

nonmetal mines to develop and implement a rock burst control plan within 90 days after a rock burst has been experienced. Plans are required to include: Mining and operating procedures designed to reduce the occurrence of rock bursts; monitoring procedures where detection methods are used; and other measures to minimize exposure of persons to areas prone to rock bursts. Plans are also required to be updated as conditions warrant and are to be made available to MSHA inspectors and to miners or their representatives. The standard does not require that all underground metal and nonmetal mines develop these preventative measures, but it does require that all mines with a rock burst history develop and implement a rock burst control plan.

When rock bursts occur in an underground mine, they pose a serious threat to the safety of miners in the area affected by the burst. These bursts may reasonably be expected to result in the entrapment of miners, death, and serious physical harm. Recent mining technology has disclosed scientific methods of monitoring rock stresses which will allow for the prediction of an oncoming burst. These predictions can be used by the mine operator to move miners to safer locations and to establish areas which need relief drilling.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Rock Burst Control Plan, 30 CFR 57.3461 (Pertains to Underground Metal/Nonmetal Mines). MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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 submission of responses.

This information collection request is available on <http://www.msha.gov/regs/fedreg/informationcollection/>

[informationcollection.asp](http://www.regulations.gov). The information collection request will be available on MSHA's Web site and on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on www.regulations.gov and www.reginfo.gov.

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Rock Burst Control Plan, 30 CFR 57.3461 (Pertains to Underground Metal/Nonmetal Mines). MSHA has updated the data in respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

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

Agency: Mine Safety and Health Administration.

OMB Number: 1219-0097.

Affected Public: Business or other for-profit.

Number of Respondents: 2.

Frequency: On occasion.

Number of Responses: 2.

Annual Burden Hours: 24 hours.

Annual Respondent or Recordkeeper Cost: None.

Comments submitted in response to this notice will be summarized and 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: February 21, 2014.

Patricia W. Silvey,
Certifying Officer.

[FR Doc. 2014-04253 Filed 2-26-14; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0009]

Proposed Information Collection; Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure 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. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines.

DATES: All comments must be received on or before April 28, 2014.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments for docket number [MSHA-2013-0043].

- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at MSHA.information.collections@dol.gov (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes 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 authorizes the 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 or other mines.

The Mine Act, as amended, 30 U.S.C. 801 et seq., recognizes that education and training in the improvement of miner health and safety is an important element of federal efforts to make the nation's mines safe. Section 115(a) of the Mine Act states that "each operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary." Title 30 CFR 48.3 and 48.23 require training plans for underground and surface mines, respectively. The standards are intended to assure that miners will be effectively trained in matters affecting their health and safety, with the ultimate goal of reducing the occurrence of injury and illness in the nation's mines.

Training plans are required to be submitted for approval to the MSHA District Manager for the area in which the mine is located. Plans must contain the following: (1) Company name, (2) mine name, (3) MSHA identification number of the mine, (4) the name and position of the person designated by the operator who is responsible for health and safety training at the mine, (5) a list of MSHA-approved instructors with whom the operator proposes to make arrangements to teach the courses and the courses each instructor is qualified to teach, (6) the location where training will be given for each course, (7) a description of the teaching methods and the course materials which are to be used in training, (8) the approximate number of miners employed at the mine and the maximum number who will attend each session of training, (9) the predicted time or periods of time when regularly scheduled refresher training will be given including the titles of courses to be taught, (10) the total number of instruction hours for each course, and (11) the predicted time and length of each session of training for new task training including a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to

determine the effectiveness of the training.

Title 30 CFR 48.9 and 48.29 require records of training for underground and surface mines, respectively. Upon completion of each training program, the mine operator certifies on a form approved by the Secretary (MSHA Form 5000-23) that the miner has received the specified training in each subject area of the approved health and safety training plan.

The certificates are to be maintained by the operator for a period of two years for current employees and sixty days for terminated employees and must be available for inspection at the mine site. In addition, the miner is entitled to a copy of the certificate upon completion of the training and when he/she leaves the operator's employment.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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 submission of responses.

This information collection request is available on <http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp>. The information collection request will be available on MSHA's Web site and on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on www.regulations.gov and www.reginfo.gov.

The public may also examine publicly available documents at MSHA, 1100

Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

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

Agency: Mine Safety and Health Administration.

OMB Number: 1219-0009.

Affected Public: Business or other for-profit.

Number of Respondents: 2,399.

Frequency: On occasion.

Number of Responses: 143,263.

Annual Burden Hours: 17,741 hours.

Annual Respondent or Recordkeeper Cost: \$465,617.

MSHA Forms: MSHA Form 5000-23, Certificate of Training.

Comments submitted in response to this notice will be summarized and 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: February 21, 2014.

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2014-04248 Filed 2-26-14; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0007]

Proposed Information Collection; Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report (MSHA Forms 7000-1 and 7000-2)

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation

SUPPORTING STATEMENT

Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines, 30 CFR 48.3, 48.9, 48.23, and 48.29

Collection Instrument: MSHA Form 5000-23, Certificate of Training

General Instructions

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

Specific Instructions

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 of each regulation mandating or authorizing the collection of information.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes 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 authorizes the 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 or other mines.

The Mine Act, as amended, 30 U.S.C. 801 et seq., recognizes that education and training in the improvement of miner health and safety is an important element of federal efforts to make the nation's mines safe. Section 115(a) of the Mine Act states that "each operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary." Title 30, CFR 48.3 and 48.23 require training plans for underground and surface mines, respectively. The standards are intended to assure that miners will be effectively trained in matters affecting their health and safety, with the ultimate goal of reducing the occurrence of injury and illness in the nation's mines.

Training plans are required to be submitted for approval to the MSHA District Manager for the area in which the mine is located. Plans must contain the following: 1) company name, 2) mine name, 3) MSHA identification number of the mine, 4) the name and position of the person designated by the operator who is responsible for health and

safety training at the mine, 5) a list of MSHA-approved instructors with whom the operator proposes to make arrangements to teach the courses and the courses each instructor is qualified to teach, 6) the location where training will be given for each course, 7) a description of the teaching methods and the course materials which are to be used in training, 8) the approximate number of miners employed at the mine and the maximum number who will attend each session of training, 9) the predicted time or periods of time when regularly scheduled refresher training will be given including the titles of courses to be taught, 10) the total number of instruction hours for each course, and 11) the predicted time and length of each session of training for new task training including a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to determine the effectiveness of the training.

Title 30 CFR 48.9 and 48.29 require records of training for underground and surface mines, respectively. Upon completion of each training program, the mine operator certifies on a form approved by the Secretary (MSHA Form 5000-23) that the miner has received the specified training in each subject area of the approved health and safety training plan.

The certificates are to be maintained by the operator for a period of two years for current employees and for sixty days after termination of a miner's employment, and must be available for inspection at the mine site. In addition, the miner is entitled to a copy of the certificate upon completion of the training and when he/she leaves the operator's employment.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. For revisions, extensions, and reinstatements of a currently approved collection, indicate the actual use the agency has made of the information received from the current collection.

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

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

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

The plans can be prepared using personal computers and word processing programs and submitted via e-mail.

Additionally, MSHA has an electronic system (the MSHA Training Plan Advisor) for mine operators to prepare and submit training plans through the internet. This is an optional method for the mining industry to prepare and file required training plans. The design of this system increases the likelihood that the plan will be complete, with the potential to decrease the paperwork burden from approximately 8 hours to 2.25 hours. It is accessed through http://www.dol.gov/elaws/msha_train.htm.

In calendar year 2012, 1,728 Coal mine training plans were submitted, and 671 were submitted for Metal/Nonmetal equaling 2,462 plans. MSHA further estimates that 60% of all plans will be submitted electronically.

MSHA Form 5000-23 is provided by MSHA to mine operators in a booklet format. The form is also available for downloading at <http://www.msha.gov/forms/elawsforms/5000-23.htm>. The computerized version of the form permits mine operators to enter information on the form electronically and print the completed form as a training certificate. MSHA Form 5000-23 is a recordkeeping form; it is not submitted to MSHA.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.

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

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

5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities, describe the methods used to minimize burden.

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

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

Before a new mine is opened or a mine is reopened or reactivated, approval of the training plans must be obtained from MSHA. Once plans are approved, only changes or modifications are required to be submitted for approval.

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

is given to the miner at the completion of a single training program.

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

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

- * requiring respondents to report information to the agency more often than quarterly;**
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * requiring respondents to submit more than an original and two copies of any document;**
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * requiring the use of 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.**

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

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize

public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the *Federal Register*, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

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, regulation, or agency policy.

MSHA Form 5000-23 provided no assurances of confidentiality. The electronic collected information is protected under OMB Circular A-130, Management of Federal Information Resources, the Computer Fraud & Abuse Act of 1986, Department of Labor (DOL) policies covering Network Operations and LAN Management and DOL's Privacy Policy on Data Collection over DOL Web Sites, and by the Federal Information Security Management Act (FISMA) of 2002, Title III, Public Law 107-347, as part of the E-Government Act of 2002.

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

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

There are no questions of a sensitive nature.

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

*** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. 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 in Item 13.**

Training Plan

Based upon MSHA's records from reporting districts it is estimated that during calendar year 2012, Coal Mine Safety and Health received 915 new plans and 813 revised plans, and Metal/Nonmetal Safety and Health received 232 new plans and 439 revised plans including a total of 2,399 respondents. It is further estimated that 60% of the new and revised plans were electronically submitted.

The plans are usually prepared by company personnel. Although the burden on the mine operator is dependent to some degree upon the particular mine's size, MSHA has determined that a typical training plan requires 8 hours to prepare and submit a paper copy, 2.25 hours to complete a plan on-line, and 1 hour to revise a paper or electronic plan. Salaries are based on 2012 wage rates for Coal: U.S. Coal Mines Salaries, Wages, and Benefits - 2012 Survey Results, compiled by Krista Noyes Salzer, InfoMine USA, Inc., and for M/NM: U.S. Metal and Industrial Mineral Mine Salaries, Wages, and Benefits - 2012 Survey Results, compiled by Krista Noyes Salzer, InfoMine USA, Inc. The average wage per hour in (last available year) for a coal mine safety specialist was \$89.15 and was \$69.60 for a metal/nonmetal mine safety specialist.

Burden Hours

Coal:

366 new paper plans x 8 hrs./plan	= 2,928 hrs.
549 new electronic plans x 2.25 hrs./plan	= 1,235 hrs.
813 revised paper and electronic plans x 1 hr./plan	= 813 hrs.

Coal Burden Hours = 4,976 hrs.

366 new paper plans + 549 new electronic plans + 813 revised plans

= 1,728 Responses

Metal/Nonmetal:

93 new paper plan x 8 hr./plan = 744 hrs.

139 new electronic plan x 2.25 hrs./plan = 313 hrs.

439 revised paper and electronic plans
x 1 hr./plan = 439 hrs.

Metal/Nonmetal Burden Hours = 1,496 hrs.

**93 new paper plans + 139 new electronic plans + 439 revised plans
= 671 Responses**

Training Plan Total Burden Hours = 6,472 hrs.

Total Responses for Training Plans = 1,728 + 671 = 2,399

Burden Hour Cost

Coal:

4,976 hrs. x \$89.15 wage rate/hr. = \$443,610

Metal/Nonmetal:

1,496 hrs. x \$69.60 wage rate/hr. = \$104,122

Training Plan Total Burden Hour Cost = \$547,732

MSHA Form 5000-23

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

MSHA estimates that 45% of the miners' training is conducted by an employee of the mine operator. Another 30% of the training is conducted by state trainers funded from sources that include federal grants. The specific burden for such state trainers is included in the answer to Item 14.

The remaining 25% is conducted by independent training contractors hired by the mine operator. The actual cost of the independent training contractor's time is detailed under Item 13.

For calendar year 2012, the Coal Industry reported approximately 1,871 coal mining operations employing 92,472 miners (excluding office employees). The applicable Metal and Nonmetal Industries (under Part 48) reported approximately 793 mining operations employing 64,045 miners (excluding office employees).

Although all of the training completed by a miner within a 1-year period may be recorded on one form, training specialists estimate that for each miner, two forms will probably be completed annually. The simple check-off method for completing the form and preparation time takes about 5 minutes (0.08 hour) per form using either the paper or electronic version.

With respect to Coal, the burden is calculated based on 45 percent of miners being trained by company personnel (92,472 miners x 0.45 = 41,612), the number of forms per miner (2), and the estimated time to complete the form (0.08 hour).

With respect to Metal/Nonmetal, the burden is calculated based on 45 percent of miners being trained by company personnel (64,045 miners x 0.45 = 28,820), the number of forms per miner (2), and the estimated time to complete the form (0.08 hour).

Based on MSHA's estimated 2012 wage rate for a Coal mine safety specialist of \$89.15/hour, and a Metal/Nonmetal mine safety specialist of \$69.60/hour, the burden is calculated below.

Burden Hours

Coal:

41,612 miners x 2 forms per miner	= 83,224 responses
83,224 responses x 0.08 hrs. per form	= 6,658 hrs.

Metal/Nonmetal:

28,820 miners x 2 forms per miner	= 57,640 responses
57,640 responses x 0.08 hrs. per form	= 4,611 hrs.

MSHA Form 5000-23 Total Burden Hours	= 11,268 hrs.
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Total Responses for Form 5000-23	= 140,864
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Burden Hour Cost

Coal:

6,658 hrs. x \$89.15 wage rate/hr.	= \$593,561
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Metal/Nonmetal:

4,611 hrs. x \$69.60 wage rate/hr.	= \$320,926
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5000-23 Total Burden Hour Cost	= \$914,487
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TOTAL RESPONSES	= 143,263
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GRAND TOTAL BURDEN HOURS	= 17,741 hrs.
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GRAND TOTAL BURDEN HOUR COST = \$1,462,219

13. Provide an estimate for 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 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.**

Training Plans

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

MSHA estimates that it costs approximately \$2 to copy and mail each training plan:

1,165 paper plans (2,399 plans –1,439 e-plans)	
x \$2 /plan	= \$ 2,330

MSHA Form 5000-23

Approximately 25% of the training is conducted by independent contractors hired by mine operators. It takes approximately 5 minutes (0.08 hours) to fill out a form, and two forms are needed per miner. MSHA estimates that independent MSHA-approved contract trainers will charge \$74.00 per hour of instruction. With respect to Coal, the cost is

calculated based on 25 percent of miners being trained by independent contractors (92,472 miners x 0.25 = 23,118). With respect to Metal/Nonmetal, the burden is calculated based on 25 percent of miners being trained by independent contractors (64,045 miners x 0.25 = 16,011).

Coal:

23,118 miners x \$74 per hr.
x 0.08 hrs. per form
x 2 forms per miner per year = \$ 273,717

Metal/Nonmetal:

16,011 miners x \$74 per hr.
x 0.08 hrs. per form
x 2 forms per miner per year = \$ 189,570

Total cost to complete forms = \$ 463,287

GRAND TOTAL COST BURDEN = \$ 465,617

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.

Approval of Plan

In 2012, MSHA approved about 2,399 new or revised training plans. Based on past experience, on average, it takes approximately 5 hours to receive, review, approve, and return each plan or revision. The reviews are done by MSHA technical staff (GS 12) earning \$50.39 per hour including benefits (*OPM Fedscope*, MSHA full-time federal salary and benefit data, FY 2012).

2,399 plans x 5 hrs. per plan x \$ 50.39 = \$ 604,428

Printing of Form

MSHA Form 5000-23 is assembled in pads with 50 sets of forms per pad and four forms per set. During 2010 through 2012, MSHA ordered pads of the form costing \$68,400, \$36,350, and \$73,000 respectively. The average cost per year for pads over this 3-year period was \$59,250.

((68,400 + 36,350 + 73,000) / 3 yrs.) = \$ 59,250 per year

State Trainers

Approximately 30% of the training is conducted by state trainers funded from sources that include federal grants. It takes approximately 5 minutes (0.08 hours) to fill out a form, and

two forms are needed per miner. MSHA assumes that the rate per hour is similar to that charge by an independent contractor which is \$74 per hour. The numbers of miners trained are: 27,742 coal miners (92,472 coal miners x 30%) and 19,214 Metal/Nonmetal miners (64,045 Metal/Nonmetal miners x 30%).

Coal:

27,742 miners x 2 forms per miner per year
x 0.08 hours. per form x \$74 per hr. = \$328,465

Metal/Nonmetal:

19,214 miners x 2 forms per miner per year
x 0.08 hrs. per form x \$74 per hr. = \$227,494

GRAND TOTAL COST TO FEDERAL GOVERNMENT = \$1,219,637

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

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

There are no program changes. There was an increase in the number of new paper plans for new coal miners trained. Respondents increased (from 2,331 to 2,399) and correspondingly responses (from 108,367 to 143,263) and burden hours also increased (from 15,069 to 17,741). There was an increased use of the electronic systems (10% increase) which lowers response time for former paper plans with an 8 hr. response time to only a 2.25 hr. response time as electronic plans, however, the resulting decrease in response time did not offset the increase in respondents and responses.

Costs to respondents have increased (from \$269,541 to \$465,617) primarily due to an increase in the wage of contract trainers and the increased number of both Coal and Metal/Nonmetal miners to be trained.

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 the results of this information collection.

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

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

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of this information does not employ statistical methods.