

SUPPORTING STATEMENT

Safety Defects; Examination, Correction and Records, 30 CFR 56/57.14100, 56/57.13015, 56/57.13030, and 56/57.18002 (pertains to metal and nonmetal (M/NM) surface and underground mines)

A. Justification

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

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.

Title 30 CFR 56.13015 and 57.13015 require compressed-air receivers and other unfired pressure vessels to be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a Manual for Boiler and Pressure Vessels Inspectors, 1979. Safety defects found on compressed-air receivers and other unfired pressure vessels have caused injuries and fatalities in the mining industry.

Records of inspections must be kept in accordance with the requirements of the National Board Inspection Code and the records must be made available to the Secretary or an authorized representative.

Title 30 CFR 56.13030 and 57.13030 require that fired pressure vessels (boilers) must be equipped with water level gauges, pressure gauges, automatic pressure-relief valves, blowdown piping and other safety devices approved by the American Society of Mechanical Engineers (ASME) to protect against hazards from overpressure, flameouts, fuel interruptions and low water level.

These sections also require that records of inspection and repairs be retained by the mine operator in accordance with the requirements of the ASME Boiler and Pressure Vessel Code, 1977, and the National Board Inspection Code (progressive records - no limit on retention time) and shall be made available to the Secretary or an authorized representative.

Title 30 CFR 56.14100 and 57.14100 require operators to inspect equipment, machinery, and tools that are to be used during a shift for safety defects before the equipment is placed in operation. Defects affecting safety are required to be corrected in a timely manner. In instances where the defect makes continued operation of the equipment

hazardous to persons, the equipment must be removed from service, tagged to identify that it is out of use, and repaired before use is resumed.

Safety defects on self-propelled mobile equipment account for many injuries and fatalities in the mining industry. Inspection of this equipment prior to use is required to ensure safe operation. The equipment operator is required to make a visual and operational check of the various primary operating systems that affect safety, such as brakes, lights, horn, seatbelts, tires, steering, back-up alarm, windshield, cab safety glass, rear and side view mirrors, and other safety and health related items. Any defects found are required to be either corrected immediately, or reported to and recorded by the mine operator prior to the timely correction.

A record is not required if unsafe conditions are not present upon examination prior to use if the defect is corrected immediately. The precise format in which the record is kept is left to the discretion of the mine operator.

Reports of uncorrected defects are required to be recorded by the mine operator and kept at the mine office from the date the defects are recorded, until the defects are corrected.

Title 30 CFR 56.18002 and 57.18002 require that a competent person designated by the operator examine each working place at least once each shift for conditions which may adversely affect safety or health. A record of such examinations must be kept by the operator for a period of one year and must be made available for review by the Secretary or an authorized representative.

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 records are used by industry management and maintenance personnel to ensure that defects are not overlooked, that repairs are made, and to monitor when and how often maintenance is performed on certain equipment, machinery, and tools. Additionally, the inspection records denote any hazards that were discovered and how the hazards or unsafe conditions were abated. Federal mine inspectors use the records to ensure that unsafe conditions are identified and corrected.

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 in whatever method they choose, which may include utilizing computer technology.

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.

There are no similar records that could be used or modified for use in lieu of the required records. The Agency requires a record to be kept to comply with requirements of 30 CFR 56.14100 and 57.14100 only when conditions or situations need close monitoring, maintenance, or repair to safeguard miners using the equipment. Title 30 CFR 56.13015, 57.13015, 56.13030, 57.13030, 56.18002 and 57.18002 require that records be kept of inspections. Such records are used to ensure that a regular inspection schedule is maintained and/or that any unsafe conditions are discovered and corrected.

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. However, MSHA has made available on its web-site various sources of information, such as "Technical Assistance," "Best Practices," and an "Accident Prevention" site which may aid such small businesses and other small entities in complying with and reducing the burden associated with these standards. In addition, MSHA developed pocket safety calendars that small mine operators can use to record inspections, and sample inspection checklists are available on MSHA's website for miners and mine operators to use in completing mobile equipment and workplace inspections.

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.

Further reductions of these requirements could allow unsafe equipment to remain in operation; thereby, jeopardizing the safety of miners. Section 101(a)(9) of the Mine Act prohibits any regulatory action which would reduce the protection given miners by an existing standard.

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

- * requiring respondents to report information to the agency more often than quarterly;**
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * requiring respondents to submit more than an original and two copies of any**

document;

- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information is consistent with the guidelines in 5 CFR 1320.5.

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

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

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

MSHA published a 60-day Federal Register notice on September 16, 2010 (Volume 75, No. 179, Page 56558 - 56560). No comments were received.

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

MSHA does not provide payments or gifts to respondents.

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

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There is no assurance of confidentiality provided to respondents. Records are maintained by the operator.

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.**

Burden cost figures used in this section are based on salaries obtained from the U.S. Metal & Industrial Mineral Mine Salaries, Wages, & Benefits - 2009 Survey Results. The salary of a M/NM mine supervisor is \$59.73 per hour; a M/NM miner \$26.53 per hour; and clerical staff \$24.45 per hour.

30 CFR 56.13015 and 57.13015

Approximately 12,557 mines are subject to the standards. The standards require that compressed-air receivers and other unfired pressure vessels be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a Manual for Boiler and Pressure Vessels Inspectors, 1979. **The standards also require that records of inspections be**

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kept and made available in accordance with the requirements of the National Board Inspection Code. There are approximately 3,389 compressed-air receivers and other unfired pressure vessels that must be inspected annually. MSHA estimates that the time required for recording would be approximately 10 minutes (.166 hour) per vessel.

3,389 vessels x 1 exam/vessel x .166 hour = 563 hours

563 hours x \$59.73/hour wages = \$33,628

§§56/57.13015 TOTAL RESPONSES	3,389
§§56/57.13015 TOTAL BURDEN	563 HOURS
§§. 56/57.13015 TOTAL COST	\$33,628

Increased burden costs are due to the increase in wages and the increase in vessels at mine sites.

30 CFR 56.13030 and 57.13030

Approximately 12,557 mines are subject to the standards. The standards require that records of inspection and repairs be retained by the mine operator in accordance with the requirements of the ASME Boiler and Pressure Vessel Code and the National Board Inspection Code and made available to MSHA. There are approximately 504 fired pressure vessels (boilers) that must be inspected annually. MSHA estimates that the time required for recording would be approximately 10 minutes (.166 hour).

Recording times:

504 vessels x 1 exam/vessel x .166 hour = 84 hours

84 hours X \$59.73/hour wages = \$5,017

TOTAL RESPONSES	504
TOTAL BURDEN:	84 HOURS
TOTAL COST:	\$5,017

30 CFR 56.14100 and 57.14100

For the purpose of this analysis, approximately 12,557 metal and nonmetal mines are subject to these standards. These standards require that an inspection be made for every shift for equipment that is to be used. Further, a record is required to be made of any defects affecting safety that are not corrected. A small mine is defined by MSHA as a mine or mill employing fewer than 20 miners and a large mine is defined as a mine or mill employing 20 miners or more. Small mining operations usually have only a few pieces of equipment; larger mines may have 100 or more pieces of equipment.

Cost/burden determinations are:

719,187 workplace examinations for intermittent mines per year
+1,802,381 workplace examinations for all other mines per year
2,521,568 work place examinations total

MSHA estimates that 2,521,568 work shifts occur each year at all mines covered by these standards. Small mines, as defined above, comprise 88% of M/NM mines; large mines comprise 12% of M/NM mines. Small mines are estimated to conduct two inspections every shift.

Large mines are estimated to conduct fifteen inspections each shift. MSHA estimates that it will take an average of 5 minutes (.08 hour) to record the required information.

Small Mine Burden and Cost:

2,521,568 work shifts/year X .88 = 2,218,980 shifts/year
2,218,980 shifts/year x 2 inspections/shift = 4,437,960 inspections/year
4,437,960 inspection/year x .08 hour = 355,037 hours/year
355,037 hours/year x \$24.45/hour wage = \$8,680,655 a year

Large Mine Burden and Cost:

2,521,568 work shifts/year X .12 = 302,588 shifts/year
302,588 shifts/year x 15 inspections/shift = 4,538,820 inspections/year
4,538,820 inspection/year x .08 hour = 363,106 hours/year
363,106 hours/year x \$24.45/hour wage = \$8,877,942 a year

355,037 hours	Small mine burden
<u>363,106 hours</u>	<u>Large mine burden</u>
718,143 hours	Total mine burden

\$8,680,655	Small mine cost
<u>\$8,877,942</u>	<u>Large mine cost</u>
\$17,558,597	Total mine cost

§§ 56/57.14100 TOTAL RESPONSES	8,976,780
§§ 56/57.14100 TOTAL HOUR BURDEN	718,143 HOURS
§§ 56/57.14100 TOTAL COST	\$17,558,597

30 CFR 56.18002 and 57.18002

For the purpose of this analysis there are approximately 12,557 mines that are subject to these standards. These standards require that a competent person designated by the mine operator examine each working place at least once each shift for conditions which

may adversely affect safety or health. A record that such examinations were conducted shall be kept by the operator for a period of one year and shall be made available for review by the Secretary or her authorized representative.

Of the 12,557 mines subject to these standards, 6,687 mines have been designated as intermittent mines. To determine the number of work place examinations occurring at intermittent mines, the average number of hours reported was divided by the average number of employees providing the average number of hours per employee per year. The resultant figure was divided by eight hours, resulting in the estimated number of eight hour work shifts per year. The average number of shifts was multiplied by the number of intermittent mines to obtain 719,187, the total number of workplace examinations for intermittent mines per year.

To determine the number of work place examinations occurring at other M/NM mines, the number of shifts for each day was calculated. The number of shifts each day was multiplied by the calculated number of workdays per year for a total of 1,802,381, the number of work place examinations conducted at all mines except intermittent mines.

The numbers of work place examinations for intermittent and all other mines were added to provide the total number of workplace examinations conducted in M/NM mines for the year. MSHA estimates that the time required for the recordkeeping activities would be approximately 12 minutes (.20 hour) per mine.

Cost/burden determinations are:

2,521,568 work shifts x .20 hour = 504,314 hours spent conducting work place examinations

504,314 hrs x \$59.73/hour (Supervisor wage/hour) = \$30,122,675

§§ 56/57.18002 TOTAL RESPONSES	2,521,568
§§ 56/57.18002 TOTAL HOUR BURDEN	504,314 Hours
§§56/57.18002 TOTAL COST	\$30,122,675

GRAND TOTAL RESPONSES	11,502,241
GRAND TOTAL HOUR BURDEN	1,223,104
GRAND TOTAL COST	\$47,719,917

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.

There are no additional costs.

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.

Records are examined by Federal mine inspectors in the course of routine mine inspections. Therefore, these requirements do not result in additional cost to the Federal government.

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

The prior paperwork package clearance from 2007 did not calculate the Annual Cost Burden. The public was given an opportunity to comment and no one ever mentioned the issue. There are no program changes for the 2010 paperwork package clearance however, in ROCIS, the Annual Cost Burden amount is affected due to the Annual Cost Burden not being calculated from the 2007 package clearance.

16. For collections of information whose results will be published, outline plans

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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.

There are no forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

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 this information collection.

B. Collection of Information Employment Statistical Methods

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

- * Statistical methodology for stratification and sample selection,**
- * Estimation procedure,**
- * Degree of accuracy needed for the purpose described in the justification,**
- * Unusual problems requiring specialized sampling procedures, and**
- * Any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to

be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

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