Title 30 CFR 75.373 and 75.1721 require that after a mine is abandoned or declared inactive and before it is reopened, mine operations shall not begin until MSHA has been notified and has completed an inspection. Standard 75.1721 specifies that the notification be in writing and lists specific information, preliminary arrangements and mine plans which must be submitted to the MSHA District Manager.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Record of Mine Closure addressed in 30 CFR 75.1204 and 75.1204–1; the inclusion of standards requiring MSHA notification and inspection prior to mining when opening a new mine or reopening an inactive or abandoned mine addressed in 30 CFR 75.373 and 75.1721; and the inclusion of standards requiring underground and surface mine operators to prepare and maintain accurate and up-to-date mine maps addressed in 30 CFR 75.1200, 75.1200–1, 75.1201, 75.1202, 75.1202–1, 75.1203, 75.372, 77.1200, 77.1201 and 77.1202. MSHA is particularly interested in comments that:

- 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 can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice, or viewed on the Internet by accessing the MSHA home page (*http://www.msha.gov/*) and selecting ''Rules and Regs'', and then selecting ''Fed Reg Docs.''

III. Current Actions

Mine operators are required to conduct surveying such that mine maps are maintained accurate and up-to-date, the maps must be revised every 6 months and certified accurate by a registered engineer or surveyor and to submit copies of the certified underground maps to MSHA annually and an up-to-date and revised mine closure map whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days, he or she shall promptly notify the Secretary of such closure.

In addition, mine operators must notify MSHA so that an inspection can be conducted whenever a new mine is opened or a previously abandoned or inactive mine is reopened. The information required to be gathered and recorded on mine maps is essential to the safe operation of the mine and essential to the effectiveness of mandatory inspections and mandated mine plan approval by MSHA. Such information cannot be replaced by any other source and anything less than continuously updated and accurate information would place miners' safety at risk.

The information collected through the submittal of mine closure maps is used by operators of adjacent coal mines when approaching abandoned underground mines. The abandoned mine could be flooded with water or contain explosive amounts of methane or harmful gases. If the operator were to mine into such an area, unaware of the hazards, miners could be killed or seriously injured. In addition, it is in the public interest to maintain permanent records of the locations, extent of workings and potential hazards associated with abandoned mines. The public safety can be adversely affected by future land usage where such hazards are not known or inaccurately assessed. MSHA collects the closure maps and provides those documents to the Office of Surface Mining, Reclamation & Enforcement for inclusion in a repository of abandoned mine maps. Therefore, MSHA is continuing the certification and application of 30 CFR 75.1204 to assure the required information remains available for the protection of miners' and public safety. In addition, MSHA has added the burden hours and cost estimates for standards which address the preparation and maintenance of certified mine maps for surface and underground coal mines and the notification of MSHA prior to the opening on new coal mines or the reopening of inactive or abandoned mines.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Requirements for the Preparation and Maintenance of Accurate and Up-to-Date Mine Maps (pertains to underground and surface coal mines).

OMB Number: 1219–0073.

Recordkeeping: Annual or on occasion.

Affected Public: Business or other for-profit.

Number of Responses: 737.

Number of Respondents: 1,453.

Total Burden Hours: 14,572.

Total Burden Cost (operating/maintaining): $18,221,257.

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 28th day of October 2008.

David L. Meyer,

Director of Administration and Management.

[FR Doc. E8–25981 Filed 10–30–08; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines

ACTION: Notice.

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 and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c)(c)(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.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of

the information collection related to the 30 CFR Sections:

75.1901(a)—Diesel Fuel Requirements; 75.1904(b)(4)(i)—Underground Diesel Fuel Tanks and Safety Cans; 75.1906(d)—Transport of diesel fuel; 75.1911(i) and (j)—Fire Suppression Systems for Diesel-Powered Equipment and Fuel Transportation Units; 75.1912(h) and (i)—Fire Suppression Systems for Permanent Underground Diesel Fuel Storage Facilities; 75.1914(f)(1), (2), (g)(5), (h)(1), and (2)—Maintenance of Diesel-Powered Equipment; and 75.1915(a), (b)(5), (c)(1) and (2)—Training and Qualification of Persons Working on Diesel-Powered Equipment.

DATES: Submit comments on or before December 30, 2008.

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*. Ms. Ferraro can be reached at (202) 693–9821 (voice), or (202) 693–9801 (facsimile).

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

SUPPLEMENTARY INFORMATION:

I. Background

The regulation addresses three major areas: Diesel engine design and testing requirements; safety standards for the maintenance and use of this equipment; and exhaust gas sampling provisions to protect miners' health. It first requires that diesel engines and their critical components meet design specifications and tests to demonstrate that they are explosion-proof and will not cause a fire in a mine where methane may accumulate. Second, the safety requirements for diesel equipment include many of the proven features required in existing standards for electric-powered equipment, such as cabs or canopies, methane monitors, brakes and lights. The regulation also sets safety requirements for fuel handling and storage and fire suppression. Third, sampling of diesel exhaust emissions is required to protect miners from overexposure to carbon monoxide and nitrogen dioxide contained in diesel exhaust.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to the approval, exhaust gas monitoring and safety requirements for the use of diesel-powered equipment in underground coal mines. MSHA is particularly interested in comments that:

- 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 can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA home page (*http://www.msha.gov*) and then choosing ''Rules and Regs'' and ''FedReg. Docs''.

III. Current Actions

Provisions under part 75 establish mandatory safety standards for diesel-powered equipment for use in underground coal mines, minimum ventilating air quantities, the incorporation of the air quantities into the mine ventilation plan, requirements for routine sampling of toxic exhaust gases, and the use of low sulfur diesel fuel. It also provides that diesel equipment maintenance be performed by adequately trained persons. In addition, the regulation includes standards for storage, transportation and dispensing of diesel fuel, and the installation and maintenance of fire suppression systems on diesel equipment and in permanent underground fuel storage facilities.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel-Powered Equipment in Underground Coal Mines.

OMB Number: 1219–0119.

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Total Respondents: 213.

Total Responses: 180,252.

Total Burden Hours: 42,826.

Total Burden Cost (operating/maintaining): $428,272.

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 28th day of October 2008.

David L. Meyer,

Director, Office of Administration and Management.

[FR Doc. E8–25980 Filed 10–30–08; 8:45 am]

BILLING CODE 4510–43–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 09–01]

Notice of First Amendment to Compact With the Government of Georgia

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with Section 609(i)(2) of the Millennium Challenge Act of 2003, as amended (Pub. L. 108–199, Division D), the Millennium Challenge Corporation is publishing a summary, justification and the proposed text of the First Amendment to Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation, and the Government of Georgia. Representatives of the United States Government and the Government of Georgia plan to execute this draft text in 2008.

Dated: October 28, 2008.

Henry C. Pitney,

Deputy General Counsel, Millennium Challenge Corporation.

Summary of First Amendment to Millennium Challenge Compact With the Government of Georgia

The Board of Directors of the Millennium Challenge Corporation (''MCC'') has approved an amendment (the ''Amendment'') to the existing approximately US$295.3 million, five-year Millennium Challenge Compact between the United States of America, acting through MCC, and the Government of Georgia (the ''Compact'').

Background

The Compact was signed September 12, 2005 and entered into force on April 7, 2006. Compact projects focused on

Supporting Statement
Diesel-Powered Equipment in Underground Coal Mines

OMB Control	30 CFR Citations	Title
1219-0119	§ 75.1901(a)	Diesel fuel requirements;
	§ 75.1904(b)(4)(i)	Underground diesel fuel tanks and safety cans;
	§ 75.1906(d)	Transport of diesel fuel;
	§ 75.1911(i) & (j)	Fire suppression systems for diesel-powered equipment and fuel transportation units;
	§ 75.1912(h) & (i)	Fire suppression systems for permanent underground diesel fuel storage facilities;
	§ 75.1914(f)(1) & (2); (g) & (g)(5); (h)(1) & (2)	Maintenance of diesel-powered equipment;
	§ 75.1915(a); (b)(5); (c) (1) & (2)	Training and qualification of persons working on diesel-powered equipment.

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.

The Mine Safety and Health Administration (MSHA) requires mine operators to provide important safety and health protections to underground coal miners who work on and around diesel-powered equipment. The engines powering diesel equipment are potential contributors to fires and explosion hazards in the confined environment of an underground coal mine where combustible coal dust and explosive methane gas are present. Diesel equipment operating in underground coal mines also can pose serious health risks to miners from exposure to diesel exhaust emissions, including diesel particulates, oxides of nitrogen, and carbon monoxide. Diesel exhaust is a lung carcinogen in animals.

The information collection includes maintenance and use of diesel equipment; tests and maintenance of fire suppression systems on both the equipment and at fueling stations; and exhaust gas sampling.

The records are required to document that essential testing and maintenance of diesel-powered equipment are conducted regularly by qualified persons; that corrective actions

are taken; and the persons performing the maintenance, repairs, examinations, and tests are trained and qualified to perform such tasks.

The safety requirements for diesel equipment include many of the proven features required in existing standards for electric-powered mobile equipment, such as cabs or canopies, methane monitors, brakes and lights. Sampling of diesel exhaust emissions is required to protect miners from overexposure to carbon monoxide and nitrogen dioxide contained in diesel exhaust.

Information collection requirements are found in: § 75.1901(a) Diesel fuel requirements; § 75.1911 (j) Fire suppression systems for diesel-powered equipment and fuel transportation units; § 75.1912 (i) Fire suppression systems for permanent underground diesel fuel storage facilities; §§ 75.1914(f)(1), (f)(2), (g)(5), (h)(1), and (h)(2) Maintenance of diesel-powered equipment; §§ 75.1915(b)(5), (c)(1), and (c)(2) Training and qualification of persons working on diesel-powered equipment.

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 respondents are underground coal mine operators. The recordkeeping requirements are necessary not only to assist MSHA in determining compliance, but also to provide useful information to mine operators and miners' representatives about the performance of diesel engines and any deterioration or defective condition needing corrective action. For example, the manufacturer's paperwork requirements provide important information about the exhaust output of a diesel engine and its ventilation needs. This information is valuable when selecting engines and for monitoring their performance in service. The standard's paperwork requirements also help to identify deteriorating engine performance that indicates the need for equipment repair or maintenance, thus preventing overexposure of miners to the health hazards resulting from diesel exhaust. Because a number of information-reporting provisions are required when a defect is found on diesel-powered equipment, the information contained in the records may also be used by miners' representatives to verify that necessary repairs have been made.

The examinations associated with these standards must be performed on a regular basis. Less frequent examinations would not ensure that conditions requiring immediate attention are promptly detected, such as inadequate air quantities ventilating diesel-powered equipment or equipment defects that create a hazard. Records of equipment examinations are required under the rule only when defects are found.

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 information gathered is required to be recorded, maintained for the period specified, and made accessible, upon request, to authorized representatives of the Secretary of Labor and miners' representatives. This may be done in a traditional manner by recording this information in a book or electronically by computer.

Electronic storage and retrieval of information through computers is a common business practice. MSHA encourages the use of electronically stored records, provided they are secure and not susceptible to alteration, are able to capture the information and signatures required, and are accessible to the authorized representative of the Secretary and miners' representatives. "Secure" is intended to mean unalterable or cannot be modified. MSHA considers electronic records meeting these criteria to be practical and as reliable as traditional records.

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

MSHA knows of no other Federal or State reporting requirement that would duplicate the reporting requirements contained in these standards.

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 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.

The recordkeeping requirements provided by these standards are the minimum necessary to ensure the safe and healthful operation of diesel-powered equipment in underground coal mines. The information requirements in these standards not only serve as a means of verifying compliance, but also provide important information to mine operators and miners' representatives about safety and health conditions in miners' workplaces. Reduction of these recordkeeping requirements would increase the likelihood that unsafe and unhealthy conditions would go undetected and uncorrected in underground coal mines.

Less frequent data gathering would not provide the monitoring necessary to ensure that dangerous conditions requiring immediate attention are identified and corrected.

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.**

None of the training documents and records or testing and maintenance records required by the diesel equipment standards meet or exceed the above limits.

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 March 23, 2012 (77 FR 17099). MSHA received one comment on this information ICR extension. The United Mine Workers of America supported the continued collection of information and recommended additional information collection by amending the existing regulations. Specifically, the commenter requested additional rulemaking on diesel exhaust and stated that a separate letter on this issue was submitted to the Agency.

The *Federal Register* notice of March 23, 2012 addressed only the information collections associated with the current regulatory provisions. The comment recommending rulemaking is beyond the scope of this information collection notice. The Agency is responding separately to the petition in the letter they submitted.

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.

Records required by the underground coal mine diesel equipment safety standards are for training, testing, and maintenance activities and contain no proprietary or confidential information. In addition, the records are maintained at the mine and are not submitted to MSHA. MSHA makes no assurance that the information will remain confidential.

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 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.**

MSHA estimates that 223 respondents generate approximately 165,984 responses annually, resulting in approximately 14,264 burden hours. These 223 respondents consist of 180 large mines (26 or more employees) and 43 small mines (1-25 employees). Calculations of the annual burden hours and the annual and annualized costs associated with that burden are detailed in the following sections.

Estimates of hours of burden includes the time for reviewing instructions, gathering and maintaining the necessary data, and completing the review of the information collection. These estimates use 2010 average wage rates for underground coal mine employees in the clerical classification earning $28.67 per hour, miner classification earning $36.92 per hour, and supervisory classification earning $84.69 per hour. where contractor/specialized maintenance inspectors are utilized for compliance, MSHA estimates an appropriate hourly rate, adjusted for inflation, of $105.00 per hour.

Section 75.1901(a) requires that upon request, the mine operator must provide to an authorized representative of the Secretary evidence that the diesel fuel purchased for use in diesel-powered equipment underground meets the requirements in § 75.1901(a). The information requested is available on the purchase order when the mine operator purchases diesel fuel. MSHA estimates that mine operators purchase fuel once every two weeks. Further, MSHA estimates that half of all large and small mines would not otherwise keep gas purchasing orders on file. Thus, this provision affects approximately 90 large mines and 22 small mines. It is estimated to take 3 minutes (0.05 hours) to file the purchase order by a clerical person earning $28.67 per hour.

Annual Burden Hours to File Statement:

	Large Mines	Small Mines	Total
Mines	90	22	112
Weeks / Year	25	20	
Time to File (hrs)	0.05	0.05	
Annual Hours	113	22	135

Annual Cost of Burden Hours to File Statement:

Annual Hours	135
Wages per hour (Clerical)	$ 28.67

Annual Cost	$ 3,871

Section 75.1904(b)(4)(i) requires that underground diesel fuel tank connections be identified by conspicuous markings that specify the function. Large mines are estimated to have 4 tanks each and small mines are estimated to have 2 tanks each. About 720 tanks in large mines and 86 tanks in small mines require markings. It will take a miner 2 minutes (0.0333 hours) to mark the connections at a wage rate of $36.92 per hour. The markings will last for 2 years, thus time and costs are annualized at 0.5.

Burden Hour Time to Mark Connections:

	Large Mines	Small Mines	Total
Count of Tanks	720	86	
Hours to mark connections	0.0333	0.0333	
Annualizing rate	0.5	0.5	
Annual Hours	12	1	13

Burden Hour Annualized Costs for Marking Connections:

Hourly Wage Rate	$ 36.92
Total Hours	13
Annual Cost	$ 480

Section 75.1906(d) requires that diesel fuel transportation unit tanks and safety cans be conspicuously marked as containing diesel fuel. Large mines are estimated to have 4 tanks each and small mines are estimated to have 2 tanks each. In addition, each piece of mobile equipment is estimated to carry one safety can. About 4,948 tanks and safety cans at large mines and 283 tanks and safety cans at small mines require marking. It will take a miner 2 minutes (0.0333 hours) to mark the tanks and safety cans at a wage rate of $36.92 per hour. The markings will last for 2 years, thus time and costs are annualized at 0.5.

Burden Hour Time to Mark Tanks and Safety Cans:

	Large Mines	Small Mines	Total
Count of Tanks and Safety Cans	4,948	283	5,231
Hours to mark connections	0.0333	0.0333	
Annualizing rate	0.5	0.5	
Annual Hours	82	5	87

Burden Hour Annualized Costs Related to Time to Mark Tanks and Safety Cans:

Hourly Wage Rate	$ 36.92
Total Hours	87
Annual Cost	$ 3,212

Sections 75.1911 (i) & (j) When inspecting certain diesel machines, a record is required for each fire suppression system inspection in which a defect is found. The

record must state the machine examined, defect found, and corrective action taken. MSHA estimates that 10 percent of the inspections required by § 75.1911(j) will disclose a defect. Each record, including maintenance of the record, is estimated to take 5 minutes (0.0833 hours).

Weekly Inspections of Fire Suppression Systems Disclosing Defects:

	Large Mines	Small Mines	Total
Equipment Count	4,709	224	4,933
Inspections/ Year	50	40	
Inspections Finding Defects	10%	10%	
Annual Inspections Disclosing Defects	23,545	896	24,441

Weekly Inspection of Fire Suppression Systems Recordkeeping Burden Hours:

Inspections Disclosing Defects	24,441
Recordkeeping Time for Defective Equipment (Hours)	0.08333
Annual Recordkeeping Burden Hours	2,037

Annual Cost of Burden Hours of Weekly Inspection of Fire Suppression Systems Recordkeeping

Annual Recordkeeping Hours	2,037
Hourly Clerical Rate	$ 28.67
Annual Recordkeeping Cost	$ 58,401

Manufacturer-Recommended Inspections of Fire Suppression Systems Disclosing Defects

	Large Mines	Small Mines	Total
Pieces of Diesel Equipment	4,709	224	4,933
Inspections per Year	2	2	
Inspections finding defects	10%	10%	
Annual Inspections Disclosing Defects	942	45	987

Manufacturer-Recommended Inspection of Fire Suppression Systems Recordkeeping Burden Hours:

Record-keeping time for defective equipment (hours)	0.08333
Inspections disclosing defects	987
Annual Recordkeeping Hours	82

Annual Costs for Mfr-Recommended Inspection of Fire Suppression Systems Recordkeeping Burden Cost:

Annual Recordkeeping Hours	82
Hourly Rate (Specialist)	$ 105.00
Annual Recordkeeping Cost	$ 8,610

Sections 75.1912 (h) & (i) A record is required for each fire suppression system in which a defect is found when inspecting permanent diesel fuel storage facilities in

underground coal mines. The record must include the facility examined, defect found, and corrective action taken. MSHA estimates that of mines using diesel equipment underground, 30% of large mines (0.30 x 180 = 54) maintain permanent underground diesel fuel storage facilities but only 5% of small mines (0.05 x 43 = 2) maintain permanent underground diesel fuel storage facilities. MSHA estimates that 10% of the inspections will disclose a defect. Each record, including maintenance of the record, is estimated to take 5 minutes (0.0833 hrs).

Weekly Inspection of Fire Suppression in Storage Facilities Recordkeeping Burden Hours:

	Large Mines	Small Mines	Total
Storage Facilities	54	2	56
Weeks per Year	50	40	
Inspections finding defects	10%	10%	
Recordkeeping hours	0.08333	0.08333	
Annual Recordkeeping Hours	23	1	24

Annual Burden Hour Costs for Weekly Inspection of Fire Suppression in Storage Facilities Recordkeeping:

Annual Hours	24
Hourly Wage Rate (Clerical)	$ 28.67
Annual Recordkeeping Cost	$ 688

Manufacturer-Recommended Inspection of Storage Facilities Recordkeeping Burden Hours:

Storage Facilities	56
Inspections per Year	2
Inspections finding defects	10%
Recordkeeping Hours	0.08333
Annual Recordkeeping Hours	1

Annual Burden Hour Cost for Manufacturer-Recommended Inspection of Storage Facilities Recordkeeping:

Annual Recordkeeping Hours	1
Wage Rate (Specialist)	$ 105
Annual Recordkeeping Cost	$ 105

Sections 75.1914(f)(1), (f)(2), and (h) require that weekly examinations be performed on diesel-powered equipment. Only the results of those examinations disclosing a defect must be recorded. The record must include the machine examined, defect found, and corrective action taken. MSHA estimates that 25% of examinations will show a defect. MSHA estimates that it takes 5 minutes (or 0.0833 hours) for each record, including maintenance of records as required by paragraph (h).

Weekly Examinations of Equipment Recordkeeping Burden Hours:

	Large Mines	Small Mines	TOTAL
Pieces of Diesel Equipment	4,709	224	4,933
Inspections per year	50	40	
Inspections finding defects	25%	25%	
Recordkeeping hours	0.08333	0.08333	
Annual Recordkeeping Hours	4,905	187	5,092

Annual Burden Hour Cost of Weekly Examinations of Equipment Recordkeeping:

Annual Recordkeeping Hours	5,092
Hourly Wage Rate (Clerical)	$ 28.67
Annual Recordkeeping Cost	$ 145,987

Sections 75.1914(g) and (h) require mine operators to develop, in writing, standard operating procedures for testing undiluted diesel exhaust emissions. To account for new mines, which will require the development of these standard operating procedures, MSHA estimates that each year 7.5% of large mines are new and 15% of small mines are new. Hence, MSHA estimates that 14 large mines and 6 small mines using diesel equipment will open per year. It is estimated to take 2 hours of a supervisor's time to develop and maintain the testing procedures as required by paragraphs (g) and (h). Written procedures are similar for diesel-powered equipment that is of the same model, but will vary when the diesel machines are different models. On average, there are about 8 different diesel machine models in large mines and about 2 different models in small mines.

Burden Hours for Program to Test Undiluted Diesel Exhaust Emissions

	Large Mines	Small Mines	Total
New Mines	14	6	20
Equipment Models	8	2	
Hours to develop procedures	2	2	
Annual Hours	224	24	248

Annual Burden Hour Cost for Program to Test Undiluted Diesel Exhaust Emissions

Annual Hours	248
Hourly Wage Rate (Supervisor)	$ 84.69
Annual Cost	$ 21,004

Sections 75.1914(g)(5) and (h) require that records be kept of weekly exams and tests of the undiluted exhaust emissions on certain pieces of diesel-powered equipment. For each piece of tested equipment, it takes 5 minutes (0.0833 hour) to make and retain the record required by paragraphs (g)(5) and (h).
Because of this provision, mines will need to purchase equipment. Equipment costs for this provision appear in Item 13.

Exhaust Emissions Testing Recordkeeping Burden Hours:

	Large Mines	Small Mines	Total
Permissible Equipment Pieces	*299*	*24*	323
Heavy Duty Equipment Pieces	*1,170*	*48*	1,218
Subtotal: Pieces of Equipment	1,469	72	
Exams/Year	50	40	
Recordkeeping hours	0.08333	0.08333	
Annual Recordkeeping Hours	6,121	240	6,361

Annual Burden Hour Costs for Exhaust Emissions Testing Recordkeeping:

Annual Recordkeeping Hours	6,361
Hourly Wage Rate (Clerical)	$ 28.67
Annual Recordkeeping Cost	$182,370

Sections 75.1915(b)(5) and (c) require that the mine operator develop an initial and retraining program to qualify persons to perform maintenance, repairs, examinations, and tests on diesel-powered equipment; as required by **§ 75.1915(a)**. Paragraph (c) sets forth requirements concerning the records to be made and maintained. MSHA estimates that 14 new large mines per year and 6 new small mines per year will begin operation and require the development of a training program. It takes 16 hours in a large mine and 10 hours in a small mine to develop and maintain the training program as required by paragraphs (b)(5) and (c).

Development of Training Plan Annual Burden Hours:

	Large Mines	Small Mines	Total
New Mines each Year	14	6	20
Hours for program	16	10	
Annual Hours	224	60	284

Annual Burden Hour Cost of Training Plan Development:

Annual Hours	284
Hourly Wage Rate (Supervisor)	$ 84.69
Annual Cost	$24,052

Summary of Burden Hours and Costs

Section	Annual Respondents	Annual Responses	Annual Burden Hours	Annual Burden Costs
75.1901(a): Proof of Diesel Fuel Purchase	112	2,690	135	$3,871
75.1904(b)(4)(i) Marking Diesel Fuel Connections	223	403	13	$480
75.1906(d) Marking Diesel Fuel Tanks	223	2,616	87	$3,212
75.1911(i): Fire Suppression Systems - Weekly Inspections	223	24,441	2,037	$58,401
75.1911(j): Fire Suppression System - Mfr-Recommended Inspections	223	987	82	$8,610
75.1912 (h): Fire Suppression System - Weekly (Diesel Fuel Storage)	56	278	24	$688
75.1912 (i): Fire Suppression System - Mfr-Recommended (Diesel Fuel Storage)	56	12	1	$105
75.1914(f)(2): Weekly Exams of Diesel Equipment	223	61,103	5,092	$145,987
75.1914(g) & (h): Develop Testing Procedures (Exhaust)	20	124	248	$21,004
75.1914(g)(5): Records of Weekly Exams (Exhaust)	223	76,330	6,361	$182,370
75.1915(b)(5) & (c): Training Program Development	20	20	284	$24,052
Total	223	169,003	14,364	$448,780

TOTAL BURDEN HOURS = 14,364

TOTAL COST OF BURDEN HOURS = $448,780

TOTAL RESPONSES = 169,003

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.**

Section 75.1914(g)(5) and (h). Mine operators will need to purchase an instantaneous gas analyzer that costs about $2,000 per instrument to make records from weekly exams and tests of the undiluted exhaust emissions required by §§ 75.1914(g)(5) and (h). All 180 large mines and 43 small mines are affected. The large mines have two analyzers and the small mines have one unit. The sampling devices have a useful life of 10 years, and purchase costs are annualized by using an annualization factor of 0.142 (annualized cost of $284 each). Maintenance and calibration of each device cost $852 per year.

	Large Mines	Small Mines	TOTALS
Number of Mines Affected	180	43	223
Number of Analyzers per Mine	2	1	
Annualized Equipment Cost ($284 each)	$ 102,240	$ 12,212	114,452
Annual Maintenance and Calibration Cost ($852 each)	$ 306,720	$ 36,636	343,356
TOTAL Annual Cost	$ 408,960	$ 48,848	$ 457,808

14. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

None of the records in this information collection review are submitted to MSHA for review or approval. The records are examined during normal mandatory inspections and do not significantly add to the time required to conduct those mandatory inspections. Therefore, there is no cost to the Federal government (MSHA) directly associated with these record keeping requirements.

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

The number of respondents increased due to a greater number of underground coal mines using diesel-powered equipment underground (from 213 mines to 223). The last approved collection included the hour and cost burden associated with the time to conduct training. It should have included only the cost of the recordkeeping associated with the training. This submission corrects the error. Because of this correction, the number of responses and hour burden decreased. The burden hour cost increased because the number of respondents increased.

Respondents:	Increase of 10 (from 213 to 223)
Responses:	Decrease of 11,249 (from 180,252 to 169,003)
Burden Hours:	Decrease of 28,462 (from 42,826 to 14,364)
Cost of Burden Hours:	Increase of $29,536 (from $428,272 to $457,808)

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.

The information collections required by this rule are not scheduled for publication.

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.

Not applicable.

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

There are no certification exceptions identified with the information collection requirements included in this ICR.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods..

Federal Mine Safety & Health Act of 1977,
Public Law 91-173, as amended by Public Law 95-164

TITLE I--GENERAL
MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section tosections 556 and 557 of such title), 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.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 103. (h) In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

§ 75.1901 Diesel fuel requirements.

(a) Diesel-powered equipment shall be used underground only with a diesel fuel having a sulfur content no greater than 0.05 percent and a flash point of 100 [deg]F (38 [deg]C) or greater. Upon request, the mine operator shall provide to an authorized representative of the Secretary evidence that the diesel fuel purchased for use in diesel-powered equipment underground meets these requirements.

* * * * *

§ 75.1904 Underground diesel fuel tanks and safety cans;

* * * * *

(b) Underground diesel fuel tanks must be provided with--

* * *

(4) Liquid tight connections for all tank openings that are--

(i) Identified by conspicuous markings that specify the function; and

* * * * *

§ 75.1906(d) Transport of diesel fuel;

* * * * *

(d) Diesel fuel transportation unit tanks and safety cans must be conspicuously marked as containing diesel fuel.

* * * * *

§. 75.1911 Fire suppression systems for diesel-powered equipment and fuel transportation units.

* * * * *

(i) Each fire suppression system shall be tested and maintained in accordance with the manufacturer's recommended inspection and maintenance program and as required by the nationally recognized independent testing laboratory listing or approval, and be visually inspected at least once each week by a person trained to make such inspections.

(j) Recordkeeping. Persons performing inspections and tests of fire suppression systems under paragraph (i) shall record when a fire suppression system does not meet the installation or maintenance requirements of this section.

(1) The record shall include the equipment on which the fire suppression system did not meet the installation or maintenance requirements of this section, the defect found, and the corrective action taken.

(2) Records are to be kept manually in a secure manner not susceptible to alteration or recorded electronically in a secured computer system that is not susceptible to alteration.
(3) Records shall be maintained at a surface location at the mine for one year and made available for inspection by an authorized representative of the Secretary and miners' representatives.

* * * * *

§ 75.1912 Fire suppression systems for permanent underground diesel fuel storage facilities.

* * * * *

(h) Each fire suppression system shall be tested and maintained in accordance with the manufacturer's recommended inspection and maintenance program and as required by the nationally recognized independent testing laboratory listing or approval, and be visually inspected at least once each week by a person trained to make such inspections.

(i) Recordkeeping. Persons performing inspections and tests of fire suppression systems under paragraph (h) shall record when a fire suppression system does not meet the installation or maintenance requirements of this section.

(1) The record shall include the facility whose fire suppression system did not meet the installation or maintenance requirements of this section, the defect found, and the corrective action taken.
(2) Records are to be kept manually in a secure manner not susceptible to alteration or recorded electronically in a secured computer system that is not susceptible to alteration.
(3) Records shall be maintained at a surface location at the mine for one year and made available for inspection by an authorized representative of the Secretary and miners' representatives.

* * * * *

§ 75.1914 Maintenance of diesel-powered equipment.

* * * * *

(f) All diesel-powered equipment shall be examined and tested weekly by a person qualified under Sec. 75.1915.

(1) Examinations and tests shall be conducted in accordance with approved checklists and manufacturers' maintenance manuals.

(2) Persons performing weekly examinations and tests of diesel-

powered equipment under this paragraph shall make a record when the equipment is not in approved or safe condition. The record shall include the equipment that is not in approved or safe condition, the defect found, and the corrective action taken.

(g) Undiluted exhaust emissions of diesel engines in diesel-powered equipment approved under part 36 and heavy-duty nonpermissible diesel-powered equipment as defined in Sec. 75.1908(a) in use in underground coal mines shall be tested and evaluated weekly by a person who is trained to perform this task. The mine operator shall develop and implement written standard operating procedures for such testing and evaluation that specify the following:

* * *

(5) The maintenance of records necessary to track engine performance.

(h) Recordkeeping. Records required by paragraphs (f)(2) and (g)(5) shall be—

(1) Recorded in a secure book that is not susceptible to alteration, or recorded electronically in a computer system that is secure and not susceptible to alteration; and

(2) Retained at a surface location at the mine for at least 1 year and made available for inspection by an authorized representative of the Secretary and by miners' representatives.

* * * * *

§ 75.1915 Training and qualification of persons working on diesel-powered equipment.

(a) To be qualified to perform maintenance, repairs, examinations and tests on diesel-powered equipment, as required by § 75.1914, a person must successfully complete a training and qualification program that meets the requirements of this section. A person qualified to perform these tasks shall be retrained as necessary to maintain the ability to perform all assigned diesel-powered equipment maintenance, repairs, examinations and tests.

(b) A training and qualification program under this section must:

* * *

(5) Be in writing. The written program shall include a description of the course content, materials, and teaching methods for initial training and retraining.

(c) Recordkeeping. The operator shall maintain a copy of the training and qualification program required by this section and a record of the names of all persons qualified under the program.

(1) The record of the names of qualified persons shall be made in a manner that is not susceptible to alteration, or recorded electronically in a computer system that is secure and not susceptible to alteration.

(2) The training and qualification program and record of qualified persons are to be kept at surface location of the mine and made available for inspection by an authorized representative of the Secretary and by miners' representatives.