

Annual Respondent or Recordkeeper
Cost: \$1,510,661.

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: March 31, 2014.

Patricia W. Silvey,
Certifying Officer.

[FR Doc. 2014-07763 Filed 4-7-14; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0015]

Proposed Extension of Information Collection; Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements

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 Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements.

DATES: All comments must be received on or before June 9, 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 on-line instructions for submitting comments for docket number [MSHA-2013-0049].

- *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 101(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811(a), 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. Section 103(h) of the 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.

Title 30 CFR part 77, Subpart C, sets forth standards for surface installations. More specifically, the sections cited in the title of this supporting statement address refuse piles (30 CFR 77.215), and impoundments (30 CFR 77.216). Impoundments are structures that can impound water, sediment, or slurry or any combination of materials, and refuse piles are deposits of coal mine waste (other than overburden or spoil) that are removed during mining operations or separated from mined coal and deposited on the surface. The failure of these structures can have a devastating effect on a community. To avoid or minimize such disasters, MSHA has promulgated standards for the design, construction, and maintenance of these structures; for annual certifications; for certification for hazardous refuse piles; for the frequency of inspections; and the methods of abandonment for impoundments and impounding structures.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. 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 the 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 Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. 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: 1219-0015.

Affected Public: Business or other for-profit.

Number of Respondents: 629.

Frequency: On occasion.

Number of Responses: 31,365.

Annual Burden Hours: 76,573 hours.

Annual Respondent or Recordkeeper Cost: \$2,656,928.

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: March 31, 2014.

Patricia W. Silvey,
Certifying Officer.

[FR Doc. 2014-07756 Filed 4-7-14; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0127]

Proposed Extension of Information Collection; Certification and Qualification To Examine, Test, and Operate Hoists and Perform Other Duties

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 Qualification/Certification Program and Man Hoist Operators Physical Fitness.

DATES: All comments must be received on or before June 9, 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 on-line instructions for submitting comments for docket number [MSHA-2013-0051].

- *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(a) 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.

Under section 103(a), authorized representatives of the Secretary of Labor or Secretary of Health and Human Services must make frequent inspections and investigations in coal or other mines each year for the purpose of, among other things, gathering information with respect to mandatory health or safety standards.

Under 30 CFR 75.159 and 77.106 coal mine operators are required to maintain a list of persons who are certified and/or qualified to perform duties under Parts 75 and 77, such as conduct examinations for hazardous conditions, conduct tests for methane and oxygen deficiency, conduct tests of air flow, perform electrical work, repair energized surface high-voltage lines, and perform duties of hoisting engineer. The recorded information is necessary to ensure that only persons who are properly trained and have the required number of years of experience are permitted to perform these duties. MSHA does not specify a format for the recordkeeping; however, it normally consists of the names of the certified and qualified persons listed in two columns on a sheet of paper. One column is for certified persons and the other is for qualified persons.

Sections 75.100 and 77.100 pertain to the certification of certain persons to perform specific examinations and tests. Sections 75.155 and 77.105 outline the requirements necessary to be qualified as a hoisting engineer or hoistman. Also, under Sections 75.160, 75.161, 77.107 and 77.107-1, the mine operator must have an approved training plan developed to train and retrain the qualified and certified persons to effectively perform their tasks.

These standards recognize State certification and qualification programs. However, where State programs are not available, MSHA may certify and qualify persons.

Under this program MSHA will continue to qualify or certify individuals as long as these individuals meet the requirements for certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same mine or by the same independent contractor.

Applications for Secretarial qualification or certification are submitted to the MSHA Qualification and Certification Unit in Denver, Colorado. MSHA Form 5000-41, Safety & Health Activity Certification or Hoisting Engineer Qualification Request provides the coal mining industry with a standardized reporting format that expedites the certification and qualification process while ensuring compliance with the regulations. MSHA uses the form's information to determine if applicants satisfy the requirements to obtain the certification or qualification sought. Persons must meet certain minimum experience requirements depending on the type of certification or qualification.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Qualification/Certification Program and Man Hoist Operators Physical Fitness. 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 the 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

March, 2014

SUPPORTING STATEMENT

Information Collection Request (ICR) Title: Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements

Provisions: (Pertains to surface coal mines and surface work areas of underground coal mines), 30 CFR 77.215(j), 77.215-1, 77.215-2, 77.215-3, 77.215-4, 77.216, 77.216-1, 77.216-2, 77.216-3, 77.216-4, and 77.216-5

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 101(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 811(a), 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. Section 103(h) of the 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.

Title 30 CFR Part 77, Subpart C, sets forth standards for surface installations. More specifically, the sections cited in the title of this supporting statement address refuse piles (30 CFR 77.215), and impoundments (30 CFR 77.216). Impoundments are structures that can impound water, sediment, or slurry or any combination of materials, and refuse piles are deposits of coal mine waste (other than overburden or spoil) that are removed during mining operations or separated from mined coal and deposited on

the surface. The failure of these structures can have a devastating effect on a community. To avoid or minimize such disasters, MSHA has promulgated standards for the design, construction, and maintenance of these structures; for annual certifications; for certification for hazardous refuse piles; for the frequency of inspections; and the methods of abandonment for impoundments and impounding structures.

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.

MSHA reviews impoundment and refuse pile plans for safety concerns, and based on the evaluation of geotechnical, hydrologic, hydraulic, and other engineering data, approves plans that are determined to be adequate. The mine operators use the approved plans and approved revisions to plans for constructing and improving impoundment structures and refuse piles.

In addition, MSHA reviews fire extinguishment plans and abandonment plans for impoundments and refuse piles to ensure that they conform with prudent engineering and safety practices and, when implemented, that they will prevent or eliminate hazardous conditions.

MSHA reviews the annual status report in order to determine that the structure is being constructed, operated, and maintained according to the approved engineering plan. The annually required certification by a registered professional engineer affirms that the impoundment structure is built, operated, and maintained according to the approved plan. Annual reporting requirements also indicate any changes that have affected the stability or operation of the impounding structure during the reporting period.

The weekly physical examination and instrument monitoring are required in order to determine whether any signs of instability have developed and whether safety features, such as spillways, are in proper operating condition. Hazardous conditions or inoperable design features can be detrimental to the safety of the structure and subsequently dangerous to any miners or inhabitants downstream. Weekly instrument records show fluctuations of such important factors as the dam's internal saturation level, which has a direct affect on the stability of the structure. To minimize the information collection, with respect to impoundments, operators apply for longer inspection intervals for sites with low-hazard potential that have an established record of safe performance.

With respect to refuse piles, reports contain, among other things, a topographic map showing the present and proposed maximum extent of the refuse pile and an area 500 feet around the perimeter; a statement of whether or not the refuse pile is burning; a description of measures taken to prevent water from being impounded by the refuse pile or contained within; a cross section of the length and width of the refuse pile at intervals to show the approximate original ground surface and any other information pertaining to the stability of the pile.

With respect to impoundments, reports contain, among other things, changes in the geometry of the impounding structure for the reporting period; data showing the minimum, maximum and present depth of the impoundment; the storage capacity of the impounding structure; and the volume of the impounded water, sediment, or slurry for the reporting period.

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. However, in order to comply with the Government Paperwork Elimination Act, mine operators may retain the records using whatever method they choose, which may include utilizing computer technology. Because the drawings are large, mine operators send in hard copies.

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.

MSHA has reviewed its regulatory position with the Office of Surface Mining (OSM), U.S. Department of the Interior, and the Environmental Protection Agency. As a result of this review, it was determined that there was no duplication in the reporting and recordkeeping burden imposed by these agencies. MSHA met with representatives of OSM prior to promulgation of its standards to assure that there was no conflict. The information collected is unique to each associated refuse pile or impoundment structure.

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

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

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

If MSHA eliminated or reduced its collection, review, and certification of construction or abandonment plans, or reduced its requirements for inspections and monitoring of instruments, unsafe conditions could go undetected. This could quickly result in detrimental conditions for the dam or refuse pile and subsequently threaten the safety of

miners on mine property, as well as members of the public living near or downstream of the structures.

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.**

In the event of a mine emergency, the mine operator may have to provide MSHA with reporting information more frequently than quarterly. This collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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

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

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the *Federal Register*, 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.

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 Item 13.**

Respondents: MSHA's records show that in FY 2013, there were approximately 595 impounding structures and 34 of the refuse piles that have been designated as having the potential of creating a hazard, for a total of 629 sites at surface coal mines or surface areas of underground coal mines.

The majority of new plans and plan revisions are prepared by contract engineering firms. In MSHA's experience, 95 percent of the engineering studies, testing, and designs are provided through contractors. These burden costs are included in Item 13.

A mining company engineer, who earns an average of \$64.61/hour (based on data from *U.S. Coal Mine Salaries, Wages, & Benefits - 2012 Survey Results-Composite Coal Surface and Underground Supervisory rate*) develops approximately 5 percent of plans or revisions. The burden hours and cost estimates for the 5 percent of all annual impoundment and refuse pile plan requirements completed by the coal mining industry computed as follows:

Impoundment Plans, Refuse Pile Plans, and Revisions:

(1) MSHA estimates 25 new impoundment plans per year and it takes 1,300 hours to prepare a new impoundment plan. There is one new plan submitted per year ($25 \times 5\% = 1$) that is not prepared by contractors. ($1 \text{ new impoundment plans/yr} \times 1,300 \text{ hr/plan} = 1,300 \text{ hours}$)

(2) MSHA estimates that there are 10 new refuse pile plans submitted per year and it takes 16 hours to prepare a new refuse pile plan. There is one new plan submitted per year ($10 \times 5\% = 1$) that is not prepared by contractors. ($1 \text{ new refuse pile plan/yr} \times 16 \text{ hr/plan} = 16 \text{ hours}$)

(3) MSHA estimates that 288 revised impoundment plans per year and it takes 40 hours to prepare a revision to an existing impoundment plan. There are 14 revisions submitted per year ($288 \times 5\% = 14$) that are not prepared by contractors. ($14 \text{ revised impoundment plans/yr} \times 40 \text{ hr/revision} = 560 \text{ hours}$)

$1,300 + 16 + 560 = 1,876 \text{ hours}$) $\times \$64.61/\text{hr} = \$121,208$

Total Responses = (25 + 10 + 288) = 323

Total Burden Hours = 1,876 hours

Total Burden Hour Cost = \$121,208

Fire Extinguishing Plans:

The standards require that all fires in refuse piles and impoundments be extinguished in accordance with a plan approved by the District Manager. The plan is developed specifically for each fire incident. This is not a significant category. There has only been one reported event at a refuse facility or impoundment in several years.

Controlled compaction and exclusion of combustible materials from the fills have almost

totally eliminated the spontaneous ignition of fires. The few remaining events have been trespassers or vandals starting fires in old un-reclaimed mined areas. For the purposes of estimating the burden of such an event, MSHA estimates that a fire in a constructed refuse pile or an impoundment bank constructed from refuse occurs once every 4 years. The engineering consists primarily of preparing a plan for submittal to an MSHA District Manager. An engineer or supervisor should be able to complete an acceptable document in approximately 20 hours.

1 plan/fire x 1 fire/4 yr x 20 hr/plan = 5 hours
5 hr x \$64.61/hr = \$323

Total Responses = 1
Total Burden Hours = 5 hours
Total Burden Hour Cost = \$323

Abandonment Plans:

MSHA estimates that an average of 45 abandonment plans are developed each year, and that it takes 8 hours to prepare such a plan by a company engineer.

45 abandonment plans x 8 hr/plan = 360 hours
360 hr x \$64.61/hr = \$23,260

Total Responses = 45
Total Burden Hours = 360 hours
Total Burden Hour Cost = \$23,260

Annual Status Report and Certification:

MSHA estimates that there are 595 active impoundments and 34 active refuse piles which require annual reporting or annual certification. MSHA standards allow contractors with registered engineers to submit the annual reports on behalf of their clients. As previously discussed, 95 percent of these large scale earth structures are designed by contract engineering firms. The execution of those designs is usually monitored by the design engineers who then complete the annual report. Therefore, mine operators address only about 31 (629 x 5%) annual reporting or certifications for impoundments and refuse piles. Such revisions would take a company engineer approximately 2 hours per report.

31 annual reports or certifications x 2 hr/report or certification = 62 hours
62 hr x \$64.61/hr = \$3,820

Total Responses = 31
Total Burden Hours = 62 hours
Total Burden Hour Cost = \$3,820

Posting:

MSHA regulations require that a permanent identification marker, at least six feet high and showing the refuse pile identification number as assigned by the District Manager, the name associated with the refuse pile and the name of the person owning, operating or controlling the refuse pile, shall be located on or immediately adjacent to each refuse pile within the time specified and that a permanent identification marker, at least six feet high and showing the identification number of the impounding structure as assigned by the District Manager, the name associated with the impounding structure and name of the person owning, operating, or controlling the structure, shall be located on or immediately adjacent to each water, sediment or slurry impounding structure within the time specified.

MSHA estimates it takes approximately 30 minutes for installation (25 new signs X .5 hours per new sign = 13 hours x \$64.61 = \$840.00).

Recordkeeping Associated With Weekly Inspections and Instrumentation Monitoring:

MSHA's regulations require that coal mine operators have a "qualified person" inspect their impoundments for signs of instability every 7 days or 52 times a year. MSHA estimates that a qualified person who inspects an impoundment earns approximately \$38.10/hour (based on data from U.S. *Coal Mine Salaries, Wages, & Benefits - 2012 Survey Results* for a combination of surface and underground miners). MSHA estimates that the inspections where mine operators have installed monitoring instruments will take an average of 3 hours. Sites without monitoring instruments will take an average of 2 hours. Approximately 40 percent of the total 595, or 238 sites, have monitoring instruments installed.

238 impoundments with monitoring instruments x 52 insp/yr. x 3 hr/insp = 37,128 hr
 357 impoundments without monitoring instruments x 52 insp/yr x 2 hr/insp = 37,128 hr
 (37,128 + 37,128 = 74,256) hr x \$38.10/hr = \$2,829,154

Total Responses = 30,940

Total Burden Hours = 74,256 hours

Total Burden Hour Cost = \$834,349

SUMMARY OF ANNUAL BURDEN HOURS AND BURDEN HOUR COST

Provision	Responses	Burden Hours	Burden Hour Cost
Refuse Pile and Impoundment Plans and Revisions	323	1,876	\$121,208
Fire Extinguisher Plans	1	5	\$323

Abandonment Plans	45	360	\$23,260
Annual Certifications	31	62	\$3,820
Posting	25	13	\$840
Inspection of Impoundments	30,940	74,256	\$2,829,154
TOTALS	31,365	76,572	\$2,978,605

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.**

The work involved in the testing, design engineering, construction monitoring and annual reporting for new impoundments, hazardous refuse piles and major addition and revision to existing projects is generally beyond the on-site resources of a mine operator and is, as a consequence, contracted to specialty contract engineering firms. MSHA estimates that contract engineering firms perform 95 percent of all work in preparing plans submitted for MSHA District Manager approval. MSHA estimates that an average hourly cost for contract engineering ranges from \$110 per hour for the principal engineers to \$50 per hour for engineering technicians. MSHA estimates \$80 per hour to be a representative average fee.

Estimated Contractor Engineering Costs:

25 new impoundment plans x 95% x 1,300 hr x \$80/hr = \$2,470,000
 10 new refuse pile plans x 95% x 16 hr x \$80/hr = \$12,160
 288 revisions to plans x 95% x 40 hours x \$80 / hour = \$875,520
 629 annual reports or certifications x 95% x 2 hr x \$80/hour = \$95,608

Posting:

The costs associated for the preparation of a new sign are approximately \$140.00 dollars. The cost for the signs are (25 new signs X \$140.00 per sign = \$3500.00). Total posting costs: \$3,640.

Total Cost = \$2,656,928

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.

The average hourly wage for an MSHA specialist (GS-12/5) is \$50.39./hour including benefits. This data is as of September 2012. Source *OPM Fedscope* employment data cube and FY2013 budget submission (benefit loading factor, FY2012 enacted budget). MSHA estimates that it takes a specialist approximately 2 hours to perform an administrative review of an average report for an impoundment or a hazardous refuse pile. In addition, MSHA's Technical Support Branch carefully evaluates the plans.

Technical Support Review of Impoundment Plans, Refuse Pile Plans, and Revisions:

(1) MSHA estimates that it takes 4 weeks (160 hours) to review and approve an average impoundment plan, and 25 new impoundment plans are received per year. 25 plans x (2 hr admin review + 160 hr tech support review) = 4,050 hours; 4,050 hours x \$50.39/hr = \$204,080.

(2) It takes approximately 30 hours to review a revision to an existing impoundment plan and 288 revisions submitted per year. 288 revisions x (2 hours admin review + 30 hours tech support review) = 9,216 hours; 9,216 hours x \$50.39/hr = \$464,394.

(3) MSHA estimates a review of refuse pile plans to take approximately 2 hours, and 10 new plans received per year. 10 new refuse piles x 2 hours x \$50.39/hr = \$1,008.

Abandonment Plans:

MSHA receives an average of 45 abandonment plans per year. Safety specialists estimate that it takes approximately 1 hour to review and prepare a response for one of these plans.

45 reports x 1 hour x \$50.39/hr = \$2,268

Annual Status Report and Certification:

595 existing impoundments will undergo changes and 34 existing refuse piles pose a potential hazard that are require annual reporting or certification.. The review will take approximately 1 hour per report.

629 reports x 1 hour x \$50.39/hr = \$31,695

TOTAL FEDERAL COST = \$475,257

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

MSHA records show a decrease in the number of respondents from 642 to 629. The number of active impoundments declined due to an industry effort to keeping existing facilities in operation longer by increasing the elevation and capacity for refuse disposal at impoundments rather than developing new sites because of the relative scarcity of suitable locations.

There was a decrease in the number of impoundment plans. In addition, there was an increase in the number of inspections. The previous submission estimated that more operators would take advantage of a reduced inspection schedule of less than every seven days. Less than 10% of the total population of impoundments, however, have requested an inspection schedule less often than every 7 days, therefore 52 inspections per year is used to reflect the actual number of plans that have been submitted requesting a reduced inspection.

The number of responses overall increased by 20,943 (from 10,422 to 31,365), and consequently, burden hours increased by 45,993 (from 30,579 to 76,572). These increases in the burden hours are due an adjustment increase in the number of inspections from 17 to 52 per year, impoundment plan revision responses, abandonment plans, and recordkeeping associated with weekly inspections and instrumentation monitoring.

This burden estimate also continues to recognize that 95 percent of the engineering work associated with impoundments and refuse pile is done by contract engineering firms. MSHA assesses a decrease of \$5,125,792 (from \$7,782,720 to \$2,656,928) in burden cost.

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.

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

MSHA is not requesting an exception to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.