30 CFR 43.7(d), after review of all written and oral statements submitted, the District Manager must furnish the person requesting the review with a written statement of the reasons for his or her final disposition of the request and provide a copy to the operator.

MSHA processes all complaints received orally, by phone, by email or fax, or by MSHA's website. These activities are outlined in 30 CFR part 43, including making special inspections to investigate HCCs, issuing citations or withdrawal orders or providing notice of negative findings, conducting informal reviews of earlier refusals to issue a citation or order, and providing written copies to operators and miners or their representatives.

These activities are usually handled by MSHA hotline, headquarters, and district staff members, performing at the GS 12 level, earning \$78.60 per hour (including benefits). MSHA estimates that, on average, it takes 4 hours to process each complaint. MSHA's estimate of the annual burden cost to the Federal government is shown below.

**Table 14-2. Estimated Federal Hour and Cost Burden, Processing HCCs (30 CFR 43.4(c), 43.6, and 43.7(d))**

Federal Occupation	Number of Responses (Activity)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
GS-12 MSHA Inspector	2,249	4	8,996	\$78.60	\$707,085.60
<b>Total (Rounded)</b>	<b>2,249</b>		<b>8,996</b>		<b>\$707,086</b>

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

Number of Respondents: The estimated number of respondents increased from 1,785 to 2,249 due to an increase in the number of miners and representatives of miners submitting complaints.

Number of Responses: The estimated number of responses increased from 1,785 to 2,249 due to an increase in the number of complaints submitted.

Annual Time Burden: The estimated annual time burden increased from 357 to 450 due to an increase in the number of complaints submitted.

Annual Burden Costs: The estimated annual burden costs increased from \$14,292 to \$20,493 due to an increase in the number of complaints submitted, and an increase in wage rates.

Annual Respondent or Recordkeeper Costs: The estimated annual other burden cost remains unchanged \$0.

Federal Hours: The estimated annual Federal burden in hours increased from 7,410 to 8,996 due to an increase in the number of complaints submitted.

Federal Costs: The estimated annual Federal costs increased from \$454,550 to \$707,086 due to an increase in the number of complaints submitted, and an increase in wage rates.

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

	Currently Approved ICR	Updated ICR	Difference
Number of Respondents	1,785	2,249	464
Number of Responses	1,785	2,249	464
Annual Time Burden	357	450	93
Annual Burden Costs	\$14,292	\$20,493	\$6,201
Annual Respondent or Recordkeeper Costs	\$0	\$0	\$0
Federal Hours	7,140	8,996	1,856
Federal Costs	\$454,550	\$707,086	\$252,536

**16. For collections of information whose results are planned to 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 results from 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.

**18. Explain each exception to 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.