

Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

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

III. Current Actions

The information obtained from applicants will be used to determine compliance with MSHA's safety and health standards.

MSHA has updated the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

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

Agency: Mine Safety and Health Administration.

Title: Coal Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements.

OMB Number: 1219-0144.

Affected Public: Business or other for-profit.

Total Number of Respondents: 477.

Frequency: Various.

Total Number of Responses: 21,379.

Total Burden Hours: 3,345 hours.

Total Annual Respondent or

Recordkeeper Cost: \$786,928.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 10, 2013.

George F. Triebsch,
Certifying Officer.

[FR Doc. 2013-14107 Filed 6-13-13; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection; Comment Request; Safety Standards for Underground Coal Mine Ventilation—Belt Entry Used as an Intake Air Course To Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: 60-Day 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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of information collections related to the provisions of 30 CFR 75.350, 75.351, 75.352 and 75.371.

DATES: All comments must be postmarked or received by midnight Eastern Standard Time on August 13, 2013.

ADDRESSES: Comments concerning the information collection requirements of this notice must be clearly identified with "OMB 1219-0138" and sent to the Mine Safety and Health Administration (MSHA). Comments may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:*

http://www.regulations.gov. Follow the on-line instructions for submitting comments for docket number [MSHA-2013-0138].

- *Regular Mail or Hand Delivery:*

MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, 21st Floor, Room 2350, Arlington, VA 22209-3939.

FOR FURTHER INFORMATION CONTACT:

Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at *McConnell.Sheila.A@dol.gov* (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Under MSHA standards, MSHA allows operators to use air from a belt air course to ventilate a working section, or an area where mechanized mining equipment is being installed or removed, only under certain conditions. The belt air use must be evaluated and approved by the district manager in the mine ventilation plan and operators must follow a number of other requirements that provide additional protection.

Section 75.350(b) requires that the mine operator must include in a ventilation plan a justification that the use of air from a belt entry would afford at least the same measure of protection as where belt haulage entries are not used. The plan also must include information regarding point feeds and regulators and designated areas for dust and air velocity measurements.

Sections 75.351(b)(3) and 75.351(b)(4) require a mine operator to post a map or schematic, at a designated surface location, which shows the locations and type of Atmospheric Monitoring System (AMS) sensors at each location and the intended air flow direction at these locations. This map or schematic must be updated within 24 hours of any change in this information. Contact information for AMS and other appropriate personnel also must be posted at this location.

Section 75.351(j) requires approval of the CO ambient levels, and the means to determine those levels, in the mine ventilation plan.

Section 75.351(m) permits a mine to incorporate time delays into the AMS, or to use other methods for reducing non-fire alerts and alarm levels, provided they are specified and approved in the mine ventilation plan. Permission for such time delays, or other methods of reducing non-fire alerts and alarms, would be granted based on associated documentation that justifies these changes.

Sections 75.351(n)(2) and 75.351(n)(3) require that alarms for AMS be tested every seven days and CO, smoke, or methane sensors be calibrated, every 31 days, respectively.

Section 75.351(o)(1)(i) requires that a record be made if the AMS emits an alert or alarm signal. The record would consist of the date, time, location, and type of sensor, and the reason for its activation.

Section 75.351(o)(1)(ii) requires that, if an AMS malfunctions, a record be made of the date, the extent and cause of the malfunction, and the corrective

action taken to return the system to proper operating condition.

Section 75.351(o)(1)(iii) requires that the persons doing the weekly test of alert and alarm signals, the monthly calibration, or maintenance of the system make a record of these tests, calibrations, or maintenance.

Section 75.351(o)(3) requires that all records concerning the AMS be kept in a book or electronically in a computer system that is secure and not susceptible to alteration.

Section 75.351(p) requires the mine operator to keep these records for at least one year at a surface location and to make them available for inspection by authorized representatives of the Secretary and representatives of miners.

Section 75.351(q)(3) requires that a record of annual AMS operator training be kept. The record will include the content of training, the person conducting the training, and the date the training is conducted. The record needs to be maintained at the mine site by the mine operator for at least one year.

Sections 75.352(a), 75.352(b), and 75.352(c) require the designated AMS operator or other appropriate personnel to notify, investigate, or evacuate when malfunction, alert, or alarm signals are received.

Section 75.371(hh) requires reporting within the mine ventilation plan of the "ambient level in parts per million of carbon monoxide, and the method for determining the ambient level, in all areas where carbon monoxide sensors are installed." This provision is impacted by § 75.351(j).

Section 75.371(kk) requires the locations where air quantities are measured as set forth in § 75.350(b)(6) be included in the mine ventilation plan.

Section 75.371(ll) requires the locations and use of point feed regulators, in accordance with Sections 75.350(c) and 75.350(d)(5), to be in the mine ventilation plan.

Section 75.371(mm) requires the location of any diesel-discriminating sensor and additional carbon monoxide or smoke sensors installed in the belt air course to be included in the mine ventilation plan.

Sections 75.371(nn), 75.371(oo), and 75.371(pp) require modification of the mine ventilation plan to show the length of the time delay or any other method used for reducing the number of non-fire related alert and alarm signals from CO sensors, the lower alert and alarm setting for CO sensors, and the alternate instrument and the alert and alarm levels associated with the instrument, respectively.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed extension of the information collection related to the Safety Standards for Underground Coal Mine Ventilation—Belt Entry Used as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment is Being Installed or Removed. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB clearance requests are available on MSHA's Web site at <http://www.msha.gov> under "Federal Register Documents" on the right side of the screen by selecting "New and Existing Information Collections and Supporting Statements". The document will be available on MSHA's Web site for 60 days after the publication date of this notice, and on regulations.gov. Comments submitted in writing or in electronic form will be made available for public inspection on regulations.gov. Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

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

III. Current Actions

The information obtained from applicants will be used to determine compliance with safety and health standards.

MSHA has updated the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

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

Agency: Mine Safety and Health Administration.

Title: Safety Standards for Underground Coal Mine Ventilation—Belt Entry Used as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment is Being Installed or Removed.

OMB Number: 1219-0138.

Affected Public: Business or other for-profit.

Total Number of Respondents: 21.

Frequency: Various.

Total Number of Responses: 251.

Total Burden Hours: 4,245 hours.

Total Annual Respondent or Recordkeeper Cost: \$343,624.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 10, 2013.

George F. Triebsch,

Certifying Officer.

[FR Doc. 2013-14106 Filed 6-13-13; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application

June, 2013

Public Review

**Supporting Statement to the OMB 83-I for
Paperwork Reduction Act Submissions**

OMB Control Number: 1219 – 0144

Information Collection Title: Coal Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements

Form Number(s): MSHA Form 2000-224, MSHA Form 5000-3

Authority: 30 CFR Sections

49.12 Availability of mine rescue teams;

49.13 Alternative mine rescue capability for small and remote mines;

49.16 Equipment and maintenance requirements;

49.17 Physical requirements for mine rescue team;

49.18 Training for mine rescue teams;

49.19 Mine emergency notification plan;

49.50 Certification of coal mine rescue teams;

75.1713-1 Arrangements for emergency medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements; and

77.1702 Arrangements for emergency medical assistance and transportation for injured persons; reporting requirements; posting requirements.

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB

reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. JUSTIFICATION

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

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

30 CFR Part 49, Mine Rescue Teams, Subpart B—Mine Rescue Teams for Underground Coal Mines, sets standards related to the availability of mine rescue teams; alternate mine rescue capability for small and remote mines; 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.

- Section 49.12 provides that each underground coal mine operator 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 to ensure that at least two teams are available at all times when miners are underground. Among other things, this standard also requires each operator of an underground coal mine to send the District Manager a statement describing the mine's method of compliance with this subpart. The operator must post a copy of the statement at the mine for the miners' information and provide a copy of the statement to the miners' representative.
- Section 49.13 provides that operators of small and remote mines may submit an application to MSHA for approval of an arrangement for alternative mine rescue capability. Typically, a small and remote mine is one where the total underground employment of the mine and any surrounding mine(s) within 1 hour ground travel time is less than 36 employees.
- Section 49.16 includes a detailed listing of equipment that is to be provided for each mine rescue station; requires that the equipment be maintained to ensure that it is ready to use when needed; and requires that a person trained in the use and care of the breathing apparatus inspect and test it at least every 30 days, certify by signature and date that the inspections and tests were done, take

corrective action if indicated, and record any corrective action taken. This provision also requires that the certification and the record of corrective action be kept at the mine rescue station for a period of one year and made available to an authorized representative of the Secretary.

- Section 49.17 requires that each member of a mine rescue team be examined annually by a physician who shall certify that the member is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first physical examination must be completed within 60 days prior to scheduled initial training. The operator must have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team and keep the forms on file at the mine rescue station for a period of one year.
- Section 49.18 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 that will be used by the mine rescue team. On completion of the initial training, all team members must receive at least 96 hours of refresher training annually, which shall include participation in local mine rescue contests and training at the covered mine. Training shall be given at least 8 hours every 2 months. A record of the training received by each mine rescue team member must be made and kept on file at the mine rescue station for a period of one year. The operator must provide the District Manager information concerning the schedule of upcoming training when requested.
- Section 49.19 requires that each mine have a mine rescue notification plan outlining the procedures to be followed in notifying the mine rescue teams when there is an emergency that requires their services and that a copy of the plan be posted at the mine and a copy provided to the miners' representative.
- Section 49.50 requires underground coal mine operators to certify that each designated coal mine rescue team meets the requirements of 30 CFR part 49 subpart B. This annual certification can be used as a substitute for the statement required by § 49.12.
- Section 75.1713-1 requires operators of underground coal mines to make arrangements for 24-hour emergency medical assistance and transportation for injured persons and to post this information at appropriate places at the mine, including the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements.
- Section 77.1702 requires operators of surface coal mines and surface coal mine facilities to make arrangements for 24-hour emergency medical assistance and transportation for injured persons and to post this information at appropriate places at the mine, including the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements.

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 for this information collection are underground coal mine operators. The records will be used by coal mine operators, supervisors, miners, and State and Federal mine inspectors to assure that each mine operator and mine rescue team is prepared for a mine emergency. The records show that the mine rescue team equipment has been examined and tested and is in good working order. The training records show that the mine rescue team members are competent to respond to a mine emergency involving a fire, an explosion, or a gas or water inundation. The records greatly assist those who use them to make decisions that ultimately may affect the safety of all persons working underground.

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 provisions contained in this collection do not specify how records must be kept and mine operators may retain the records by whatever method they choose. Records could be kept in a bound book or stored electronically, provided they are secure and not susceptible to loss or alteration. Existing standards require some hand-written annotation in the form of a signature and date certifying the completion of mine rescue equipment inspections and tests.

MSHA requires that a Certificate of Physical Qualification for Mine Rescue Work (MSHA Form 5000-3) must be completed and signed by the examining physician for each team member. MSHA Form 5000-3 is available at <http://www.msha.gov/forms/elawsforms/5000-3.htm> and is not submitted via electronic or other means. It is kept on file at the mine rescue station for one year.

MSHA also has developed an optional use form, MSHA Form 2000-224, that aids in the electronic submission of this information that the mine operator may use for certification of mine rescue teams. This form is available at <http://www.msha.gov/30CFR/MineRescueTeamsform2013.pdf> and is submitted electronically approximately 50 percent of the time via email.

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 2 above.

MSHA knows of no other Federal or State reporting requirements that duplicate the reporting requirements contained in this section.

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 collection will not have a significant adverse economic impact on a substantial number of small entities. Nevertheless, the mine rescue team standards include alternatives for small anthracite coal mines to provide smaller mine rescue teams and less equipment. To minimize paperwork burden on small mines, MSHA developed an optional form for the mine operator to use for certification of mine rescue teams.

In certain states, small operators have gained relief through agreements through which state-sponsored teams and state-maintained mine rescue stations provide mine rescue capability. Where mines use state-sponsored teams, the mine operator does not bear the recordkeeping burden associated with §§ 49.16 through 49.18 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.

If this information collection were not conducted, MSHA would be unable to assure that mine rescue team members received the appropriate training and that mine rescue equipment was properly maintained. A reduction in the frequency of inspections and tests could jeopardize the safety of mine rescue team members, as well as the trapped or injured miners whose lives they are trying to save.

Mine operators need only post or submit much of the information once. However, information must be current and, when changes in circumstances occur, the plan or notice must be updated and posted or resubmitted. Records of the inspection and testing of rescue equipment, physical examinations, and training sessions, are the minimum necessary 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.

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

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

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

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

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

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

MSHA does not provide payments or gifts to the respondents identified by this collection.

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

There is no assurance of confidentiality provided to respondents. Mine rescue team records are maintained at the mine rescue station and MSHA inspectors review the records during inspections. Certifications of mine rescue teams are submitted to MSHA.

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.

This collection of information contains 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 2012 there were approximately 375 active underground coal mines serviced by 102 mine rescue stations, each of which are respondents for this collection totaling 477. There were 176 mine rescue teams. MSHA estimates that approximately 25 new underground coal mines were open during 2012. Salary estimates are based on 2011 wage rates and include benefits.

§ 49.12 Availability of Mine Rescue Teams

Under § 49.12 in Part 49 Subpart B, each operator of an underground coal mine must 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. The statement must include the name and the location of the provider of the services. 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 \$89.72 per hour for underground coal mines.

Responses

25 respondents/ new mines x 1 response =	25
375 existing mines x 0.05 changes/yr = 19 respondents/ mines x 1 response =	<u>19</u>
Total Responses	44

Hour Burden

25 responses x 1 hr/statement =	25 hr.
19 responses x 1 hr/statement =	<u>19 hr.</u>
Total Hour Burden	44 hr.

Hour Burden Cost

44 hr. x \$89.72/hr. =	\$3,948
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§ 49.13 Alternative Mine Rescue Capability for Small and Remote Mines

Under § 49.13 in Part 49 Subpart B, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote.

- 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 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 each year one new underground coal mine will submit an application under § 49.13 and one existing underground coal mine will submit a revised application. MSHA estimates that it takes an average of 2 hours to prepare, mail, post, and where a miner's representative has been designated, provide a copy of a new or revised application for alternative mine rescue capability to the miners' 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 \$89.72 per hour for underground coal mines.

Responses

2 respondents/ mines with 1 response/ application each = 2

Hour Burden

2 responses x 2 hr/application = 4 hr.

Hour Burden Cost

4 hr. x \$89.72/hr. = \$359

§ 49.16 Equipment and Maintenance Requirements

Under § 49.16 in Part 49 Subpart B, 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 or test indicates that a corrective action is necessary, the trained person must take corrective action and make a record of the corrective action taken. The certification and the record of corrective action must be maintained at the mine rescue station for a period of one year and made available on request to an MSHA inspector.

This requirement imposes paperwork burden on the 176 mine rescue teams located at 102 mine rescue stations. MSHA requires that each mine rescue station have at least 12 breathing apparatuses. MSHA estimates that it takes an average of 6 minutes (0.1 hours) to certify and file the certification for each apparatus. MSHA further estimates that, on average, each apparatus requires corrective action two times a year and that it would take approximately 15 minutes (0.25 hours) to record and file each corrective action. MSHA's experience is that underground coal miners, earning \$36.02 per hour, inspect, maintain, and certify the apparatus and record the corrective actions.

Responses

Inspect and Certify Apparatus

102 respondents (stations) x 12 apparatus/station x 12 inspections/yr = 144
responses per respondent = 14,688

Record Corrective Actions

102 respondents (stations) x 12 apparatus/station x 2 defects/yr = 24 responses per
respondent = 2,448

Total: 102 respondents (stations) x 168 total responses per respondent = Total
Responses = 17,136

Hour Burden

Inspect and Certify Apparatus

14,688 responses x 0.1 hr. /inspection = 1,469 hr.

Record Corrective Actions

2,448 responses x 0.25 hr. /defect = 612 hr.

Total Hour Burden = 2,081 hr.

Hour Burden Cost

2,081 hr. x \$36.02/hr. = \$74,958

§ 49.17 Physical Requirements for Mine Rescue Team / MSHA Form 5000-3

Under § 49.17 in Part 49 Subpart B, 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. The examining physician must complete and sign MSHA Form 5000-3 for each team member. The forms must be kept on file at the mine rescue station for one year.

There are approximately 176 mine rescue teams with at least six members per team. MSHA estimates that, on average, each mine rescue team will have one new or replacement member each year. The captains of the rescue teams gather and maintain the forms. This requires no more than 15 minutes (0.25 hour) per form. The hour burden cost for this recordkeeping requirement is based on an average hourly wage of \$89.72 for an underground coal mine rescue team captain. The cost for the physician is addressed in Item 13.

Responses

176 teams x 6 members/team = 1,056 forms to fill out by 176 team captains/
respondents 1,056

176 teams x 1 new member/team = 176 forms to fill out by 176 team captains/
 respondents 176

Total: 176 total respondents x 7 total responses per respondent =

Total Responses = 1,232

Hour Burden

1,056 responses x 0.25 hr. /record = 264 hr.

176 responses x 0.25 hr. /record = 44 hr.

Total Recordkeeping Hour Burden = 308 hr.

Hour Burden Cost

308 hr. x \$89.72/hr. = \$27,634

§ 49.18 Training for Mine Rescue Teams

Under § 49.18 in Part 49 Subpart B, each team member must receive 20 hours of initial training before serving on a mine rescue team and an additional 96 hours of refresher training annually. The training must be conducted by an MSHA approved instructor. 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. A record of training of each team member must be kept on file at the mine rescue station for a period of one year.

MSHA estimates that there are 102 mine rescue stations that maintain 176 teams, averaging six members per team. MSHA estimates that, on the average, each mine rescue team will have one new or replacement member each year. Training records are usually maintained by the team captain. MSHA estimates that the trainer needs approximately 12 minutes (0.20 hours) to make, file, and maintain a record of training for each team member. The hour burden cost of the training and recordkeeping provided by team captains and safety managers is based on an average hourly wage of \$89.72 for underground coal mines.

Responses

176 teams x 6 members/team = 1,056 forms to fill out by 176 team captains/
 respondents 1,056

176 teams x 1 new member/team = 176 forms to fill out by 176 team captains/
 respondents 176

Total: 176 total respondents x 7 total responses per respondent =

Total Responses =	1,232
<u>Hour Burden</u>	
1,232 responses x 0.20 hr. /record =	246
Total Recordkeeping Hour Burden =	246 hr.
<u>Hour Burden Cost</u>	
246 hr. x \$89.72/hr. =	\$22,071

§ 49.19 Mine Emergency Notification Plan

Under § 49.19, 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 needs to be developed only once, and revised only when a change in notification procedures occurs. MSHA estimates that the notification procedures change at 5 percent 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 usually performed by a safety manager earning \$89.72 per hour for underground coal mines.

Responses

25 new mines per year = 25 respondents x 1 response	25
375 existing mines x 0.05 changes/yr = 19 respondents /mines x 1 response	<u>19</u>
Total Responses	44

Hour Burden

25 new mine responses +19 existing mine responses = 44 mines	
44 responds x 2 hours per response =	88 hr.

Hour Burden Cost

88 hr. x \$89.72/hr. =	\$7,895
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§ 49.50 Certification of Coal Mine Rescue Teams / MSHA Form 2000-224

Under § 49.50, the operator of an underground coal mine must send the District Manager an annual statement certifying that each mine rescue team designated to provide mine rescue coverage meets the requirements of this section. Each underground coal mine

operator has to certify two mine rescue teams, and there are two responses per mine as each operator fills out two MSHA Form 2000-224's, one statement for each team. For this purpose, the mine operator may use MSHA Form 2000-224, "Operator's Annual Certification of Mine Rescue Team Qualifications," an optional form for certifying mine rescue teams.

MSHA estimates that it will take a mine supervisor, earning \$89.72 per hour, approximately 15 minutes (0.25 hours) to certify each mine rescue team (2), and a clerical employee, earning \$24.88 per hour, one half of a minute (0.01 hours) to send in the statement certifying the two mine rescue teams.

Responses

Certifying & Clerical Work

375 respondents/ mines x 2 certifying response =	750
375 respondents/ mines x 2 clerical response =	<u>750</u>
 Total Responses:	 = 1,500

Hour Burden

Certifying

750 responses x 0.25 hour/annual statement =	188 hr.
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Clerical Work

750 responses x 0.01 hr. to send annual statement =	<u>8 hr.</u>
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Total Hour Burden =	196 hr.
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Hour Burden Cost

188 hr. x \$89.72/hr. =	\$16,867
8 hr. x \$24.88/hr. =	<u>\$199</u>
Total Hour Burden Cost =	\$17,066

§75.1713-1 Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements

Under 30 CFR 75.1713-1(a), (b), and (e), operators of underground coal mines are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine. The required information needs to be developed and posted

only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. MSHA estimates that approximately 5 percent of the underground mines experience changes in circumstances that require revising and posting new medical emergency arrangements and that 25 new underground mines open in any given year.

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by a safety manager or mine superintendent with an estimated average hourly wage of \$89.72.

Responses

25 respondents/ new mines x 1 response =	25
375 existing mines x 0.05 revisions/mine = 19 respondents/mines x 1 response =	<u>19</u>
Total Responses =	44

Hour Burden

25 new mines x 2 hr. /agreement =	50 hr.
19 existing mines x 2 hr. /revised agreement =	<u>38 hr.</u>
Total Hour Burden =	88 hr.

Hour Burden Cost

88 hr. x \$89.72/hr.=	\$7,895
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§ 77.1702 Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Reporting Requirements; Posting Requirements

Under 30 CFR 77.1702(a), (b), and (e), operators of surface coal mines, surface areas of underground coal mines, and surface coal mine facilities are required to make arrangements for 24-hour emergency medical assistance and transportation for injured persons. Operators are also required to post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements to provide medical assistance and transportation at the mine. The required information needs to be developed and posted only once, and revised only when a change in the arrangements for emergency medical assistance and transportation for injured persons occurs. Approximately 987 surface coal mines and facilities reported employment in 2012. MSHA estimates that approximately 5 percent of these surface mines or facilities experience changes in circumstances that require revising and posting new medical emergency arrangements and that 96 new surface operations open each year.

The arrangements made pursuant to 30 CFR 75.1713-1 (pertaining to underground coal mines) are applicable to the surface areas and surface facilities of underground coal

mines. Accordingly, the burden hours and costs resulting from executing and posting the emergency medical arrangements under § 77.1702 (a), (b), and (e) are solely attributable to surface coal mines and separate surface coal mine facilities.

MSHA estimates that it requires an average of 2 hours to make arrangements for emergency medical assistance and transportation for injured persons and to post the required information about those arrangements. This work is generally performed by a safety manager with an estimated average hourly wage of \$73.84 for surface coal mine managers.

Responses

96 respondents/ new mines or facilities x 1 response =	96
987 existing mines or facilities x 0.05 revisions/mine = 49 respondents/ mines x 1 response =	<u>49</u>
Total Responses =	145

Hour Burden

96 new mines responses x 2 hr. /agreement =	192 hr.
49 existing mines responses x 2 hr. /revision =	<u>98 hr.</u>
Total Hour Burden =	290 hr.

Hour Burden Cost

290 hr. x \$73.84/hr. =	\$21,414
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ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

(a) Type of Respondent	(b) Standard/ Form Number	(c) No. of Respondents	(d) Frequency of Responses per Respondent	(e) Total No. of Responses* (c x d)	(f) Avg. Burden per Response (in hours)	(g) Total Annual Burden (in hours) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Respondent Cos (g x h)
Business or other for-profit	§ 49.12	44	1	44	1	44	\$89.73	\$3,948
Business or other for-profit	§ 49.13	2	1	2	2	4	\$89.75	\$359
Business or other for-profit	§ 49.16	102	168	17,136	0.1214	2,081	\$36.02	\$74,958
Business or other for-profit	§ 49.17 / MSHA Form 5000-3	176	7	1,232	0.2500	308	\$89.72	\$27,634
Business or other for-profit	§ 49.18	176	7	1,232	0.2000	246	\$89.72	\$22,071
Business or other for-profit	§ 49.19	44	1	44	2.0000	88	\$89.72	\$7,895
Business or other for-profit	§ 49.50 / MSHA Form 2000-224	375	4	1,500	0.1307	196	\$87.07	\$17,066
	(Part 49 Subtotal)	375		20,440		2,967		\$153,931
Business or other for-profit	§ 75.1713-1	44	1	44	2	88	\$89.72	\$7,895
Business or other for-profit	§ 77.1702	145	1	145	2	290	\$73.84	\$21,414
Total		477		21,379		3,345		\$183,240

* Rounded to whole numbers

13. Provide an estimate of 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 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.

§ 49.12 Availability of Mine Rescue Teams

Under § 49.12, each operator of an underground coal mine must 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 25 new underground coal mines open each year and that the method of compliance changes at 5% of the mines in any given year. MSHA estimates that it would cost \$0.70 for postage and supplies to send the statement to MSHA. MSHA estimates that the operator submits the statement electronically 50 percent of the time.

Burden Cost

25 new + 19 existing underground coal mines = 44 mines

44 mines x .5 = 22 mines not submitting electronically

22 mines x \$0.70/statement = \$15

§ 49.13 Alternative Mine Rescue Capability for Small and Remote Mines

Under § 49.13, the operator may provide for an alternative mine rescue capability if an underground mine is small and remote. 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 underground coal mine operators will submit an average of 2 new or revised applications each year. MSHA estimates that it would cost \$4.90 for postage and supplies to send the application to MSHA. MSHA estimates that the operator submits the statement electronically 50 percent of the time.

Burden Cost

(2 new or revised applications/yr) x .5 = 1 application/yr not submitted electronically
1 application x \$4.90/application = \$5

§ 49.17 Physical Requirements for Mine Rescue Team/ MSHA Form 5000-3

Under § 49.17, each mine rescue team member must be examined by a physician annually, and the examining physician must complete and sign an MSHA Form 5000-3 for each team member. MSHA estimates that, on average, each mine rescue team will have six members and, on average, one new or replacement member each year. MSHA estimates that the cost of the physical examination, including completing and signing the form, is \$250.

Burden Cost

176 teams x 6 members/team x \$250/examination = \$264,000
176 teams x 1 member/team x \$250/examination = \$44,000
Total Burden Cost = \$308,000

§ 49.18 Training for Mine Rescue Teams

Under § 49.18, each mine rescue team member must receive 20 hours of initial training before serving on a team and an additional 96 hours of refresher training annually. The training must be conducted by an MSHA approved instructor. Occasionally, a mine operator will hire a training contractor to provide the training. MSHA estimates that 10 percent of the mine rescue team training is conducted by an independent training contractor. MSHA estimates that a trainer normally trains two teams concurrently and new members individually, 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.

Burden Cost

176 teams x (96 hours/2 teams) x 0.10 x \$400/hr. = \$337,920
176 teams x 1 new member/team x 20 hr. /new member x 0.10 x \$400/hr. = \$140,800

Total Burden Cost =

\$478,720

§ 49.50 Certification of Mine Rescue Teams / MSHA Form 2000-224

The mine rescue team standards require all underground coal mine operators with underground miners to send the District Manager an annual statement certifying that each of the mine’s two designated mine rescue teams meets the requirements in Table 49.50-A and Table 49.50-B of § 49.50. MSHA estimates that it would cost \$1 for postage and handling for the operator to send the certification of mine rescue teams to MSHA for the 50 percent of the 375 mines (188) that are not submitted electronically.

Burden Cost

188 active underground coal mines x \$1 postage and handling =

\$188

ANNUAL COST BURDEN TO RESPONDENTS OR RECORD-KEEPERS

Standard/ Data Collection Instrument	Annual Capital Start-Up Cost (investments in overhead, equipment and other one-time expenditures)	Annual Operations and Maintenance Cost (such as recordkeeping, technical/professional services, etc.)	Annual Non-Labor Cost (expenditures on training, travel and other resources)	Total Annual Cost to Respondents
§ 49.12	\$0	\$15	\$0	\$15
§ 49.13	\$0	\$5	\$0	\$5
§ 49.17 / MSHA Form 5000-3	\$0	\$308,000	\$0	\$308,000
§ 49.18	\$0	\$0	\$478,720	\$478,720
§ 49.50 / MSHA Form 2000-224	\$0	\$188	\$0	\$188
Total	\$0	\$308,208	\$478,720	\$786,928

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

MSHA inspectors examine most records related to mine rescue teams and arrangements for emergency medical assistance and transportation for injured persons during routine inspections at the mine or the mine rescue station. MSHA estimates that the time expended for reviewing these records is minimal and, therefore, no cost burden has been assigned. MSHA estimates that it takes an Agency safety specialist (GS 12) earning

\$50.39 per hour including benefits, approximately 1 hour to review and acknowledge the average statement or certification, and an Agency clerk (GS 5), earning \$30.42 per hour including benefits, approximately 15 minutes (0.25 hour) to process and file the statement. Source: OPM Fedscope – MSHA Full-Time Federal Salary and Benefit Data, FY 2012.

All costs to the Federal government consist of staff salaries. The costs for the Agency's review of statements of rescue team availability under § 49.12, review and approval of applications for alternative mine rescue capability under § 49.13, and review of certifications of rescue team qualifications under § 49.50 are as follows:

§ 49.12 Availability of Mine Rescue Teams

Cost to Federal Government

44 statements x 1 hr. x \$50.39/hr.=	\$2,217
44 statements x 0.25 hr. x \$30.42/hr.=	<u>\$335</u>
Total Cost to Federal Government	\$2,552

§ 49.13 Alternative Mine Rescue Capability for Small and Remote Mines

Cost to Federal Government

2 applications x 1 hr. x \$50.39/hr.=	\$101
2 applications x 0.25 hr. x \$30.42/hr.=	<u>\$15</u>
Total Cost to Federal Government =	\$116

§ 49.50 Certification of Mine Rescue Teams / MSHA Form 2000-224

Cost to Federal Government

375 mines x 2 certifications x .5 hr. x \$50.39/hr. =	\$18,896
375 mines x 2 certifications x 0.125 hr. x \$30.42/hr. =	<u>\$2,852</u>
Total Cost to Federal Government=	\$21,748

TOTAL ANNUAL COST TO THE FEDERAL GOVERNMENT

Section / Form	Cost
§ 49.12	\$2,552
§ 49.13	\$116
§ 49.50 / MSHA Form 2000-224	\$21,748
Total	\$24,416

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

There are no program changes; however, adjustments were made to burden hours and costs. As shown in the table below, the number of burden hours, responses, and respondents have decreased since the last submission as the result of a reduction in the number of active coal mines and fewer new mines being opened. In addition, MSHA also estimated that there are no longer 6 defects per year that need corrective actions in compliance with § 49.16, only 2 corrective actions are estimated per year. This change resulted in a decline of 1,332 hours. Also, since teams share apparatuses, MSHA has now calculated this based on stations rather than teams, and each station has 12 now versus each team having 6 apparatuses as the previous package stated. These teams are also now counted as respondents; there is still a decrease in respondents, however, from 583 to 477 due to the reduction in the number of active coal mines and fewer new mines being opened. As shown in the cost burden table below, the annual cost burden decreased as well due to the reduction in the number of active coal mines and fewer new mines being opened. All adjustments are shown in the tables below.

ITEMIZED CHANGES IN ANNUAL BURDEN HOURS

Standard/ Data Collection Instrument	Adjustment (hours on current OMB Inventory)	Adjustment (New)	Difference
§ 49.12	134	44	-90
§ 49.13	4	4	0
§ 49.16	3,127	2,081	-1,046
§ 49.17 / MSHA Form 5000-3	338	308	-30
§ 49.18	271	246	-25
§ 49.19	268	88	-180
§ 49.50 / MSHA Form 2000-224	304	196	-108
§ 75.1713-1	268	88	-180
§ 77.1702	467	290	-177
Total(s)	5,181	3,345	-1,836

ITEMIZED CHANGES IN ANNUAL COST BURDEN

Data collection Activity/ Instrument/ Regulation	Adjustment (Cost on Current OMB Inventory)	Adjustment (New)	Difference
§ 49.12	\$94	\$15	-\$79
§ 49.13	\$10	\$5	-\$5
§ 49.17 / MSHA Form 5000-3	\$337,750	\$308,000	-\$29,750
§ 49.18	\$524,960	\$478,720	-\$46,240
§ 49.50 / MSHA Form 2000-224	\$583	\$188	-\$395
Total(s)	\$863,397	\$786,928	-\$76,469

SUMMARY OF CHANGES

Summary of Changes in Totals:	Last Approval	This Renewal	Change
Hours	5,181	3,345	-1,836
Respondents	583	477	-106
Responses	24,767	21,379	-3,388

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

MSHA does not intend to publish the results of this information collection.

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

MSHA is not seeking approval to not display the expiration date or OMB approval number for this collection of information.

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Collections of Information Employing Statistical Methods.

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 it applies to the methods proposed: 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 83-1 is checked "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

The collection of this information does not employ statistical methods.