

**Supporting Statement for
Application for Waiver of Surface Sanitary Facilities' Requirements
(Pertaining to Coal Mines)
Paperwork Reduction Act Submission**

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

OMB Control Number: 1219-0024

Information Collection Request Title: Application for Waiver of Surface Sanitary Facilities' Requirements (Pertaining to Coal Mines)

Type of OMB Review: Extension without change, a currently approved information collection

Authority:

Part 71 — Mandatory Health Standards - Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Subpart E — Surface Bathing Facilities, Change Rooms, and Sanitary Flush Toilet Facilities at Surface Coal Mines

30 CFR 71.403 – Waiver of surface facilities requirements; posting of waiver.

30 CFR 71.404 – Application for waiver of surface facilities requirements.

Part 75 — Mandatory Safety Standards - Underground Coal Mines

Subpart R- Miscellaneous

30 CFR 75.1712-4 – Waiver of surface facilities requirements.

30 CFR 75.1712-5 – Application for waiver of surface facilities.

Collection Instrument(s): None

General Instructions

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

Specific Instructions

A. Justification

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

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 and metal and nonmetal (MNM) mines.

The Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 et seq.) 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 collected under the ICR titled "Application for Waiver of Surface Sanitary Facilities' Requirements (Pertaining to Coal Mines)." The information collection is intended to ensure that before a waiver is granted the conditions at a coal mine make it impractical for the mine operator to provide the required sanitary facilities.

Under 30 CFR 71.400, 71.401 and 71.402 as well as 30 CFR 75.1712-1, 30 CFR 75.1712-2 and 30 CFR 75.1712-3, coal mine operators must provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use by miners. If the operator is unable to meet any or all of the requirements, the operator may apply for a waiver under 30 CFR 71.403 and 71.404 and, 30 CFR 75.1712-4 and 75.1712-5.

Burden costs associated with this ICR include:

- I. Applying for initial waivers or extensions of existing waivers
 - I-1. Applying for initial waivers of surface facilities requirements
 - I-2. Applying for extensions of existing waivers at surface coal mines and surface work areas of underground coal mines
- II. MSHA granting waivers
- III. Posting waivers at surface coal mines and surface work areas of underground coal mines

The associated standards that authorize the collection of information are described below.

I. Applying for Initial Waivers or Extensions of Existing Waivers

I-1. Applying for Initial Waivers of Surface Facilities Requirements (30 CFR 71.404(a) and 75.1712-5)

Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Under 30 CFR 71.404(a), applications for waivers of any of the surface facilities requirements listed under section 71.400 through 71.402¹ shall be in writing, filed with the appropriate District Manager, and shall contain the following information:

- (1) The name and address of the mine operator,
- (2) The name and location of the mine, and
- (3) A detailed statement of the grounds upon which the waiver is requested and the period of time for which it is requested.

Underground Coal Mines

Under 30 CFR 75.1712-5, applications for waivers of the requirements of sections 75.1712-1 through 75.1712-3² shall be filed with the District Manager and shall contain the following information:

- (1) The name and address of the mine operator;
- (2) The name and location of the mine; and
- (3) A statement explaining why, in the opinion of the operator, the installation or maintenance of the facilities is impractical or unnecessary.

I-2. Applying for Extensions of Existing Waivers at Surface Coal Mines and Surface Work Areas of Underground Coal Mines (30 CFR 71.403(d))

Under 30 CFR 71.403(d), an extension of the waiver at the end of 1 year may be sought by the operator by filing an application pursuant to section 71.404 no later than 30 days nor more than 60 days prior to the expiration date of the waiver.

II. MSHA Granting Waivers (30 CFR 71.403(a) and (b) and 75.1712-4)

Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Under 30 CFR 71.403(a), the District Manager for the district in which the mine is located, after consultation with the appropriate Regional Program Director, National Institute for Occupational Safety and Health, may, upon written application by the operator, and after consideration of any comments filed within 30 days after receipt of the application, waive any or all of the requirements for 30 CFR 71.400 through 71.402 for a period not to exceed 1 year if they

¹ 30 CFR 71.000 – Bathing facilities; change rooms; sanitary flush toilet facilities; or 30 CFR, 71.401 – Location of facilities, and 71.402 – Minimum requirements for bathing facilities, change rooms, and sanitary flush toilet facilities.

² 30 CFR 75.1712-1 – Availability of surface bathing facilities; change rooms; and sanitary facilities, 75.1712-2 – Location of surface facilities, and 75.1712-3 Minimum requirements of surface bathing facilities, change rooms, and sanitary toilet facilities.

determine that:

- (1) The operator is providing or making available, under arrangements with one or more third parties, facilities which are at least equivalent to those required by the standards, or
- (2) It is impractical for the operator to meet the requirement(s) or provide the facility (facilities) for which the waiver is sought.

Under 30 CFR 71.403(b), the waiver shall be in writing and shall set forth the requirement(s) which the operator will not be required to meet or the facilities which the operator will not be required to provide and the specific reason or reasons for such waiver.

Underground Coal Mines

Under 30 CFR 75.1712-4, the District Manager for the district in which the mine is located may, upon written application by the operator, waive any or all of the requirements of section 75.1712-1 through 75.1712-3 if they determine that the operator of the mine cannot or need not meet any part or all of such requirements, and, upon issuance of such waiver, he shall set forth the facilities which will not be required and the specific reason or reasons for such waiver.

III. Posting Waivers at Surface Coal Mines and Surface Work Areas of Underground Coal Mines (30 CFR 71.403(c) and 71.404(b))

Under 30 CFR 71.404(b), at the same time an application is sent to the District Manager a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

Under 30 CFR 71.403(c), upon receipt of any waiver, the operator shall post a copy of the waiver for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

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

The information is used to determine if the conditions at a mine make it impractical for the mine operator to provide the required sanitary facilities. The District Manager uses the information submitted in the application to determine if conditions at a mine justify granting a waiver. If a waiver is granted, the application serves as written documentation indicating that the mine operator is not required to comply with the applicable standard covered by the waiver.

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

No improved information technology has been identified that would reduce the burden of this collection. To comply with the Government Paperwork Elimination Act of 1998, 44 U.S.C. 3504 the Government Paperwork Elimination Act, mine operators may submit or retain records in whatever form they choose, including using computer technology to store records electronically, provided they are secure and not susceptible to loss or alteration. MSHA encourages operators who store records electronically to provide a mechanism that will allow the continued storage and retrieval of records.

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. 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 this ICR does 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.

If MSHA did not collect this information, mine operators would be required to comply with the requirements of the standards, even when circumstances justify a modification to the requirements and full compliance would place an unnecessary burden on mine operators.

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 ICR in the *Federal Register*, notify the public that this ICR is 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, March 25, 2026 (91 FR 14591). MSHA received no comments.

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

MSHA does not provide payment or gifts to respondents.

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

There is no assurance of confidentiality provided to respondents.

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

There are no questions of a sensitive nature.

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

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

Respondents

All information related to quantities and inspection rates are estimated by MSHA Headquarter 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 Headquarter Enforcement Division with 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 Mine Data Retrieval System (MDRS) and MSHA internal data in the MSHA Standardized Information System (MSIS), from January 2022 through December 2024, there were 610 coal mines affected by this ICR.

Over the 3-year period, 65 coal mine operators applied for initial waivers of requirements, while 545 applied for extensions of existing waivers. MSHA therefore estimates that on average it receives 204 applications each year, of which 22 are applications for initial waivers and 182 are applications for extensions of existing waivers.

Wage Rates Determination³

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

Table 12-1. Hourly Wage Rates

Occupation	NAICS Code	Average 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
Mining Supervisor [a]	212100	\$55.10	1.451	1.040	1.17	\$97.28
Clerk [b]	212100	\$25.63	1.451	1.040	1.17	\$45.26

Notes:

Benefit Multiplier – MSHA uses the latest 4-quarter moving average 2024Q3-2025Q2 to determine that 31.1 percent of total loaded wages are benefits for private industry workers in construction, extraction, farming, fishing, and forestry occupations. The benefit multiplier is $1.451 = 1 + (0.311 / (1 - 0.311))$.

Inflation Multiplier – The inflation multiplier is determined by using the employment price index from the most current quarter, 2025Q2, 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 $1.040 = 169.6 / 163.1$.

Overhead Multiplier – MSHA uses an overhead rate of 17 percent.

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

[b] The SOCs used for this occupation are 43-3031, 43-3051, 43-5061, 43-5071, and 43-9061

³ 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.

Application for Waiver of Surface Sanitary Facilities' Requirements (Pertaining to Coal Mines)

OMB Control Number: 1219-0024

OMB Expiration Date: 10/31/2026

I. Applying for Initial Waivers or Extensions of Existing Waivers

I-1. Applying for Initial Waivers of Surface Facilities Requirements (30 CFR 71.404(a) and 75.1712-5)

Under 30 CFR 71.404(a) and 75.1712-5, applications for waivers of surface facilities requirements shall be in writing, filed with the appropriate District Manager, containing the required information.

Under 30 CFR 71.404(b), for surface coal mines and surface work areas of underground coal mines, a copy of the application shall be forwarded to the appropriate Regional Program Director, National Institute for Occupational Safety and Health by the operator.

MSHA assumes 22 applications for initial waivers received each year. MSHA estimates that it takes a mining supervisor, earning \$97.28 per hour, 20 minutes to complete an initial application and a clerk, earning \$45.26 per hour, 10 minutes to process an application.

Table 12-2. Estimated Annual Respondent Hour and Cost Burden, Applying for Initial Waivers (30 CFR 71.404(a) and 75.1712-5)

Activity (Occupation)	No. of Respondents (Mine Operators)	No. of Responses per Respondent	Total Responses (Applications)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
I-1. Completing Applications for Initial Waivers (Mining Supervisor)	22	1	22	0.33	7.26	\$97.28	\$706.25
I-1. Processing Applications for Initial Waivers (Clerk)	22	1	22	0.17	3.74	\$45.26	\$169.27
Subtotal (Rounded)	22		22		11		\$876

Note: The total number of respondents and responses does not correspond to the sum of rows because different respondents work on the same record.

I-2. Applying for Extensions of Existing Waivers at Surface Coal Mines and Surface Work Areas of Underground Coal Mines (30 CFR 71.403(d))

Under 30 CFR 71.403(d), an extension of the waiver at the end of 1 year may be sought by the surface and surface work areas of underground coal mine operator by filing an application no later than 30 days nor more than 60 days prior to the expiration date of the waiver.

MSHA assumes 182 applications for extensions of existing waivers received each year. MSHA estimates that it takes a mining supervisor, earning \$97.28 per hour, 10 minutes to complete the extension application for a waiver and a clerk, earning \$45.26 per hour, 10 minutes to process an application.

Table 12-3. Estimated Annual Respondent Hour and Cost Burden, Applying for Extensions of Existing Waiver (30 CFR 71.403(d))

Activity (Occupation)	No. of Respondents (Mine Operators)	No. of Responses per Respondent	Total Responses (Applications)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
I-2. Completing Applications for Extensions (Mining Supervisor)	182	1	182	0.17	30.94	\$97.28	\$3,009.84
I-2. Processing Applications for Extensions (Clerk)	182	1	182	0.17	30.94	\$45.26	\$1,400.34
Subtotal (Rounded)	182		182		62		\$4,410

Note: The total number of respondents and responses does not correspond to the sum of rows because different respondents work on the same record.

II. MSHA Granting Waivers

These costs are incurred by MSHA and are addressed in Item 14.

III. Posting Waivers at Surface Coal Mines and Surface Work Areas of Underground Coal Mines (30 CFR 71.403(c) and 71.404(b))

Under 30 CFR 71.404(b), at the same time an application is sent to the District Manager a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

Under 30 CFR 71.403(c), upon receipt of any waiver, the operator shall post a copy of the waiver for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

MSHA assumes 22 applications for initial waivers and 182 applications for extensions of existing waivers each year. MSHA further assumes that each application is posted on the mine bulletin board twice, when an application is sent to the District Manager and when MSHA approves a waiver. MSHA estimates that it takes a clerk, earning \$45.26 per hour, 2 minutes to print and post a waiver on the mine bulletin board.

Table 12-4. Estimated Annual Respondent Hour and Cost Burden, Posting Waivers (30 CFR 71.403 and 71.404(b))

Activity (Occupation)	No. of Respondents (Mine Operators)	No. of Responses per Respondent	Total Responses (Waivers)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
III. Posting Applications for Initial Waivers (Clerk)	22	2	44	0.03	1.47	\$45.26	\$66.38
III. Posting Applications for Extensions (Clerk)	182	2	364	0.03	12.13	\$45.26	\$549.15
Subtotal (Rounded)	204		408		14		\$616

Hour Burden Summary

MSHA estimates that the 204 respondents (mine operators) would incur, on average, an annual collection burden of 73 hours with an associated annual cost of \$5,286. The annual respondent hour and cost burden of this information collection are summarized in the table below.

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

Cost Component	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
I-1. Applying for Initial Waivers	22		22		11.00		\$875.53
I-2. Applying for Extensions of Existing Waivers	182		182		61.88		\$4,410.19
III. Posting Waivers	204		408		13.60		\$615.54
Total (Rounded)	204		612		86		\$5,901

Note: The total number of respondents is not a sum of respondents from each cost component. It corresponds to the number of mines that submit applications for waivers.

Table 12-6. Estimated Annual Respondent Hour and Cost Burden, Summary by Individual Completing the Activity

Activity (Occupation)	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
I-1. Completing Applications for Initial Waivers (Mining Supervisor)	22	1	22	0.33	7.26	\$97.28	\$706.25
I-1. Processing Applications for Initial Waivers (Clerk)	22	1	22	0.17	3.74	\$45.26	\$169.27
I-2. Completing Applications for Extensions (Mining Supervisor)	182	1	182	0.17	30.94	\$97.28	\$3,009.84
I-2. Processing Applications for Extensions (Clerk)	182	1	182	0.17	30.94	\$45.26	\$1,400.34
I-1. Applying for Initial Waivers	22	2	44	0.03	1.47	\$45.26	\$66.38
I-2. Applying for Extensions of Existing Waivers	182	2	364	0.03	12.13	\$45.26	\$549.15
Total (Rounded)	204		612		86		\$5,901

Note: 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 total number of respondents corresponds to the number of mines that submit applications for waivers.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

I. Applying for Initial Waivers or Extensions of Existing Waivers (30 CFR 71.404(a) and 75.1712-5)

Under 30 CFR 71.404(a) and 30 CFR 75.1712-5, applications for waivers shall be filed in writing with the District Manager.

III. Posting Waivers of Surface Facility Requirements and Granted Waivers (30 CFR 71.403 and 71.404(b))

Under 30 CFR 71.404(b), at the same time an application is sent to the District Manager a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

Under 30 CFR 71.403(c), coal mine operators shall post a copy of a granted waiver for at least 30 days on the mine bulletin board upon receipt of any waiver.

MSHA assumes 204 applications for waivers each year. MSHA estimates that cost of office supplies and postage required to file the application in writing (30 CFR 71.404(a) and 75.1712-5) and print copies to be posted on the bulletin board (30 CFR 71.403 and 71.404(b)) will be \$5 per application.

Table 13-1. Estimated Annual Recordkeeping Costs, Submitting Initial Applications, Extension Applications, and Posting to the mine Bulletin Board (30 CFR 71.403 and 75.1712-5)

Cost Component	No. of Responses (Applications)	Unit Cost	Units Per Response	Cost to Recordkeepers
Office Supplies and Postage	204	\$5.00	1	\$1,020.00
Total (Rounded)	204			\$1,020

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 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	Average Hourly Wage Rate	Benefit & Overhead Multiplier [a]	Loaded Hourly Wage Rate
		A	B	A x B
GS-12 Inspector [b]	1822	\$49.66	1.608	\$79.86

Notes: Hourly wage rates are developed from Office of Personnel Management 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, based on FY2025 Revised Enacted Budget:

<https://www.dol.gov/sites/dolgov/files/general/budget/2026/CBJ-2026-V2-13.pdf>). Benefit and overhead multiplier = $(1 + ((68,765 + 6,880 + 16 + 10,007 + 7,000 + 15,719 + 126) / 178,514)) = 1.608$.

[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 1.608. Loaded hourly rate is $\$79.86 = ((\$103,644 / 2,087) \times 1.608)$.

II. MSHA Granting Waivers (30 CFR 71.403(a) and (b) and 75.1712-4)

Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Under 30 CFR 71.403(a), the District Manager for the district in which the mine is located may, upon written application by the operator, and after consideration of any comments filed within 30 days after receipt of the application, waive any or all of the requirements for sections 71.400 through 71.402 for a period not to exceed 1 year if they determine that:

- (1) The operator is providing or making available, under arrangements with one or more third parties, facilities which are at least equivalent to those required by the standards, or
- (2) It is impractical for the operator to meet the requirement(s) or provide the facility (facilities) for which the waiver is sought.

Under 30 CFR 71.403(b), the waiver shall be in writing and shall set forth the requirement(s) which the operator will not be required to meet or the facilities which the operator will not be required to provide and the specific reason or reasons for such waiver.

Underground Coal Mines

Under 30 CFR 75.1712-4, the District Manager for the district in which the mine is located may, upon written application by the operator, waive any or all of the requirements of 30 CFR 75.1712-1 through 75.1712-3 if they determine that the operator of the mine cannot or need not meet any part or all of such requirements, and, upon issuance of such waiver, he shall set forth the facilities which will not be required and the specific reason or reasons for such waiver.

MSHA assumes 204 applications for waivers each year. MSHA estimates that it takes an MSHA Health Specialist (GS-12), earning \$79.86 per hour including benefits, 6 minutes to review an application for either an application for an initial waiver or an application for an extension.

Table 14-2. Estimated Federal Hour and Cost Burden, Reviewing and Granting Applications (30 CFR 71.403(a) and (b) and 75.1712-4)

Activity (Federal Occupation)	Number of Responses (Applications)	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
Reviewing Applications (GS-12 MSHA Health Specialist)	204	0.10	20.40	\$79.86	\$1,629.07
Total (Rounded)	204		20		\$1,629

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

Number of Respondents: The number of respondents increased from 186 to 204 due to an increase in the number of coal mine operators applying for extensions of existing waivers.

Number of Responses: The number of responses increased from 186 to 612 due to the increase in the number of coal mine operators applying for extensions of existing waivers.

Annual Time Burden: The number of burden hours increased from 74 to 86 due to an increase in the number of responses.

Annual Recordkeeping Costs: The estimated annual cost increased from \$930 to \$1,020 due to the increase in the number of responses.

Table 15-1. Summary of Changes

	Currently Approved ICR	Updated ICR	Difference
Number of Respondents	186	204	18
Number of Responses	186	612	426
Annual Time Burden	74	86	12
Annual Recordkeeping Costs	\$930	\$1,020	\$90

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.