

## SUPPORTING STATEMENT

### Mine Rescue Teams; Arrangements for Emergency Medical Assistance; and Arrangements for Transportation for Injured Persons

30 C.F.R. §§ 49.2 - Availability of mine rescue teams, 49.3 - Alternative mine rescue capability for small and remote mines, 49.4 - Alternative mine rescue capability for special mining conditions, 49.5 - Mine Rescue Station, 49.6 - Equipment and maintenance requirements, 49.7 - Physical requirements for mine rescue team, 49.8 - Training for mine rescue teams, 49.9 - Mine emergency notification plan.

#### A. JUSTIFICATION

##### **1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

Section 115 (e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires the Secretary of Labor (Secretary) to publish regulations which provide that mine rescue teams be available for rescue and recovery work to each underground mine in the event of an emergency. In addition, the costs of making advance arrangements for such teams are to be borne by the operator of each such mine.

Congress considered the ready availability of mine rescue in the event of an accident to be vital protection for miners. Congress was concerned that too often in the past, rescue efforts at a disaster site have had to await the delayed arrival of skilled mine rescue teams. In responding to Congressional concerns, the Mine Safety and Health Administration (MSHA) promulgated 30 C.F.R. Part 49, Mine Rescue Teams. The regulations set standards related to the availability of mine rescue teams; alternate mine rescue capability for small and remote mines and mines with special mining conditions; inspection and maintenance records of mine rescue equipment and apparatus; physical requirements for mine rescue team members and alternates; and experience and training requirements for team members and alternates.

Title 30, C.F.R. § 49.2 provides that the mine operator of an underground mine establish at least two mine rescue teams to be available at all times that miners are underground, or the operator must enter into an arrangement for mine rescue services which assures that at least two teams are available at all times when miners are underground. Each team shall

consist of five members and one alternate fully qualified, trained and equipped for rescue service. In addition, each member shall have been employed in an underground mine for a minimum of 1 year within the past 5 years. This standard also requires that each underground mine operator send the MSHA District Manager a statement describing the method of compliance. The statement must disclose whether the operator has independently provided mine rescue teams or entered into an agreement for mine rescue services. The name of the provider and the location of the services shall be included in the statement, a copy of the statement posted at the mine for miner's information, and a copy provided to the miner's representative if a representative has been designated.

With respect to alternative mine rescue capability for small and remote mines and mines with special mining conditions, 30 C.F.R. §§ 49.3 and 49.4 provide that operators of those mines may submit to MSHA for approval alternative plans for assuring mine rescue capability. The intent of these regulations is to establish the best possible rescue response available given the mining conditions unique to each mine. Although small and remote mines are not statistically less hazardous than larger non-remote mines, they are distinguished by their size and location which may effectively limit the operators' ability to establish and equip two full mine rescue teams. A critical element in determining whether a mine is small and remote is the proximity of other underground mines or existing rescue teams and stations. Likewise, it is recognized that certain mining conditions and situations present significantly lower risks of entrapment to underground miners that would justify an alternative to the mine rescue team requirements contained in § 49.2.

Title 30, C.F.R. § 49.3 provides that if an underground mine is small and remote, the operator may submit an application to MSHA for approval for an alternative mine rescue capability. Consideration for small and remote mines shall be given where the total underground employment of the operator's mine and any surrounding mine(s) within two hours ground travel time of the operator's mine is less than 36. Applications must contain the number of miners employed underground on each shift; the distance from the two nearest mine rescue stations; the total underground employment of mines within two hours ground travel time of the operator's mine; the operator's mine fire, ground, and roof control history; the operator's established escape and evacuation plan; an evaluation of the usefulness of additional refuge chambers to supplement those which may exist; the number of miners willing to serve on a mine rescue team; an alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and other relevant information.

Title 30, C.F.R. § 49.4 provides that if an underground mine is operating under special mining conditions, the mine operator may submit alternative plans to MSHA for approval as a means of achieving full compliance with the regulation. Applications must show that all of the following conditions are present: the mine has multiple adits or entries; the mined substance is noncombustible and the mining atmosphere nonexplosive; there are multiple vehicular openings to all active mine areas, sufficient to allow fire and rescue vehicles full access to all parts of the mine in which miners work or travel; roadways or other openings are not lined with combustible materials; the mine shall not have a history of flammable-gas emission or accumulations, and have a history associated with flammable or toxic gas problems; and any reported gas or oil well or exploratory drill hole shall be plugged to within 100 feet above and below the horizon of the ore body or seam, the number of miners employed underground on each shift, the distance from the two nearest mine rescue stations, the operator's mine fire history, the operator's established escape and evacuation plan, the operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground, and other relevant information.

Title 30, C.F.R. § 49.5 States that where alternative compliance is permitted, every mine operator of an underground mine shall designate, in advance, the location of the mine rescue station serving the mine. The mine rescue station must provide a centralized storage location for the rescue equipment. This centralized storage location can be at the mine site, affiliated mines, or a separate mine rescue structure. In addition, the mine rescue stations shall provide a proper storage environment to assure equipment readiness for immediate use. Authorized representatives of the Secretary must be permitted access, right of entry to inspect any designated mine rescue station.

Title 30, C.F.R. § 49.6 provides a detailed listing of equipment that is to be provided each mine rescue station. Section 49.6 (9) (b) states that rescue apparatus and equipment shall be maintained and that a person trained in the use and care of breathing apparatus shall inspect and test the apparatus at least every 30 days and shall certify by signature and date that the inspections and tests were done. The certification and the record of corrective action taken, if any, shall be maintained at the mine rescue station for a period of one year and made available to an authorized representative of the Secretary.

Title 30, C.F.R. § 49.7 requires that each team member and alternate be examined within 60 days of the beginning of the initial training, and annually thereafter by a physician who shall certify the physical fitness of the team member to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The operator shall have MSHA

Form 5000-3 on file for each team member certifying medical fitness and signed by the examining physician. These forms shall be kept on file at either the mine or the mine rescue station for a period of one year.

Title 30, C.F.R. § 49.8 requires that prior to serving on a mine rescue team, each member must complete an initial 20-hour course of instruction in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. All team members are required to receive 40 hours of refresher training annually which includes: (1) sessions underground at least once each 6 months; (2) wearing and use of the breathing apparatus by team members for a period of at least 2 hours while under oxygen every 2 months; (3) where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus; (4) advanced mine rescue training and procedures; and (5) mine map training and ventilation procedures. A record of the training received by each mine rescue team member is required to be on file at the mine rescue station for a period of one year.

Title 30, C.F.R. § 49.9 provides that each mine shall have a mine rescue notification plan outlining the procedures to be followed in notifying the mine rescue teams when there is an emergency. In addition, a copy of the plan shall be posted at the mine and a copy provided for the miners' representative, if applicable.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for new collections, indicate the actual use the agency has made of the information received from the current collection.**

This information is used by mine operators, miners, and MSHA to formulate an appropriate rescue capability within the guidelines set forth in these standards.

**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, MSHA permits mine operators to maintain records of the mine rescue equipment testing certification, records of inspections and tests, and mine rescue notification plan in whatever method they choose, that may include e-mail, facsimile, or

utilizing computer technology. Form 5000-3 is available on MSHA's web page for downloading at the physician or mine operator's discretion (<http://www.msha.gov/forms/elawsforms/5000-3.htm>).

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

Plans are approved according to the individual characteristics of each mine. There is no similar or duplicate information available that could be used.

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

As stated above, provisions have been made for small and remote mines to submit alternative plans for mine rescue capability, and they will be considered on an individual basis. Also, in certain states, small operators have gained relief through state plan agreements, whereby state maintained mine rescue stations are made available to the mine operator. Although the regulations are not directed to State and local governments, where State plan agreements exist, MSHA does conduct routine inspections of the records of the State maintained mine rescue stations for compliance with the regulations.

Although the information collection burden associated with applications for alternative mine rescue capability under 30 C.F.R. §§ 49.3 and 49.4 is greater than the burden of notification of the method of compliance under § 49.2, the overall economic impact is a reduced cost for small and remote mines or mines with special mining conditions when they are approved for using alternative means of providing mine rescue capabilities. Where those mines utilize state sponsored teams, the mine operator does not bear the record keeping burden associated with §§ 49.6 through 49.8 or the costs of training, equipping, and maintaining rescue teams or a rescue station.

**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.**

Mine operators need only post or submit much of the information once. However, information must be kept current and when changes in circumstances occur, the plan or

notice must be updated and posted or resubmitted. In addition, records of annual physical examinations, rescue team initial and annual training, and equipment maintenance must be kept at the rescue station and be available for examination by MSHA for a period of 1 year.

Section 115 (e) of the Mine Act requires the Secretary to publish regulations which provide that mine rescue teams be available for rescue and recovery work to each underground mine in the event of an emergency. In addition, the costs of making advance arrangements for such teams are to be borne by the operator of each such mine.

The frequency of inspections and testing of rescue equipment, physical examinations, training sessions, and associated record keeping requirements are the minimum necessary requirements to ensure the readiness and availability of mine rescue teams.

**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 secret, 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.**

The collection of information is consistent with the guidelines in 5 C.F.R. § 1320.5. Although there is no specific requirement that mine operators maintain the information

collection described above for more than 3 years, an operator must meet all of the mine rescue requirements for as long as the mine is in operation.

**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 the 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 record keeping, 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 C.F.R. § 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 the respondents. However, many mine operations utilize state sponsored mine rescue teams and mine rescue stations which are partially funded by grants from MSHA.

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

There is no personal information requiring confidentiality.

**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.**

At the end of FY 2008 there were approximately 224 active underground metal and nonmetal mines. MSHA estimates an average of 5 new mines per year. Of the 224 active mines, 96 maintained one or both of the required rescue teams at 79 mine rescue stations. The remaining 128 mines were provided rescue services by state sponsored rescue teams, other mine operators, or volunteer associations and/or have approved applications for alternative mine rescue capability under 30 C.F.R. §§ 49.3 and 49.4.

**30 C.F.R. § 49.2**

Under § 49.2, each operator of an underground mine who provides rescue teams under this standard is required to send the MSHA District Manager a statement describing the mine's method of compliance with 30 C.F.R. Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. The name of the provider and the location of the services shall be included in the statement. A copy of the statement must be posted at the mine for the miner's information. Where a miner's representative has been designated, the operator must also provide the representative with a copy of the statement. The statement needs to be submitted only once, and revised only when a change to the method of compliance occurs. MSHA estimates that the method of compliance changes at 5% of the mines in any given year.

MSHA estimates that it requires an average of 1 hour to prepare, mail, post, and provide a new or revised statement to the miners' representative, assuming the mine has a miner's representative. This work is usually performed by a safety department manager earning \$62.40 for metal and nonmetal mines (salaries based on 2008 Wage rates for underground metal and nonmetal miners).

Hour Burden

5 new mines x 1 hour per statement	=	5 hour
224 existing mines x 0.05 changes per year x 1 hour per statement	=	<u>11 hours</u>
Total Hour Burden	=	16 hours

Hour Burden Cost

16 hours x \$62.40 per hour	=	\$ 998.00
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**30 C.F.R. §§ 49.3 and 49.4**

Under § 49.3, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. Under § 49.4, the operator may provide an alternative mine rescue capability if an underground mine is operating under special mining conditions.

Under both standards, the operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. A copy of the operator's application must be posted at the mine. Where a miner's representative has

been designated, the operator also must provide the representative with a copy of the application.

Where alternative compliance is approved by MSHA, the operator is required to adopt the alternative plan and post a copy of the approved plan at the mine for the miners' information. Where a miner's representative has been designated, the operator must also provide the representative with a copy of the approved plan.

The mine operator is also required to notify the MSHA District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

MSHA estimates that it takes an average of 2 hours to prepare, mail, post, and provide a copy of a new or revised application for alternative mine rescue capability to the miners' representative, assuming the mine has a miner's representative, and to post and provide a copy of the approved plan to the miners' representative. This work is usually performed by a safety manager earning \$62.40 for metal and nonmetal mines per hour.

There are 128 existing underground metal and nonmetal mines that have approved applications for alternative mine rescue capability under 30 C.F.R. § 49.3 or 49.4. MSHA estimates that 5% of these mines (6 mines) will submit revised applications under 30 C.F.R. § 49.3 or 49.4 each year. MSHA also estimates that 5 new mines will submit applications under 30 C.F.R. §§ 49.3 or 49.4 each year.

Hour Burden

11 applications x 2 hours per application = 22 hours

Hour Burden Cost

22 hours x \$62.40 per hour = \$1,373

**30 C.F.R. § 49.6**

Under § 49.6, a person trained in the use and care of mine rescue equipment must inspect and test the apparatus at intervals not exceeding 30 days and certify by signature and date that the inspections and tests were done. When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken. The certification and the record of corrective action must be

maintained at the mine rescue station for a period of 1 year and made available on request to an MSHA inspector.

MSHA estimates that it takes an average of 20 minutes (0.33 hour) to inspect, test, and certify each apparatus. There are 7 apparatus per mine rescue team for underground metal/nonmetal mines. MSHA further estimates that each apparatus requires corrective action six times a year and that it takes an average of 15 minutes (0.25 hour) to record each corrective action.

MSHA’s experience is that rescue team members inspect, maintain, and certify the apparatus and record the corrective actions. Mine rescue teams maintained by mines are made up of miners (average hourly wage of \$26.78 for metal and nonmetal mines) and mine supervisors (average hourly wage \$62.40 for metal and nonmetal mines). Accordingly, the average hourly wage of a metal or nonmetal mine rescue team member is estimated to be \$44.59;  $(\$26.78 + \$62.40) / 2$ , the average of the combined salary for a MNM miner and MNM supervisor. For simplicity, MSHA has assumed the same average hourly wage rates for members of mine rescue teams maintained by State agencies and contractors.

There are approximately 79 mine rescue stations serving 96 metal and nonmetal mines that incur this inspection, certification, and record keeping burden. MSHA estimates that the 79 mine rescue stations maintain 90 teams equipped with seven apparatus each.

Hour Burden

Inspect and Certify Apparatus

$$90 \text{ teams} \times 7 \text{ apparatus per team} \times 12 \text{ inspections per year} \times 0.33 \text{ hour per inspection} = 2,495 \text{ hours}$$

Record Corrective Actions

$$90 \text{ teams} \times 7 \text{ apparatus per team} \times 6 \text{ defects per year} \times 0.25 \text{ hour per defect} = \underline{945 \text{ hours}}$$

$$\text{Total Hour Burden} = 3,440 \text{ hours}$$

Hour Burden Cost

$$3,440 \text{ hours} \times \$44.59 \text{ per hour} = \$153,390$$

**30 C.F.R. § 49.7**

Under 49.7, each mine rescue team member must be examined by a physician annually, with the first examination being completed within 60 days prior to scheduled initial training.

MSHA Form 5000-3 must be completed and signed by the examining physician for each team member. The forms must be kept on file at the mine rescue station for 1 year.

MSHA estimates that a physical examination takes an average of 4 hours to complete. The hour burden cost for this requirement is based on an average wage \$44.59 per hour for a metal or nonmetal mine rescue team member. The cost for the physician is addressed in Item 13.

It is MSHA’s experience that the forms are gathered and maintained by the captains of the rescue teams. This requires no more than 15 minutes (0.25 hour) per form. The hour burden cost for this record keeping requirement is based on an average hourly wage of \$62.40 for a metal or nonmetal mine rescue team captain.

There are approximately 79 mine rescue stations serving 96 metal and nonmetal mines that incur this inspection, certification, and record keeping burden. MSHA estimates that the 79 mine rescue stations maintain 90 six member teams.

Hour Burden

Physical Examinations

$$90 \text{ teams} \times 6 \text{ members per team} \times 4 \text{ hours per examination} = 2,160 \text{ hours}$$

Recordkeeping

$$90 \text{ teams} \times 6 \text{ members per team} \times 0.25 \text{ hour per record} = \underline{135 \text{ hours}}$$

$$\text{Total Hour Burden} = 2,295 \text{ hours}$$

Hour Burden Cost

$$2,160 \text{ hours} \times \$44.59 \text{ per hour} = \$96,314$$

$$135 \text{ hours} \times \$62.40 \text{ per hour} = \underline{\$ 8,424}$$

$$\text{Total Hour Burden Cost} = \$104,738$$

**30 C.F.R. § 49.8**

Under § 49.8, each team member must receive 20 hours of initial training before serving on a mine rescue team and an additional 40 hours of refresher training annually. The training must be conducted by an MSHA certified trainer. A record of training of each team member must be kept on file at the mine rescue station for a period of 1 year.

Mine rescue team training is frequently conducted by the team captain or mine safety manager. In addition, some State agencies provide the training free of charge. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 60% of the mine rescue teams are trained by team captains or mine safety managers, 30% by State agencies, and 10% by training contractors. It is MSHA's experience that, on the average, each mine rescue team will have one new or replacement member each year. It is also MSHA's experience that a trainer normally trains two teams concurrently and completes the required records of training.

The hour burden for conducting the training, not including contract and State agency trainers, is estimated to be 22 hours for initial training and 44 hours for annual training. (These estimates include a 10% adjustment to account for the time the trainer spends preparing for the training.) Trainer hour burden estimates for state trainers are not included in the hour burden calculations, since there is no burden imposed on mine operators. The actual cost of the training provided by independent contractors is included under Item 13.

The 40-hour annual training can be given in intervals of 4 hours per month or 8 hours every 2 months. MSHA estimates that half of the teams exercise each option. MSHA also estimates that not more than 15 minutes (0.25 hour) is required to maintain each training record after each training session. Training records are usually maintained by the team captain.

The hour burden cost of the training and record keeping provided by team captains and safety managers is based on an average hourly wage of \$62.40 for metal and nonmetal mine rescue teams.

There are 90 six (6) member mine rescue teams at 96 mines that incur this training and record keeping burden.

$$90 \text{ teams} \times 60\% \times 1 \text{ new member per team} \times 0.5 \text{ (one trainer per two teams)} \times 22 \text{ hours initial training} = 594 \text{ hours}$$

$$90 \text{ teams} \times 60\% \times 0.5 \text{ (one trainer per two teams)} \times 44 \text{ hours annual training} = 1,188 \text{ hours}$$

Record keeping

$$90 \text{ teams} \times 1 \text{ new member per team} \times 0.25 \text{ hour} = 23 \text{ hours}$$

$$45 \text{ teams} \times 6 \text{ members per team} \times 12 \text{ (4-hour sessions) per year} \times 0.25 \text{ hour} = 810 \text{ hours}$$

$$45 \text{ teams} \times 6 \text{ members per team} \times 6 \text{ (8-hour sessions) per year} \times 0.25 \text{ hour} = \underline{405 \text{ hours}}$$

$$\text{Total Hour Burden} = 3,020 \text{ hours}$$

Hour Burden Cost

$$3,020 \text{ hours} \times \$62.40 \text{ per hour} = \$188,448$$

**30 C.F.R. § 49.9**

Under § 49.9, each underground mine must have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services. A copy of the mine rescue notification plan is required to be posted at the mine for the miners' information. Where a miner's representative has been designated, the operator must also provide the representative with a copy of the plan. The plan need be developed only once, and revised only when a change in notification procedures occurs. MSHA estimates that the notification procedures change at 5% of the mines in any given year.

MSHA estimates new and revised notification plans require an average of 2 hours to prepare, mail, post, and provide to the miners' representative. This work is performed by safety department manager or mine superintendent (estimated average hourly wage of \$62.40 for metal and nonmetal mines).

Hour Burden

$$5 \text{ new mines} \times 2 \text{ hours per plan} = 10 \text{ hours}$$

$$224 \text{ existing mines} \times 0.05 \text{ plan revisions}$$

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per year X 2 hours per plan

= 22 hours

Total Hour Burden

= 32 hours

Hour Burden Cost

32 hours x \$62.40 per hour

= \$1,997

**Summary of Estimated Burden Hours and Burden Cost**

Standard	Annual Responses	Hour Burden	Hour Burden Cost
§ 49.2	16	16	\$ 998
§§ 49.3 and 49.4	11	22	\$1,373
§ 49.6	11,340	3,440	\$153,390
§ 49.7	540	2,295	\$ 104,738
§ 49.8	8,640	3,020	\$188,448
§ 49.9	16	32	\$ 1,997
Totals	20,563	8,825	\$450,944

**13. Provide an estimate of 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 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 collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

**! Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

MSHA does not expect that mine operators will incur any capital or start-up costs as a result of this information collection requirement. Operation, maintenance, and purchase of service costs are detailed below.

**30 C.F.R. § 49.2**

Under § 49.2, each operator of an underground mine who provides rescue teams under this standard is required to send the MSHA District Manager a statement describing the mine's method of compliance with 30 C.F.R. Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. MSHA estimates that it will receive 23 statements from underground metal and nonmetal mine operators each year.

Underground Metal and Nonmetal Mines

23 statements x \$0.44 postage per notice	=	\$ 10
Total Costs	=	\$ 10

**30 C.F.R. §§ 49.3 and 49.4**

Under § 49.3, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. Under § 49.4, the operator may provide for an alternative mine rescue capability if an underground mine is operating under special mining conditions. Under both standards, the operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval.

MSHA estimates that it will receive an average of eight new or revised applications from underground metal and nonmetal mine operators each year.

Underground Metal and Nonmetal Mines

8 new or revised applications per year x		
\$4.90 postage per application	=	<u>\$39</u>
Total Cost	=	\$39

**30 C.F.R. § 49.7**

Under § 49.7, each mine rescue team member must be examined by a physician annually, and an MSHA Form 5000-3 for each team member must be completed and signed by the examining physician. MSHA estimates that the cost of the physical examination is \$250.

Underground Metal and Nonmetal Mines

90 teams x 6 members per team		
x \$250 per physical examination	=	<u>\$135,000</u>
Total Cost	=	\$135,000

**30 C.F.R. § 49.8**

Under § 49.8, each team member must receive 20 hours of initial training before serving on a mine rescue team and an additional 40 hours of refresher training annually. The training must be conducted by an MSHA certified trainer. Mine rescue team training is frequently conducted by the team captain or mine safety manager. In addition, some State agencies provide the training free of charge. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 60% of the mine rescue teams are trained by team captains or mine safety managers, 30% by State trainers, and 10% by training contractors. The cost for training conducted by rescue team captains and mine safety managers is detailed under Item 12. No cost burden has been assigned for training conducted by State trainers, since there is no cost to mine operators. The cost of the

remaining 10% of the training that is conducted by independent contractors is estimated below.

It is MSHA’s experience that, on average, each mine rescue team will have one new or replacement member each year. It is also MSHA’s experience that a trainer normally trains two teams concurrently and completes the required records of training. MSHA estimates that the average rate for a training contractor is \$400 per hour and that there is no additional charge for the contractor's preparation time.

Underground Metal and Nonmetal Mines

90 teams x 10% x 1 new members x 0.5 (one trainer per two teams) x 20 hours initial training x \$400 per hour	=	\$ 36,000
90 rescue teams x 10% x 0.5 (one trainer per two teams) x 40 hours annual training x \$400	=	\$ 72,000
Total Cost	=	\$ 108,000
<b>TOTAL ANNUAL COST BURDEN</b>	=	<b>\$ 243,049</b>

**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.**

MSHA inspectors examine records related to mine rescue teams and arrangements for emergency medical assistance and transportation for injured persons during routine inspections. MSHA estimates that the time expended for reviewing these records is minimal, and therefore no cost burden has been assigned. The costs for the Agency's review of statements of rescue team availability under § 49.2 and review and approval of applications for alternative mine rescue capability under §§ 49.3 and 49.4 are as follows:

**30 C.F.R. § 49.2**

Under § 49.2, each operator of an underground mine who provides rescue teams under this standard is required to send the MSHA District Manager a statement describing the mine's method of compliance with 30 CFR Part 49. The statement must indicate whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams.

MSHA estimates that the Agency will receive 31 new or revised statements from underground metal and nonmetal mine operators each year. MSHA also estimates that it takes an Agency safety specialist (GS 12/5) earning \$32.25 per hour, approximately 1 hour to review and acknowledge the average statement, and an Agency clerk (GS 5/5), earning \$14.68 per hour, approximately 15 minutes (0.25 hour) to process and file the statement. (Salaries from OPM web site, without locality pay included)

Underground Metal and Nonmetal Mines

31 statements per year x 1 hour per statement		
x \$32.25 per hour	=	\$1,000
31 statements per year x 0.25 hour per statement		
x \$14.68 per hour	=	<u>\$114</u>
Total Cost	=	\$1,114

**30 C.F.R. §§ 49.3 and 49.4**

Under § 49.3, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. Under 49.4, the operator may provide for an alternative mine rescue capability if an underground mine is operating under special mining conditions. Under both standards, the operator is required to submit an application for alternative mine rescue capability to the MSHA District Manager for review and approval. Provisions have been made for small or remote mines to submit alternate plans to MSHA for approval on an individual basis. Also, in certain States, small operators have gained relief through State plan agreements with MSHA, whereby State maintained mine rescue stations are made available to the mine operator.

MSHA's estimates that it will receive an average of eight new or revised applications from underground metal and nonmetal mine operators each year. MSHA also estimates that it takes an Agency safety specialist (GS 12/5) earning \$32.25 per hour, approximately 1 hour to review the average application, and an Agency clerk (GS 5/5), earning \$14.68

per hour, approximately 45 minutes (0.75 hour) to process the application and to prepare an approval letter for the district manager's signature.

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8 new or revised applications per year x 1 hour per application x \$32.25 per hour	=	\$258
8 new or revised applications per year x 0.75 hour per application x \$14.68 per hour	=	<u>\$ 88</u>
Total Cost	=	\$346
<b>Total Cost to Federal Govt.</b>	=	<b>\$1,460</b>

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

The burden hours, number of responses and respondents has decreased since the last submission as a result of no longer including coal mines in this collection. The burden is for metal/non-metal mines only.

Respondents decreased from 1,072 to 224  
 Responses decreased from 45,270 to 20,563  
 Hours decreased from 24,365 to 8,825  
 Burden Cost decreased from \$648,196 to 243,049

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The results from the information gathered from this collection will not be published.

**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 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. COLLECTIONS OF INFORMATION EMPLOYING 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 method 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 persons(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.