

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Record of Individual Exposure to Radon Daughters****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before October 22, 2007.

**ADDRESSES:** Send comments to, Debbie Ferraro, Management Services Division, 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via E-mail to [Ferraro.Debbie@DOL.GOV](mailto:Ferraro.Debbie@DOL.GOV). Ms. Ferraro can be reached at (202) 693-9821 (voice), or (202) 693-9801 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Contact the employee listed in the **ADDRESSES** section of this notice.

**SUPPLEMENTARY INFORMATION:****I. Background**

MSHA's primary goal is the protection of America's most precious mining resource, the miner. To achieve this goal, this agency has to keep information regarding the hazards faced and the progress made within the industry to develop and maintain a safe and healthy work environment. Records concerning the health and welfare of miners are especially important, given that the nature of the exposure could result in medical complications later in the miner's life. To this end, the record keeping of Radon Daughters is essential information. Each year the industry records and reports the exposure levels that its workforce has faced during the past 12 months. This information is archived and stored for retrieval by the exposed party, or legal representative, should a medical release be deemed

necessary. This reporting of the exposure numbers also serves to inform MSHA of the industry expansion or decrease as well as health threats incurred.

Concurrently, the United States economy is calling for production rates that are lower than those in recent years. Regardless of the number of miners exposed, MSHA needs to keep the recording requirements for Radon Daughters to ensure that the records regarding the miners' level of exposure today is available to them tomorrow and throughout their lifetimes.

**II. Desired Focus**

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Record of Individual Exposure to Radon Daughters. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the internet by accessing the MSHA home page (<http://www.msha.gov/>) and choosing "Rules and Regs", then choosing "Fed Reg Docs."

**III. Current Actions**

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to provide miners protection from radon daughter exposure.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Record of Individual Exposure to Radon Daughters.

*OMB Number:* 1219-0003.

*Agency Form Number:* MSHA 4000-9.

*Frequency:* Weekly.

*Affected Public:* Business or other for-profit.

*Total Burden Respondents:* 2.

*Total Number of Responses:* 100.

*Total Burden Hours:* 300.

*Total Burden Cost (operating/maintaining):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 16th day of August, 2007.

**David L. Meyer,**

*Director, Office of Administration and Management.*

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**BILLING CODE 4510-43-P**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Training Plans and Certificate of Training****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

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## SUPPORTING STATEMENT

### **Radiation Sampling and Exposure Records, 30 CFR 57.5037 and 57.5040 (Pertains to underground uranium mines and other metal and nonmetal underground mines.)**

#### **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.**

Under the authority of Section 103 of the Federal Mine Safety and Health Act of 1977, MSHA is required to—

... issue regulations requiring operators to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any applicable mandatory health or safety standard promulgated under this Act.

Airborne radon and radon daughters exist in every uranium mine and in several other underground mining commodities. Radon is radioactive gas. It diffuses into the underground mine atmosphere through the rock and the ground water. Radon decays in a series of steps into other radioactive elements, which are solids, called radon daughters. Radon and radon daughters are invisible and odorless. Decay of radon and its daughters results in emissions of alpha energy.

Medical doctors and scientists have associated high radon daughter exposures with lung cancer. The health hazard arises from breathing air contaminated with radon daughters which are in turn deposited in the lungs. The lung tissues are sensitive to alpha radioactivity.

The amounts of airborne radon daughters to which most miners can be exposed with no adverse effects have been established and are expressed as working levels (WL). The current MSHA standard is a maximum personal exposure of 4 working level months (WLM) per year.

Excess lung cancer in uranium miners, just as coal workers' pneumoconiosis, silicosis, and other debilitating occupational diseases, has been recognized for many years. Thus, an adequate base of accurate exposure level data is essential to provide control miners' exposures and permit an evaluation of the effectiveness of existing regulations.

30 CFR 57.5037 established the procedures to be used by the mine operator in sampling mine air for the presence and concentrations of radon daughters. Operators are required

to conduct weekly sampling where concentrations of radon daughters exceed 0.3 WL. Sampling is required bi-weekly where uranium mines have readings of 0.1 WL to 0.3 WL and every 3 months in non-uranium underground mines where the readings are 0.1 WL to 0.3 WL. Mine operators are required to keep records of all mandatory samplings. Records must include the sample date, location, and results, and must be retained at the mine site or nearest mine office for at least 2 years.

30 CFR § 57.5040 requires mine operators to calculate and record individual exposures to radon daughters on MSHA Form 4000-9 "Record of Individual Exposure to Radon Daughters". The calculations are based on the results of the weekly sampling required by 30 CFR 57.5037. Records must be maintained by the operator and submitted to MSHA annually.

**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 sampling and recordkeeping requirement alerts the mine operator and MSHA to possible failure in the radon daughter control system, and permits appropriate corrective action to be taken in a timely manner. Data submitted to MSHA is intended to: (a) establish a means by which MSHA can assure compliance with underground radiation standards; and (b) assure that miners can, on written request, have records of cumulative exposures made available to them or their estate, and to medical and legal representatives who have obtained written authorization.

**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.**

In order to comply with the Government Paperwork Elimination Act, mine operators may retain the records in whatever method they choose, which may include using computer technology. Form 4000-9 can be printed from the MSHA web site at [www.msha.gov](http://www.msha.gov) and mailed or faxed to MSHA. MSHA is revising Form 4000-9 to allow electronic submission of records to reduce 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 2 above.**

Records are unique to each mine and pertain to radon daughter concentration in the exhaust air. Records are of individual miner's exposure to concentrations of radon daughters. Calculations are based on air samples taken at designated work areas and the time miners were present in those areas. No similar information exists.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), 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 consequences 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.**

Without this information collection to assure that a miner does not exceed the annual exposure limit to radon daughters, the individual miner could be at increased risk of developing lung cancer.

**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 secrets, 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.**

MSHA published a 60-day Federal Register notice on December 21, 2010 (75 FR 80072). No comments were received.

**9. Explain any decision to provide any payment or gift 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, regulations, or agency policy.**

Operators are given no assurances of confidentiality; however, the records of an individual's exposure to radon daughters that are submitted to MSHA are covered by a Privacy Act Systems of Records Notice published in the *Federal Register (Vol. 58, No. 183, Thursday, September 23, 1993)*. The records are stored in locked file cabinets and are accessible only to authorized personnel during working hours.

**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 such 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 in Item 13 of OMB Form 83-I.**

**\* 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.**

The potential respondent universe is three active underground uranium mines and two intermittently active underground mines. Therefore, MSHA's estimates are based on five mine operators being required to sample and keep records on a weekly basis. Standard 57.5037 requires operators to take air samples for concentrations of radon daughters and to keep records of the results of the samples. Based on the results of the air samples, § 57.5040 requires the operator to calculate and record individual miners' exposures to radon daughters.

Calculations are performed on a weekly basis and the results are reported to MSHA annually. MSHA health specialists estimate that 0.50 hours will be spent on recording the sampling results and calculations, and 1.50 hours will be spent on recordkeeping and maintaining the results, per week, per mine, 50 weeks per year. Once each year, a clerk will take 25 minutes to mail or fax the annual report to MSHA. Salaries used are based on data from the U.S. Metal & Industrial Mineral Mine Salaries, Wages, & Benefits – 2009 Survey Results, for metal and nonmetal supervisors and clerical personnel. The reporting burden is based on the average salary of a supervisor properly trained to accomplish the required tests. Clerical work is calculated using the average salary of a clerical employee trained to perform the required paperwork.

The burden for recording the sampling results and calculations for the individual miner's results of exposure to radon daughter concentrations is estimated below.

**Recordkeeping**

Responses: 5 mines x 50 wks= 250 responses  
Hour Burden: 250 responses x 0.50 hrs = 125 hrs.  
Cost of Hour Burden: 125 hours x \$64.90/hr = \$8,113  
Recordkeeping and maintenance of sampling results:  
Responses: 5 mines x 50 wks= 250 responses  
Hour Burden: 250 responses x 1.50 hrs = 375 hrs.  
Cost of Hour Burden: 375 hours x \$23.62/hr = \$8,858

**Reporting**

For clerical to mail or fax the annual report to MSHA:  
Responses: 5 mines x 1 yr = 5

Hour Burden: 5 responses x 0.42 hr = 2 hrs.  
Cost of Hour Burden: 2 hours x \$23.62/hr = \$47

<b>RESPONSES:</b> (250 + 250 + 5)	<b>505 Responses</b>
<b>TOTAL HOUR BURDEN:</b> (125 + 375 + 2)	<b>502 hours</b>
<b>TOTAL COST OF BURDEN:</b> (\$8,113 + \$8,858 + \$47)	<b>\$17,018</b>

**13. Provide an estimate for 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 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 collections 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 estimates that the yearly cost to copy and mail or fax the annual reports to MSHA is minimal and will average \$5 per mine per year.

Cost Burden: 5 mines x \$5 per mine = \$25

**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.**

Based on the number of reporting mines (estimated at 5 mines) in Item 12 above, MSHA is estimating 4 hours per mine annually to perform data analysis. Estimated cost is based on a GS-12/5 Mine Safety and Health Inspector salary at the average rate of \$37.37 per hour. The annual burden on the Federal Government is—

Hour Burden: 5 mines x 4 hours per mine = 20 hours

Cost of Hour Burden: 20 hours x \$37.37 per hour = \$747

**15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

The number of hours, responses, respondents and costs increased because the potential respondent universe increased from two underground uranium mine operators to three and two other underground non-uranium mines.

The difference amounts to an additional 1202.5 total hour burden and \$81,061.05 total cost burden rise over 2007 hours and costs due to sampling, recordkeeping, and maintenance, and mailing cost increases.

**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.**

Statistical analysis of exposure data is performed in-house by MSHA. Publication of the collected data per se is not contemplated. Disclosure of the data is consolidated and summary form will be published in annual reports on Metal and Nonmetal Mine Safety and Health.

**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 either display or not display the expiration date for OMB approval of this information collection on MSHA Form 4000-9.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

There are no exceptions to the certification statement.

## **B. COLLECTION OF INFORMATION EMPLOYMENT STATISTICAL METHODS**

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

- 1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.**
- 2. Describe the procedures for the collection of information including:**
  - \* Statistical methodology for stratification and sample selection,**
  - \* Estimation procedure,**
  - \* Degree of accuracy needed for the purpose described in the justification,**
  - \* Unusual problems requiring specialized sampling procedures, and**
  - \* Any use of periodic (less frequent than annual) data collection cycles to reduce burden.**
- 3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.**
- 4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.**
- 5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**

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