

## SUPPORTING STATEMENT

30 CFR Sections 62.110, 62.130, 62.170, 62.171, 62.172, 62.173, 62.174, 62.175, 62.180, and 62.190 - Noise exposure assessment; audiometric testing, evaluation, and records and training in all mines.

### A. JUSTIFICATION

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

Noise is one of the most pervasive health hazards in mining. Exposure to hazardous sound levels results in the development of occupational noise-induced hearing loss (NIHL), a serious physical, psychological, and social problem. NIHL can be distinguished from aging and medical factors, diagnosed, and prevented. According to the National Institute for Occupational Safety and Health (NIOSH), NIHL is among the "top ten" leading occupational illnesses and injuries.

For many years, the risk of acquiring an NIHL was accepted as an inevitable consequence associated with mining occupations. Miners use mechanized equipment and work under conditions that often expose them to hazardous sound levels. But MSHA standards, OSHA standards, military standards, and others around the world have been established in recognition of the controllability of this risk. Quieter equipment, isolation of workers from noise sources, and limiting worker exposure times are among the many well accepted methods now used to reduce the costly incidence of NIHL.

Records of miner exposures are necessary so that mine operators and MSHA can evaluate the need for and effectiveness of engineering controls, administrative controls, and personal protective equipment to protect miners from harmful levels of exposure. However, the Agency believes that extensive records for this purpose are not needed. These requirements are a performance-oriented approach to monitoring. Records of miner hearing examinations enable mine operators and MSHA to ensure that the controls are effective in preventing NIHL for individual miners. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts.

Collection of such records is authorized under Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act). The final rule established uniform requirements and recordkeeping for the mining industry.

**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.**

Records of miner exposures are necessary so that mine operators and MSHA can ensure that engineering controls, administrative controls, and personal protective equipment are used to protect miners from harmful levels of exposure. Notification of exposure information to miners assists them in becoming more active participants in hearing conservation efforts.

Hearing tests of miners are offered and if a miner takes the test, mine operators are required to compile and maintain a record of each audiometric test. Detection of a hearing loss can trigger certain protective

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action. The record will be used by mine operators and MSHA to verify that the testing was done and the required actions implemented.

Mine operators must provide training to overexposed miners about the hazards of noise exposure, hearing protector selection and use, the hearing test program, and the operator's noise controls. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts. Training records are required under other MSHA regulations and are used for similar purposes.

**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.**

Electronic storage of information and assessing it through computers is a common business practice. Recognizing this trend, the Part 62 rule provided that records are not required to be maintained at the mine site, and therefore can be electronically filed in a central location. The records have to be made available to the authorized representative of the Secretary upon request within a reasonable time, in most cases one day. Although the Part 62 rule did not require backing up the data, some means are necessary to ensure that electronically stored information is not compromised or lost.

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

MSHA eliminated the semi-annual monitoring requirements in the coal mining sector because the needs of operators and the Agency could be satisfied through a performance-oriented approach.

The Agency does accept records made by the operator for compliance with other Federal or State regulations as meeting the requirements of this standard to the extent that the record is duplicative.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.**

The provisions of the Mine Act and MSHA regulations and standards apply to all operations because accidents, injuries, and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations within its jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. (See Rep. No. 181, 95th Cong., 1st Sess. 28 (1977)). However, Congress did recognize that small operations may face problems in complying with some Mine Act provisions. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses when obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with ensuring the health and safety of miners, different requirements for small and large mines exist.

In this case, MSHA concluded that there was no need for separate requirements for small mines - which MSHA has traditionally defined as mines with less than 20 employees. As discussed in the Agency's Initial Regulatory Flexibility Analysis, the Agency minimized burdens on small businesses by, among other actions, not proposing requirements that would have imposed larger and perhaps infeasible

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burdens on small mine operators. Some of the alternatives considered would have generated significant additional recordkeeping burdens.

**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.**

MSHA believes that the recordkeeping requirements for noise are the minimum necessary to ensure that miners are adequately protected against the harm of excessive noise levels. Reduction in these requirements would result in the development of unhealthy and unsafe conditions in the mine. The Agency is already proposing to significantly reduce exposure records in the coal mining sector. Section 101(a)(6) of the Mine Act provides that in setting standards to protect workers from the risks of harmful physical agents, the Secretary "shall set standards which most adequately assure on the basis of the best available evidence that no miner will suffer material impairment of health or functional capacity even if such miner has regular exposure to the hazards dealt with by such standard for the period of his working life."

**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;**

Not applicable.

**\* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

62.110(d) requires the operator to inform a miner in writing of the exposure determination and the corrective action being taken within 15 calendar days of the exposure determination.

62.175(a) requires operators to inform miners of the results of the audiometric test within 10 working days of receiving the results.

The Agency believes that these time periods are the maximum allowable to ensure that the miner is informed and precautions are taken to protect the miner as soon as reasonably practical.

**\* requiring respondents to submit more than an original and two copies of any document;**

Not applicable

**\* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

Not applicable.

**\* 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;**

Not applicable.

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**\* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

Not applicable.

**\* 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**

The Agency limits access to medical records to the miner, miner's designee, and authorized representatives of the Secretaries of Labor and Health and Human Services. The Agency, however, neither makes nor requires a pledge of confidentiality.

**\* 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.**

Not applicable.

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

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

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

MSHA published the information collection requirements in the August 29, 2002, Federal Register (Vol 67, No. 168) giving interested persons 60 days to submit comments, and notified the public that these information collection requirements are being reviewed by OMB in accordance with the Paperwork Reduction Act.

Under PRA 95, all activities related to the generation of a paperwork item must be considered when calculating the costs and burden of paperwork tasks. MSHA's estimates are consistent with the requirements of PRA 95.

Mine operators must establish a system of monitoring that evaluates each miner's noise exposure sufficiently to determine continuing compliance with this part. Mine operators may use their own monitoring records as well as the Agency's data from inspector sampling to determine compliance. They may also use equipment manufacturers information on noise levels. Some commenters stated that the performance-based system of monitoring may result in increased monitoring.

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MSHA knows that a number of mine operators use some form of representative sampling within job classes or work areas to minimize costs related to dose determination. In addition, large operators who use the same equipment on more than one shift may conduct monitoring on a single shift to determine miner exposures, provided that the circumstances are similar.

Affected miners and their representatives have the right to observe operator monitoring. MSHA estimated that the time required for observation of monitoring would take about 2 hours annually at small mines and about 5 hours annually at large mines.

Mine operators must determine miners' exposure; this may be achieved in a number of ways including the use of existing monitoring records (particularly for coal mine operators), review of MSHA sampling records, or by the use of representative sampling. Since mine operators are not specifically required to monitor each employee, MSHA anticipates that its estimates of 2 hours and 5 hours annually are reasonable. Based upon MSHA's experience, the Agency believes the estimates are reasonable.

Audiograms must be conducted in accordance with scientifically validated procedures, but not certified.

For example, the evidence may consist of a single statement from the audiometric test provider or a single billing record that indicates that required procedures were followed for a number of audiograms.

Mine operators must provide copies of records to a miner if the miner requests such records.

Records are not required to be maintained at the mine site, and therefore can be electronically filed in a central location, so long as the records are made available to the authorized representative of the Secretary upon request within a reasonable time, in most cases one day.

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

MSHA made a decision not to 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.**

Only the miner or a miner's designee, with the miner's written consent, have access to medical records. The operator must instruct the physician, audiologist, or qualified technician evaluating hearing examination records not to reveal to the operator any specific findings or diagnoses unrelated to the miner's exposure to noise or the wearing of hearing protectors without the written consent of the miner. The records are maintained by the mine operator (respondent) and are reviewed by MSHA inspectors during routine inspections to assure compliance.

**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:**

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- 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 14.

NOTE: Burden hour costs are figured using the following hourly wage:

Coal Supervisor:	\$54.92	2001 # of mines (total Respondents)
M/NM Supervisor:	\$44.93	Coal Surface
Coal Secretary:	\$19.56	Coal Underground
M/NM Secretary:	\$18.44	MNM Surface
		MNM Underground
		<u>211</u>
		13,552

Section 62.110(a) requires operators to establish a system of monitoring that evaluates each miner's noise exposure sufficiently to determine if such exposure exceeds the action level, permissible exposure level, dual hearing protection level, or ceiling level. To perform the dose determination mine operators will need to purchase or rent noise dosimeters. In addition, mine operators could also use contract services to monitor noise doses.

MSHA estimates that 465 small coal mines, 372 large coal mines, 4,185 small M/NM mines, and 760 large M/NM mines will be affected by this provision. It is estimated to take 2 hours to perform dose determination in a small mine and 5 hours in a large mine. The testing is done by a supervisor.

**COAL**

Annual burden hours to monitor noise exposure

465 mines (SM) x 2 hours (supv.)	=	930.00
		hours
372 mines (LG) x 5 hours (supv.)	=	1,860.00
		hours
		<b>2,790.00 hours</b>

Annual burden hour costs to monitor noise exposure

930 hours (SM) x \$54.92 (supv.) wage rate	=	\$
		51,075.60
1,860 hours (LG) x \$54.92 (supv.) wage rate	=	\$
		<u>102,151.20</u>

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\$

153,226.80

**METAL/NONMETAL**

Annual burden hours to monitor noise exposure

4185 mines (SM) x 2 hours (supv.) = 8,370.00

hours

760 mines (LG) x 5 hours (supv.) = 3,800.00

hours

**12,170.00 hours**

Annual burden costs to monitor noise exposure

8,370 hours (SM) x \$44.93 (supv.) wage rate = \$

3  
7  
6  
,  
0  
6  
4  
.  
1  
0

3,800 hours (LG) x \$44.93 (supv.) wage rate = \$

\$

170,734.  
00

\$

**546,798.**  
**10**

**Costs of dosimeters are shown in Item 13.**

Section 62.110(c) requires mine operators to provide affected miners and their representatives with an opportunity to observe noise exposure monitoring required by this section and to give prior notice of the date and time of intended exposure monitoring to the affected miners and their representatives. Mine operators can choose to give oral notification, distribute a written notice to each miner to be monitored, or post a notice.

**ORAL NOTIFICATION**

MSHA estimates that 650 small coal mines, 372 large coal mines, 5,840 small M/NM mines, and 796 large M/NM mines will inform miners and their representatives orally. It is estimated to take 0.033 hours to notify miners orally.

**COAL**

Annual burden hours to notify miners orally

650 mines (SM) X 0.033 hrs. (supv.) = 21.45

hours

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372 mines (LG) X 0.033 hrs. (supv.)	=	<u>12.28</u>
		hours
		<b>33.73</b>
		hours

<u>Annual burden costs to notify miners orally</u>		
21.45 hours (SM) X \$54.92 (supv.) wage rate	=	\$
		1,178.03
12.28 hours (LG) X \$54.92 (supv.) wage rate	=	\$
		<u>674.42</u>
		<b>1,852.45</b>

**METAL/NONMETAL**

<u>Annual burden hours to notify miners orally</u>		
5,840 mines (SM) X 0.033 hrs. (supv.)	=	192.72
		hours
796 mines (LG) X 0.033 hrs. (supv.)	=	<u>26.27</u>
		hours
		<b>218.99 hours</b>

<u>Annual burden costs to notify miners orally</u>		
192.72 hours (SM) X \$44.93 (supv.) wage rate	=	\$
		8,658.91
26.27 hours (LG) X \$44.93 (supv.) wage rate	=	\$
		<u>1,180.31</u>
		\$

**9,839.22**

POSTING

MSHA estimates that 486 small coal mines, 277 large coal mines, 4,283 small M/NM mines, and 619 large M/NM mines will post a written notice. On the average, 3 notices will be posted per small mine, and 6 notices per large mine. It is estimated to take 0.1 hours for a supervisor to instruct a clerical worker about the posting, and another 0.08 hours for a clerical person to prepare and post the notice.

**COAL**

<u>Annual burden hours to notify miners by posting</u>		
486 mines (SM) X 0.1 hours (supv.)	=	48.60
		hours
486 mines (SM) X 0.08 hours (clerical) X 3 notices	=	116.64
hours		
277 mines (LG) X 0.1 hours (supv.)	=	27.70
		hours
277 mines (LG) X 0.08 hours (clerical) X 6 notices	=	
<u>132.96</u> hours		
		<b>325.90</b>
<b>hours</b>		

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Annual burden cost to notify miners by posting

48.60 hours (SM) X \$54.92 (supv.) wage rate	=	\$	
2,669.11			
116.64 hours (SM) X \$19.58 (clerical) wage rate	=	\$	
2,283.81			
27.70 hours (LG) X \$54.92 (supv.) wage rate	=	\$	
1,521.28			
132.96 hours (LG) X \$19.58 (clerical) wage rate	=	\$	<u>2,603.36</u>
		\$	<b>9,077.56</b>

**METAL/NONMETAL**

Annual burden hours to notify miners by posting

4,283 mines (SM) X 0.1 hours (supv.)	=		428.30 hours
			1,027.92
4,283 mines (SM) X 3 notices X 0.08 hours (clerical) hours	=		
619 mines (LG) X 0.1 hours (supv.)	=		61.90
			hours
619 mines (LG) X 6 notices X 0.08 hours (clerical) hours	=		<u>297.12</u>
			<b>1,815.24 hours</b>

Annual burden costs to notify miners by posting

428.30 hours (SM) X \$44.93 (supv.) wage rate	=	\$	
19,243.52			
1,027.92 ours (SM) X \$18.44 (clerical) wage rate	=	\$	
18,954.85			
61.90 hours (LG) X \$44.93 (supv.) wage rate	=	\$	
2,781.17			
297.12 hours (LG) X \$18.44 (clerical) wage rate	=	\$	<u>5,478.89</u>
		\$	
<b>46,458.42</b>			

**WRITTEN NOTIFICATION**

In each mine, MSHA estimates that it will take 0.1 hours for a supervisor to give instructions to a clerical worker concerning the written notification. In addition, it will take an additional 0.08 hours for a clerical worker to prepare and distribute a written notice to each miner.

MSHA estimates that 309 small coal mines will distribute 1,822 notices, 167 large coal mines will distribute 9,780 notices, 2,823 small M/NM mines will distribute 15,808 notices, and 354 large M/NM mines will distribute 25,948 notices.

**COAL**

Annual burden hours to notify miners in writing

309 mines (SM) X 0.1 hours (supv.)	=		30.90
			hours

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1,822 miners X 0.08 hours (clerical)	=	145.76
		hours
167 mines (LG) X 0.1 hours (supv.)	=	16.70
		hours
9,780 miners X 0.08 hours (clerical)	=	<u>782.40</u>
		hours
		<b>975.76 hours</b>

<u>Annual burden costs to notify miners in writing</u>		
30.90 hours (SM) X \$54.92 (supv.) wage rate	=	\$
		1,697.03
145.76 hours (SM) X \$19.58 (clerical) wage rate	=	\$
2,853.98		
16.70 hours (LG) X \$54.92 (supv.) wage rate	=	\$
917.16		
782.40 hours (LG) X \$19.58 (clerical) wage rate	=	\$
<u>15,319.39</u>		
		\$
<b>20,787.56</b>		

**METAL/NONMETAL**

<u>Annual burden hours to notify miners in writing</u>		
2,823 mines (SM) x 0.1 hours (supv.)	=	282.30
		hours
15,808 miners x 0.08 hours (clerical)	=	1,264.64
		hours
354 mines (LG) x 0.1 hours (supv.)	=	35.40
		hours
25,948 miners x 0.08 hours (clerical)	=	<u>2,075.84</u>
		hours
		<b>3,658.18</b>
		<b>hours</b>

<u>Annual burden costs to notify miners in writing</u>		
282.30 hours (SM) x \$44.93 (supv.) wage rate	=	\$
12,683.74		
1264.64 hours (SM) x \$18.44 (clerical) wage rate	=	\$
23,319.96		
35.40 hours (LG) x \$44.93 (supv.) wage rate	=	\$
1,590.52		
2,075.84 hours (LG) x \$18.44 (clerical) wage rate	=	\$
		<u>38,278.4</u>
		<u>9</u>
		\$
		<b>75,872.71</b>

**Costs for photocopying are shown in Item 13.**

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Section 62.110(d) requires that a miner be notified whenever the miner's exposure equals or exceeds the action level, exceed the permissible exposure level, or exceed the dual hearing protection level, and the miner has not received notification of exposure at such level within the prior 12 months. The mine operator is required to use an exposure evaluation conducted either by the mine operator or by an authorized representative of the Secretary of Labor as a basis for the notification. The operator must notify the miner in writing within 15 calendar days of (1) the exposure determination; and (2) the corrective action being taken.

In each mine, MSHA estimates that it will take 0.1 hours for a supervisor to give instructions to a clerical worker concerning the notification of the exposure determination and the corrective action being taken. In addition, it will take an additional 0.08 hours for a clerical worker to prepare and distribute the notification to each miner. MSHA estimates that 870 small coal mines will distribute 5,382 notices, 731 large coal mines will distribute 52,632 notices, 7,786 small M/NM mines will distribute 43,601 notices, and 557 large M/NM mines will distribute 114,362 notices.

### COAL

#### One-time burden hours to notify miners in writing

870 mines (SM) x 0.1 hours (supv.)	=	87.00
		hours
5,382 miners x 0.08 hours (clerical)	=	430.56
		hours
731 mines (LG) x 0.1 hours (supv.)	=	73.10
		hours
52,632 miners x 0.08 hours (clerical)	=	<u>4,210.56</u>
		hours
		<b>4,801.22</b>

#### **hours**

#### Annualized costs to notify miners in writing

87.00 hours (SM) x \$54.92 (supv.) wage rate	=	\$
4,778.04		
430.56 hours (SM) x \$19.58 (clerical) wage rate	=	\$
8,430.36		
73.10 hours (LG) x \$54.92 (supv.) wage rate	=	\$
		4,014.65
4,210.56 hours (LG) x \$19.58 (clerical) wage rate	=	\$
<u>82,442.76</u>		
		\$
		<b>99,665.81</b>

### METAL/NONMETAL

#### One-time burden hours to notify miners in writing

7,786 mines (SM) x 0.1 hours (supv.)	=	778.60
		hours
43,601 miners x 0.08 hours (clerical)	=	3,488.08
		hours
557 mines (LG) x 0.1 hours (supv.)	=	55.70
		hours

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114,362 miners x 0.08 hours (clerical)	=	<u>9,148.96</u>
		hours
		<b>13,471.34</b>

**hours**

<u>Annualized costs to notify miners in writing</u>		
778.60 hours (SM) x \$44.93 (supv.) wage rate	=	\$ 34,982.50
3,448.08 hours (SM) x \$18.44 (clerical) wage rate	=	\$
63,582.60		
55.70 hours (LG) x \$44.93 (supv.) wage rate	=	\$
2,502.60		
9,148.96 hours (LG) x \$18.44 (clerical) wage rate	=	\$
<u>168,706.82</u>		
		\$
		<b>269,720.52</b>

Costs for photocopying are shown in Item 13.

Section 62.130 states that no miner shall be exposed during any work shift to noise that exceeds a Time-Weighted Average-8hrs (TWA<sub>8</sub>) of 90 dBA permissible exposure level (PEL), or equivalently a dose of 100% of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA. If during any work shift a miner's noise exposure exceeds the PEL, the mine operator is required to use all feasible engineering and administrative controls to reduce the miner's noise exposure to the PEL, and enroll the miners in a hearing conservation program. When administrative controls are used to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miner.

In each mine, MSHA estimates that it will take a mine supervisor .75 hours to write, approve the administrative controls/final procedures in small mines, (including negligible amount of time to instruct the clerical) and 1.5 hours for large mines. In addition, it will take 0.75 hours for a clerical worker to type, edit, and post controls concerning the notification of the exposure determination and the corrective action being taken; and it will take an additional 0.08 hours for a clerical worker to prepare and distribute the notification to each miner.

MSHA estimates that 99 small coal mines will distribute 810 notices, 142 large coal mines will distribute 9,124 notices, 97 small M/NM mines will distribute 553 notices, and 212 large M/NM mines will distribute 15,552 notices.

**COAL**

<u>Time to write administrative controls/approve final procedures</u>		
99 mines (SM) x 0.75 hours (supv.)	=	74.25 hours
142 mines (LG) x 1.5 hours (supv.)	=	213.00
		hours

<u>Time to type, edit, and post controls</u>		
99 mines (SM) x 0.75 hours (clerical)	=	74.25
		hours

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142 mines (LG) x 0.75 hours (clerical)	=	106.50 hours
<u>Time to distribute copy of controls</u>		
810 miners (SM) x 0.08 hours	=	64.80 hours
9,124 miners x 0.08 hours (clerical)	=	<u>729.92</u> hours
		<b>1,262.72 hours</b>

<u>One-time costs to write, post, and distribute administrative controls</u>		
74.25 hours (SM) x \$54.92 (supv.) wage rate	=	\$ 4,077.81
213.00 hours (LG) x \$54.92 (supv.) wage rate	=	\$ 11,697.96
74.25 hours (SM) X \$19.58 (clerical) wage rate	=	\$ 1,453.82
106.50 hours (LG) X \$19.58 (clerical) wage rate	=	\$ 2,085.27
64.80 hours (SM) X \$19.58 (clerical) wage rate	=	\$ 1,268.78
729.92 hours (LG) x \$19.58 (clerical) wage rate	=	\$ <u>14,291.83</u>
		\$
<b>34,875.47</b>		

### METAL/NONMETAL

<u>Time to write administrative controls &amp; approve final procedures</u>		
97 mines (SM) x 0.75 hours (supv.)	=	72.75 hours
212 mines (LG) x 1.5 hours (supv.)	=	318.00 hours

<u>Time to type, edit, and post controls</u>		
97 mines (SM) x 0.75 hours (clerical)	=	72.75 hours
212 mines (LG) x 0.75 hours (clerical)	=	159.00 hours

<u>Time to prepare and distribute copy of controls</u>		
553 miners x 0.08 hours (clerical)	=	44.24 hours
15,552 miners x 0.08 hours (clerical)	=	<u>1,244.16</u> hours
		<b>1,838.15</b> hours

### One-time burden costs to write, post, and distribute administrative controls

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72.75 hours (SM) x \$44.93 (supv.) wage rate	=	\$ 3,268.66
318.00 hours (LG) x \$44.93 (supv.) wage rate	=	\$ 14,287.74
72.75 hours (SM) X \$18.44 (clerical) wage rate	=	\$ 1,341.51
159.00 hours (LG) X \$18.44 (clerical) wage rate	=	\$ 2,931.96
44.24 hours (SM) x \$18.44 (clerical) wage rate	=	\$ 815.79
1,244.16 hours (LG) x \$18.44 (clerical) wage rate	=	\$ 22,942.31
<u>22,942.31</u>		\$
<b>45,587.97</b>		

**Costs of engineering controls/photocopying are shown in Item 13.**

Section 62.170(a)(1) states that the audiometric testing which results in a valid baseline audiogram must be offered within 6 months of enrolling a miner in a hearing conservation program. Where mobile test vans are used to meet the audiometric test requirements, the operator must offer and provide audiometric testing within 12 months of enrolling a miner in an HCP. Audiograms are required to be performed annually as long as the miner is enrolled in an HCP.

**Costs for the audiograms are shown in Item 13.**

Section 62.170(b) states that after the baseline audiogram is established, the mine operator must continue to offer subsequent audiometric tests at intervals not exceeding 12 months for as long as the miner remains in the hearing conservation program.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the audiometric testing notification. In addition, it will take a clerical worker 0.08 hours to prepare and distribute a written notification about the audiometric testing to each miner.

MSHA estimates that 6,155 miners working at 882 small coal mines, 44,362 miners working at 740 large coal mines, 30,509 miners working at 7,299 small M/NM mines, and 76,757 miners working at 1,415 large M/NM mines would need to be notified.

**(The paperwork burden and cost of 62.170(a) concerning notifying miners of the baseline audiogram are included in this section.)**

**COAL**

Annual burden hours to write, prepare, and distribute written notification

882 mines (SM) x 0.1 hours (supv.)	=	hours	88.20
6,155 miners x 0.08 hours (clerical)	=	hours	492.40
740 mines (LG) x 0.1 hours (supv.)	=	hours	74.00

1219-0120		
44,362 miners x 0.08 hours (clerical)	=	<u>3,548.96</u>
		hours
		<b>4,203.56 hours</b>

Annual burden costs to write, prepare, and distribute written notification

88.20 hours (SM) x \$54.92 (supv.) wage rate	=	\$
4,843.94		
492.40 hours (SM) x \$19.58 (clerical) wage rate	=	\$
9,641.19		
74.00 hours (LG) x \$54.92 (supv.) wage rate	=	\$
4,064.08		
3,548.96 hours (LG) x \$19.58 (clerical) wage rate	=	\$
<u>69,488.64</u>		\$
<b>88,037.85</b>		

METAL/NONMETAL

Annual burden hours to write, prepare, and distribute written notification

7,299 mines (SM) x 0.1 hours (supv.)	=	729.90
		hours
30,509 miners x 0.08 hours (clerical)	=	2,440.72
		hours
1,415 mines (LG) x 0.1 hours (supv.)	=	141.50
		hours
76,757 miners x 0.08 hours (clerical)	=	<u>6,140.56</u>
		hours
		<b>9,452.68 hours</b>

Annual burden costs to write, prepare, and distribute written notification

729.90 hours (SM) x \$44.93 (supv.) wage rate	=	\$
		32,794.41
2,440.72 hours (SM) x 18.44 (clerical) wage rate	=	\$
45,006.88		
141.50 hours (LG) x \$44.93 (supv.) wage rate	=	\$
6,357.60		
6,140.56 hours (LG) x \$18.44 (clerical) wage rate	=	\$
<u>113,231.93</u>		\$
		<b>197,390.82</b>

**Costs for photocopying are shown in Item 13.**

Section 62.171 (b) requires operators to compile an audiometric test record including: 1) name and job classification of the miner who has undergone the audiometric test; 2) a copy of all of the miner's audiograms required under this part; 3) evidence that the audiograms were conducted in accordance with paragraph (a) of this section; 4) any exposure determination for the miner; and 5) the results of any follow-up examination.

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In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the audiometric test records. In addition, it will take a clerical worker 0.08 hours to maintain each miner's audiometric test record.

MSHA estimates that 2,249 miners working at 361 small coal mines, 11,802 miners working at 393 large coal mines, 7,311 miners working at 2,141 small M/NM mines, and 12,841 miners working at 354 large M/NM mines will be affected by this provision.

**COAL**

Annual burden hours to give instructions and maintain audiometric test records

361 mines (SM) x 0.1 hours (supv.)	=	36.10
		hours
2,249 miners x 0.08 hours (clerical)	=	179.92
		hours
393 mines (LG) x 0.1 hours (supv.)	=	39.30
		hours
11,802 miners x 0.08 hours (clerical)	=	<u>944.16</u>
		hours
		<b>1,199.48 hours</b>

Annual burden costs to give instructions and maintain audiometric test records

36.10 hours (SM) x \$54.92 (supv.) wage rate	=	\$
		1,982.61
179.92 hours (SM) x \$19.58 (clerical) wage rate	=	\$
3,522.83		
39.30 hours (LG) x \$54.92 (supv.) wage rate	=	\$
		2,158.36
944.16 hours (LG) x \$19.58 (clerical) wage rate =		\$
<u>18,486.65</u>		
		\$
		<b>26,150.45</b>

**METAL/NONMETAL**

Annual burden hours to give instructions and maintain audiometric test records

2,141 mines (SM) x 0.1 hours (supv.)	=	214.10
		hours
7,311 miners x 0.08 hours (clerical)	=	584.88
		hours
354 mines (LG) x 0.1 hours (supv.)	=	35.40
		hours
12,841 miners x 0.08 hours (clerical)	=	
		<u>1,027.28 hours</u>
		<b>1,861.66 hours</b>

Annual burden costs to give instructions and maintain audiometric test records

214.10 hours (SM) x \$44.93 (supv.) wage rate	=	\$
9,619.51		

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584.88 hours (SM) x \$18.44 (clerical) wage rate	=	\$
10,785.19		
35.40 hours (LG) x \$44.93 (supv.) wage rate	=	\$
		1,590.52
1027.28 hours (LG) x \$18.44 (clerical) wage rate	=	\$
<u>18,943.04</u>		
		\$
		<b>40,938.26</b>

**Costs for photocopying are shown in Item 13.**

Section 62.172(a)(1) states that audiograms must be evaluated by a physician, an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist. This section requires the operator to inform persons evaluating audiograms of the requirements of this part and to provide them with a copy of the miner's audiometric test records.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the audiometric test records. In addition, it will take a clerical worker 0.08 hours to provide a skilled medical professional with a copy of each miner's audiometric test record.

MSHA estimates that 2,249 miners working at 361 small coal mines, 11,802 miners working at 393 large coal mines, 7,311 miners working in 714 small M/NM mines, and 12,841 miners working in 354 large M/NM mines will be affected by this provision.

**COAL**

Annual burden hours to provide audiometric test records to physicians, or audiologists or qualified technicians

361 mines (SM) x 0.1 hours (supv.)	=		36.10
		hours	
2,249 miners x 0.08 hours (clerical)	=		179.92
		hours	
393 mines (LG) x 0.1 hours (supv.)	=		39.30
		hours	
11,802 miners x 0.08 hours (clerical)	=		<u>944.16</u>
		hours	
			<b>1,199.48 hours</b>

Annual burden costs to provide audiometric test records to physicians, or audiologists, or qualified technicians

36.10 hours (SM) x \$54.92 (supv.) wage rate	=	\$
		1,982.61
179.92 hours (SM) x \$19.58 (clerical) wage rate	=	\$
3,522.83		
39.30 hours (LG) x \$54.92 (supv.) wage rate	=	\$
2,158.36		
944.16 hours (LG) x \$19.58 (clerical) wage rate	=	\$
<u>18,486.65</u>		
		\$
<b>26,150.45</b>		

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**METAL/NONMETAL**

Annual burden hours to provide audiometric test records to physicians, or audiologists, or qualified technicians

714 mines (SM) x 0.1 hours (supv.)	=	71.40 hours
7,311 miners x 0.08 hours (clerical)	=	584.88 hours
354 mines (LG) x 0.1 hours (supv.)	=	35.40 hours
12,841 miners x 0.08 hours (clerical)	=	<u>1,027.28</u> hours
		<b>1,718.96</b>

**hours**

Annual burden costs to provide audiometric test records to physicians, or audiologists, or qualified technicians

71.40 hours (SM) x \$44.93 (supv.) wage rate 3,208.00	=	\$
584.88 hours (SM) x \$18.44 (clerical) wage rate 10,785.19	=	\$
35.40 hours (LG) x \$44.93 (supv.) wage rate 1,590.52	=	\$
1,027.28hours (LG) x \$18.44 (clerical) wage rate <u>18,943.04</u>	=	\$
		<b>\$ 34,526.75</b>

**Actual costs for photocopying are shown in Item 13.**

Section 62.172(a)(3) requires the mine operator to instruct the physician, audiologist, or a qualified technician not to reveal to the mine operator any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing protectors without the written consent of the miner.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about instructing skilled professionals not to reveal to the mine operator any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing protectors without the written consent of the miner. In addition, it will take a clerical worker 0.2 hours per mine to instruct the skilled professional and to provide a copy of each miner's audiometric test record.

MSHA estimates that 361 small coal mines, 393 large coal mines, 714 small M/NM mines and 354 large M/NM mines will be affected by this provision.

**COAL**

Annual burden hours to instruct physicians, or audiologists, or qualified technicians

361 mines (SM) x 0.1 hours (supv.)	=	36.10 hours
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1219-0120		
361 mines x 0.2 hours (clerical)	=	72.20
		hours
393 mines (LG) x 0.1 hours (supv.)	=	39.30
		hours
393 mines x 0.2 hours (clerical)	=	<u>78.60</u>
		hours
		<b>226.20 hours</b>

Annual burden costs to instruct physicians, or audiologists, or qualified technicians

36.10 hours (SM) x \$54.92 (supv.) wage rate	=	\$
1,982.61		
72.20 hours (SM) x \$19.58 (clerical) wage rate	=	\$
1,413.68		
39.30 hours (LG) x \$54.92 (supv.) wage rate	=	\$
2,158.36		
78.60 hours (LG) x \$19.58 (clerical) wage rate	=	\$
<u>1,538.99</u>		\$
<b>7,093.64</b>		

METAL/NONMETAL

Annual burden hours to instruct physicians, or audiologists, or qualified technicians

714 mines (SM) x 0.1 hours (supv.)	=	71.40
		hours
714 mines (SM) x 0.2 hours (clerical)	=	142.80
		hours
354 mines (LG) x 0.1 hours (supv.)	=	35.40
		hours
354 mines (LG) x 0.2 hours (clerical)	=	<u>70.80</u>
		hours
		<b>320.40 hours</b>

Annual burden costs to instruct physicians, or audiologists, or qualified technicians

71.40 hours (SM) x \$44.93 (supv.) wage rate	=	\$
		3,208.00
142.80 hours (SM) x \$18.44 (clerical) wage rate	=	\$
2,633.23		
35.40 hours (LG) x \$44.93 (supv.) wage rate	=	\$
		1,590.52
70.80 hours (LG) x \$18.44 (clerical) wage rate	=	\$
<u>1,305.55</u>		\$
<b>8,737.30</b>		

**Actual costs for photocopying are shown in Item 13.**

Section 62.172(b)(1) requires an audiometric test within 30 calendar days of receiving a determination that a required audiogram is invalid and that any medical pathology has improved to the point that a valid audiogram may be obtained.

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**Actual costs for audiometric retests are shown in Item 13.**

Section 62.173(a) requires the operator to refer a miner for a clinical-audiological evaluation or an otological examination if a valid audiogram cannot be obtained due to a suspected medical pathology of the ear which the physician or audiologist believes was caused or aggravated by the miner's exposure to noise or the wearing of hearing protectors.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about preparing notification to inform the miner of the examination. In addition, it will take a clerical worker 0.08 hours to type the notification.

MSHA estimates that 8 miners in 1 small coal mine, 48 miners in 1 large coal mine, 64 miners in 11 small M/NM mines and 120 miners in 2 large M/NM mine will be affected by this provision.

**COAL**Annual burden hour to notify miners of testing

1 mine (SM) x 0.1 hour (supv.)	=		0.10
		hours	
8 miners x 0.08 hour (clerical)	=		0.64
hours			
1 mine (LG) x 0.1 hour (supv.)	=		0.10
		hours	
48 miners x 0.08 hours (clerical)	=		<u>3.84</u>
		hours	
		<b>hours</b>	<b>4.68</b>

Annual burden costs to notify miners of testing

0.10 hours (SM) x \$54.92 (supv.) wage rate	=	\$	
			5.49
0.64 hours (SM) x \$19.58 (clerical) wage rate	=	\$	
12.53			
0.10 hours (LG) x \$54.92 (supv.) wage rate	=	\$	
			5.49
3.84 hours (LG) x \$19.58 (clerical) wage rate	=	\$	
<u>75.19</u>			
		\$	<b>98.70</b>

**METAL/NONMETAL**Annual burden hours to notify miners of testing

11 mines (SM) x 0.1 hour (supv.)	=		
		1.10 hours	
64 miners x 0.08 hours (clerical)	=		5.12
		hours	
2 mine (LG) x 0.1 hour (supv.)	=		0.20
		hours	

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120 miners x 0.08 hours (clerical)	=	hours	<u>9.60</u>
			<b>16.02 hours</b>

<u>Annual burden costs to notify miners of testing</u>			
1.10 hours (SM) x \$44.93 (supv.) wage rate	=	\$	
		49.42	
5.12 hours (SM) x \$18.44 (clerical) wage rate	=	\$	94.41
0.20 hours (LG) x \$44.93 (supv.) wage rate	=	\$	8.99
9.60 hours (LG) x \$18.44 (clerical) wage rate	=	\$	
<u>177.02</u>		\$	
<b>329.84</b>			

**Actual costs for photocopying/otological examinations are shown in Item 13.**

Section 62.173(b) requires the operator to instruct the physician, or audiologist to inform the miner of the need for an otological examination if a valid audiogram cannot be obtained due to a medical pathology of the ear which is unrelated to the miner's exposure to noise or the wearing of hearing protectors.

In each mine, it will take a supervisor 0.05 hours to give instructions to a clerical worker about instructing skilled professionals to inform the miner of the need for an otological examination. In addition, it will take a clerical worker 0.1 hours per mine to instruct the skilled professional.

MSHA estimates that 8 miners in 8 small coal mines, 40 miners in 40 large coal mines, 64 miners in 11 small M/NM mines and 120 miners in large M/NM mine will be affected by this provision.

**COAL**

<u>Annual burden hours to instruct physician or audiologist</u>			
8 mines (SM) x 0.05 hours (supv.)	=	hours	0.40
8 mines x 0.1 hours (clerical)	=	hours	0.80
40 mines (LG) x 0.05 hours (supv.)	=	hours	2.00
40 mines x 0.1 hours (clerical)	=	hours	<u>4.00</u>
		hours	<b>7.20</b>

<u>Annual burden costs to instruct physician or audiologist</u>			
0.40 hours (SM) x \$54.92 (supv.) wage rate	=	\$	
		21.97	
0.80 hours (SM) x \$19.58 (clerical) wage rate	=	\$	15.66
2.00 hours (LG) x \$54.92 (supv.) wage rate	=	\$	
			109.84
4.00 hours (LG) x \$19.58 (clerical) wage rate	=	\$	
			<u>78.32</u>

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\$  
225.79

**METAL/NONMETAL**

Annual burden hours to instruct physician or audiologist

11 mines (SM) x 0.05 hours (supv.)	=	0.55 hours
11 mines x 0.1 hours (clerical)	=	1.10 hours
2 mine (LG) x 0.05 hours (supv.)	=	0.10 hours
2 mine x 0.1 hours (clerical)	=	0.20 hours
		<b>1.95</b>

**hours**

Annual burden costs to instruct physician or audiologist after First Year

0.55 hours (SM) x \$44.93 (supv.) wage rate	=	\$ 24.71
1.10 hours (SM) x \$18.44 (clerical) wage rate	=	\$ 20.28
0.10 hours (LG) x \$44.93 (supv.) wage rate	=	\$ 4.49
0.20 hours (LG) x \$18.44 (clerical) wage rate	=	\$ 3.69
		<b>\$ 53.17</b>

**Actual costs for photocopying are shown in Item 13.**

Section 62.173(c) requires the operator to instruct the physician, audiologist, or qualified technician not to reveal to the operator any specific findings or diagnoses unrelated to the miner's exposure to noise or the wearing of hearing protectors without the written consent of the miner.

In each mine, it will take a supervisor 0.05 hours to give instructions to a clerical worker about instructing skilled professionals to not reveal findings to the mine operator without the written consent of the miner. In addition, it will take a clerical worker 0.1 hours per mine to instruct the skilled professional.

MSHA estimates that 8 miners in 8 small coal mines, 40 miners in 40 large coal mines, 64 miners in 11 small M/NM mines and 120 miners in 2 large M/NM mine will be affected by this provision.

**COAL**

Annual burden to instruct physician, audiologist, or qualified technician

8 mines (SM) x 0.05 hours (supv.)	=	0.40 hours
8 mines x 0.1 hours (clerical)	=	0.80 hours
40 mines (LG) x 0.05 hours (supv.)	=	2.00 hours

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40 mines x 0.1 hours (clerical)	=	hours	<u>4.00</u>
			<b>7.20</b>

**hours**

Annual costs to instruct physician, audiologist, or qualified technician after First Year

0.40 hours (SM) x \$54.92 (supv.) wage rate	=	\$	21.97
0.80 hours (SM) x \$19.58 (clerical) wage rate	=	\$	15.66
2.00 hours (LG) x \$54.92 (supv.) wage rate	=	\$	109.84
4.00 hours (LG) x \$19.58 (clerical) wage rate	=	\$	
<u>78.32</u>		\$	
<b>225.79</b>			

**METAL/NONMETAL**

Annual burden hours to instruct physician, audiologist, or qualified technician

11 mines (SM) x 0.05 hours (supv.)	=	0.55
		hours
11 mines x 0.1 hours (clerical)	=	1.10
		hours
2 mine (LG) x 0.05 hours (supv.)	=	0.10 hours
2 mine x 0.1 hours (clerical)	=	<u>0.20</u>
		hours
		<b>1.95</b>

**hours**

Annual burden costs to instruct physician or audiologist

0.55 hours (SM) x \$44.93 (supv.) wage rate	=	\$	24.71
1.10 hours (SM) x \$18.44 (clerical) wage rate	=	\$	
20.28			
0.10 hours (LG) x \$44.93 (supv.) wage rate	=	\$	4.49
0.20 hours (LG) x \$18.44 (clerical) wage rate	=	\$	<u>3.69</u>
		\$	
<b>53.17</b>			

**Actual costs for photocopying are shown in Item 13.**

Section 62.174(a) requires that the operator retrain a miner within 30 calendar days of receiving evidence of a Standard Threshold Shift (STS) or receiving the results of a retest confirming an STS, unless a physician or audiologist determines that an STS is neither work-related nor aggravated by occupational noise exposure.

1219-0120

In each mine it will take a supervisor 0.35 hours to retrain miners. MSHA estimates that a supervisor can train all the miners in a small mine in one session, and all the miners in a large mine in three sessions.

MSHA estimates that 31 small coal mines, 50 large coal mines, 209 small M/NM mines, and 32 large M/NM mines will be affected by this provision.

**COAL**

Annual burden hours to retrain miners after First Year

31 mines (SM) x 0.35 hours (supv.) x 1 session	=	10.85
hours		
50 mines (LG) x 0.35 hours (supv.) x 3 sessions	=	<u>52.50</u>
hours		
		<b>63.35 hours</b>

Annual burden costs to retrain miners after First Year

10.85 hours x \$54.92 (supv.) wage rate	=	\$
		595.88
52.50 hours x \$54.92 (supv.) wage rate	=	\$
		<u>2,883.30</u>
		\$

**3,479.18**

**METAL/NONMETAL**

Annual burden hours to retrain miners after First Year

209 mines (SM) x 0.35 hours (supv.) x 1 session	=	73.15
		hours
32 mines (LG) x 0.35 hours (supv.) x 3 sessions	=	<u>33.60</u>
		hours
		<b>106.75 hours</b>

Annual burden costs to retrain miners after First Year

73.15 hours x \$44.93 (supv.) wage rate	=	\$
		3,286.63
33.60 hours x \$44.93 (supv.) wage rate	=	\$
		<u>1,509.65</u>
		\$

**4,796.28**

Section 62.174(a) requires that retraining be provided in accordance with 62.180. Section 62.180(b) requires the operator to certify the date and type of training given each miner and to retain the most recent certification for as long as the miner is enrolled in the hearing conservation program, and for at least six months thereafter.

In each mine it will take a clerical worked 0.05 hours, per miner, to certify the date and type of training and to maintain the certification.

MSHA estimates that 270 miners in small coal mines, 1,042 miners in large coal mines, 1,106 miners in small M/NM mines, and 2,096 miners in large M/NM mines are affected by this provision.

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**COAL**

<u>Annual burden hours to certify date and type of training</u>	=	
270 miners (SM) x 0.05 hours (clerical)		13.50
		hours
1,042 miners (LG) x 0.05 hours (clerical)	=	<u>52.10</u>
		hours
		<b>65.60</b>

**hours**

<u>Annual burden costs to certify date and type of training</u>	=	
13.50 hours (SM) x \$19.58 (clerical) wage rate		\$
264.33		
52.10 hours (LG) x \$19.58 (clerical) wage rate	=	\$
<u>1,020.12</u>		
		\$
<b>1,284.45</b>		

**METAL/NONMETAL**

<u>Annual burden hours to certify date and type of training</u>	=	
1,106 miners (SM) x 0.05 hours (clerical)		55.30
		hours
2,096 miners (LG) x 0.05 hours (clerical)	=	<u>104.80</u>
		hours
		<b>160.10</b>

**hours**

<u>Annual burden costs to certify date and type of training</u>	=	
55.30 hours (SM) x \$18.44 (clerical) wage rate		\$
1,019.73		
104.80 hours (LG) x \$18.44 (clerical) wage rate	=	\$
	<u>1,932.51</u>	
	<b>2,952.24</b>	\$

**Actual costs for photocopying are shown in Item 13.**

Section 62.175(a)(1) requires the mine operator, within 10 working days of receiving the results of an audiogram, to notify the miner of the results in writing.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about audiometric testing notification. In addition it will take a clerical worker 0.08 hours to prepare and distribute a written notification about the testing to each miner.

MSHA estimates 2,598 miners working at 390 small coal mines, 8,745 miners working at 306 large coal mines, 12,877 miners working at 3,277 small M/NM mines, and 15,131 miners working at 585 large M/NM mines will be affected by this provision.

**COAL**

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Annual burden hours to notify miners of audiometric test results

390 mines (SM) x 0.1 hours (supv.)	=	hours	39.00
2,598 miners x 0.08 hours (clerical)	=	hours	207.84
306 mines (LG) x 0.1 hours (supv.)	=	hours	30.60
8,745 miners x 0.08 hours (clerical)	=	hours	<u>699.60</u>
			<b>977.04</b>

**hours**

Annual burden hour costs to notify miners of audiometric test results

39.00 hours (SM) x \$54.92 (supv.) wage rate	=	\$	2,141.88
207.84 hours (SM) x \$19.58 (clerical) wage rate	=	\$	4,069.51
30.60 hours (LG) x \$54.92 (supv.) wage rate	=	\$	1,680.55
699.60 hours (LG) x \$19.58 (clerical) wage rate	=	\$	<u>13,698.17</u>
		\$	<b>21,590.11</b>

**21,590.11**

METAL/NONMETAL

Annual burden hours to notify miners of audiometric test results

3,277 mines (SM) x 0.1 hours (supv.)	=	hours	327.70
12,877 miners x 0.08 hours (clerical)	=	hours	1,030.16
585 mines (LG) x 0.1 hours (supv.)	=	hours	58.50
15,131 miners x 0.08 hours (clerical)	=	hours	<u>1,210.48</u>
		hours	<b>2,626.84</b>

**hours**

Annual burden costs to notify miners of audiometric test results

327.70 hours (SM) x \$44.93 (supv.) wage rate	=	\$	14,723.56
1,030.16 hours (SM) x \$18.44 (clerical) wage rate	=	\$	18,996.15
58.50 hours (LG) x \$44.93 (supv.) wage rate	=	\$	2,628.41
1,210.48 hours (LG) x \$18.44 (clerical) wage rate	=	\$	<u>22,321.25</u>
		\$	<b>58,669.37</b>

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Section 62.175(a)(1) requires the operator to notify the miner of the results and interpretation of a follow-up evaluation (otological examination).

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the results of the follow-up evaluation. In addition it will take a clerical worker 0.08 hours to prepare and distribute a written notification about the results to each miner.

MSHA estimates 8 miners working at 8 small coal mines, 40 miners working at 40 large coal mines, 64 miners working at 11 small M/NM mines, and 120 miners working at 2 large M/NM mine will be affected by this provision.

### COAL

#### Annual burden hours to notify miners of testing

8 mines (SM) x 0.1 hour (supv.)	=	0.80
		hours
8 miners x 0.08 hour (clerical)	=	0.64
		hours
40 mines (LG) x 0.1 hour (supv.)	=	4.00
		hours
40 miners x 0.08 hours (clerical)	=	<u>3.20</u>
		hours
		<b>8.64</b>

#### **hours**

#### Annual burden costs to notify miners of testing

0.80 hours (SM) x \$54.92 (supv.) wage rate	=	\$
		43.94
0.64 hours (SM) x \$19.58 (clerical) wage rate	=	\$
		12.53
4.00 hours (LG) x \$54.92 (supv.) wage rate	=	\$
219.68		
3.20 hours (LG) x \$19.58 (clerical) wage rate	=	\$
		<u>62.66</u>
		\$

**338.81**

### METAL/NONMETAL

#### Annual burden hours to notify miners of testing

11 mines (SM) x 0.1 hour (supv.)	=	
		1.10 hours
64 miners x 0.08 hours (clerical)	=	5.12
		hours
2 mine (LG) x 0.1 hour (supv.)	=	0.20
		hours
120 miners x 0.08 hours (clerical)	=	<u>9.60</u>
		hours

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16.02

**hours**

Annual burden costs to notify miners of testing

1.10 hours (SM) x \$44.93 (supv.) wage rate	=	\$	
		49.42	
5.12 hours (SM) x \$18.44 (clerical) wage rate	=	\$	
		94.41	
0.20 hours (LG) x \$44.93 (supv.) wage rate	=	\$	8.99
9.60 hours (LG) x \$18.44 (clerical) wage rate	=	\$	
<u>177.02</u>			
		\$	

**329.84**

Section 62.175(a)(2) requires operators to notify miners of the need and reasons for any further testing or evaluation, if applicable.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the need and reasons for any further testing. In addition it will take a clerical worker 0.08 hours to prepare and distribute a written notification to each miner.

MSHA estimates that 221 miners working at 196 small coal mines, 1,410 miners working at 536 large coal mines, 1,161 miners working at 207 small M/NM mines, and 2,159 miners working at 29 large M/NM mines will be affected by this provision.

**COAL**

Annual burden hours to notify miners of need for further testing

196 mines (SM) x 0.1 hours (supv.)	=	19.60	
		hours	
221 miners x 0.08 hours (clerical)	=	17.68	
		hours	
536 mines (LG) x 0.1 hours (supv.)	=	53.60	
		hours	
1,410 miners x 0.08 hours (clerical)	=	<u>112.80</u>	
		<u>hours</u>	
		<b>203.68 hours</b>	

Annual burden costs to notify miners of need for further testing

19.60 hours (SM) x \$54.92 (supv.) wage rate	=	\$	
1,076.43			
17.68 hours (SM) x \$19.58 (clerical) wage rate	=	\$	
346.17			
53.60 hours (LG) x \$54.92 (supv.) wage rate	=	\$	
2,943.71			
112.80 hours (LG) x \$19.58 (clerical) wage rate	=	\$	
<u>2,208.62</u>			
		\$	

**6,574.93**

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**METAL/NONMETAL**

Annual burden hours to notify miners of need for further testing

207 mines (SM) x 0.1 hours (supv.)	=	20.70
		hours
1,161 miners x 0.08 hours (clerical)	=	92.88 hours
29 mines (LG) x 0.1 hours (supv.)	=	2.90
		hours
2,159 miners x 0.08 hours (clerical)	=	<u>172.72</u>
		<u>hours</u>
		<b>289.20 hours</b>

Annual burden costs to notify miners of need for further testing

20.70 hours (SM) x \$44.93 (supv.) wage rate	=	\$
		930.05
92.88 hours (SM) x \$18.44 (clerical) wage rate	=	\$
1,712.71		
2.90 hours (LG) x \$44.93 (supv.) wage rate	=	\$
		130.30
172.72 hours (LG) x \$18.44 (clerical) wage rate	=	\$
<u>3,184.96</u>		
		\$

**5,958.02**

Section 62.175(b) requires the operator to report to MSHA a hearing loss of 25 dB or greater in accordance with part 50. The burden for reporting a hearing loss of 25 dB or greater would be included in the Part 50 paperwork burden hour estimates (1219-0007). The Agency does not expect a significant increase in the existing burden hours.

Section 62.180(a) requires that within no more than 30 days of a miner's enrollment into a hearing conservation program, the mine operator must provide the miner with training. The training must include: the effects of noise on hearing; the purpose and value of wearing hearing protectors; the advantages and disadvantages of the hearing protectors offered; the care, fitting, and use of the hearing protector worn by the miner and the various types of hearing protectors offered by the operator; the mine operator's and miner's respective tasks in maintaining the noise controls; and the purpose and value of audiometric testing and a summary of the procedures.

In each mine, it will take a supervisor 0.35 hours to train affected miners. MSHA estimates that 929 small coal mines, 743 large coal mines, 7,299 small M/NM mines, and 1,415 large M/NM mines will be affected by this provision. MSHA further estimates that a supervisor can train all the miners in a small mine in one session, and all the miners in a large mine in three sessions.

**COAL**

Annual burden hours to train miners

929 mines (SM) x 0.35 hours (supv.) x 1 session	=	325.15
hours		
743 mines (LG) x 0.35 hours (supv.) x 3 sessions	=	<u>780.15</u>
<u>hours</u>		

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**1,105.30hours**

Annual burden hour costs to train miners

325.15 hours (SM) x \$54.92 (supv.) wage rate	=	\$	17,857.24
780.15 hours (LG) x \$54.92 (supv.) wage rate	=	\$	<u>42,845.84</u>
		\$	

**60,703.08**

**METAL/NONMETAL**

Annual burden hours to train miners

7,299 mines (SM) x 0.35 hours (supv.) X 1 session	=		
2,554.65 hours			
1,415 mines (LG) x 0.35 hours (supv.) x 3 session hours	=		<u>1,485.75</u>
			<b>4,040.40</b>

**hours**

Annual burden hour costs to train miners

2,554.65 hours (SM) x \$44.93 (supv.) wage rate	=	\$	
114,780.42			
1,485.75 hours (LG) x \$44.93 (supv.) wage rate	=	\$	
<u>66,754.75</u>			\$
<b>181,535.17</b>			

Section 62.180(b) requires mine operators to certify the date and type of training given each miner, and to maintain the miner's most recent certification for as long as the miner is enrolled in the HCP, and for at least 6 months thereafter. The type of training may be initial noise training, annual retraining, or special retraining required for a miner as a result of an STS.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about preparing and filing a training certificate and .08 hours to certify the date and type of training. It will take a clerical worker 0.05 hours, per miner, to file the training certificate.

MSHA estimates that 9,080 miners working at 929 small coal mines, 55,619 miners working at 743 large coal mines, 30,509 miners working at 7,299 small M/NM mines, and 76,757 miners working at 1,415 large M/NM mines will be affected by this provision.

**COAL**

Annual burden hours to prepare and file certificate

929 mines (SM) x 0.1 hours (supv.)	=	hours	92.90
9,080 miners x 0.05 hours (clerical)	=	hours	454.00
9,080 miners x 0.08 hours (clerical)	=	hours	726.40

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743 mines (LG) x 0.1 hours (supv.)	=	74.30	
		hours	
55,619 miners x 0.05 hours (clerical)	=	2,780.95	
		hours	
55,619 miners x 0.08 hours (clerical)	=	<u>4,449.52</u>	
		<u>hours</u>	
			<b>8,578.07 hours</b>

Annual burden costs to prepare and file certificate

92.90 hours (SM) x \$54.92 (supv.) wage rate	=	\$	
5,102.07			
454.00 hours (SM) x \$19.58 (clerical) wage rate	=	\$	
8,889.32			
726.40 hours (SM) x \$19.58 (clerical) wage rate	=	\$	
14,222.91			
74.30 hours (LG) x \$54.92 (supv.) wage rate	=	\$	
4,080.56			
2,780.95 hours (LG) x \$19.58 (clerical) wage rate	=	\$	
54,451.00			
4,449.52 hours (LG) x \$19.58 (clerical) wage rate	=	\$	
<u>87,121.60</u>			
		\$	
<b>173,867.46</b>			

METAL/NONMETAL

Annual burden hours to prepare and file certificate

7,299 mines (SM) x 0.1 hours (supv.)	=	729.90	
		hours	
30,509 miners x 0.05 hours (clerical)	=	1,525.45	
		hours	
30,509 miners x 0.08 hours (clerical)	=	2,440.72	
		hours	
1,415 mines (LG) x 0.1 hours (supv.)	=	141.50	
		hours	
76,757 miners x 0.05 hours (clerical)	=	3,837.85	
		hours	
76,757 miners x 0.08 hours (clerical)	=	<u>6,140.56</u>	
		<u>hours</u>	
			<b>14,815.98 hours</b>

Annual burden costs to prepare and file certificate

729.90 hours (SM) x \$44.93 (supv.) wage rate	=	\$	
32,794.41			
1,525.45 hours (SM) x \$18.44 (clerical) wage rate	=	\$	
28,129.30			
2,440.72 hours (SM) x \$18.44 (clerical) wage rate	=	\$	
45,006.88			
141.50 hours (LG) x \$44.93 (supv.) wage rate	=	\$	
6,357.60			

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3,837.85 hours (LG) x \$18.44(clerical)wage rate	=	\$
70,769.95		
6,140.56 hours (LG) x \$18.44(clerical)wage rate	=	\$
<u>113,231.93</u>		\$
<b>296,290.07</b>		

**Actual costs for photocopying are shown in number 13.**

Section 62.190 Records. Operators are required to provide access to all records required under this part to the authorized representatives of the Secretaries of Labor and Health and Human Services. Upon written request, the mine operator must provide, within 15 calendar days, access to records to miners and the miner's designee, and training certifications and notices of exposure determinations to miners and their authorized representatives. The mine operator must also provide, to any former miner, records which indicate his or her own exposure.

Section 62.190(b) requires the operator to provide the first copy of a record to a person who has access, at no cost to that person, and additional copies requested by that person at reasonable cost.

In each mine, it will take a supervisor 0.1 hours to instruct a clerical worker about locating and photocopying miners' records. In addition it will take a clerical worker 0.15 hours to locate and photocopy each miner's records.

MSHA estimates that 386 miners working at 124 small coal mines, 3,791 miners working at 470 large coal mines, 10,018 miners working at 1,789 small M/NM mines, and 13,483 miners working at 183 large M/NM mines will be affected by this provision.

**COAL**

<u>Annual burden hours to provide copy of files</u>		
124 mines (SM) x 0.1 hours (supv.)	=	12.40
		hours
386 miners x 0.15 hours (clerical)	=	57.90
		hours
470 mines (LG) x 0.1 hours (supv.)	=	47.00
		hours
3,791 miners x 0.15 hours (clerical)	=	<u>568.65</u>
		hours
		<b>685.95</b>

**hours**

<u>Annual burden costs to provide copy of files</u>		
12.40 hours (SM) x \$54.92 (supv.) wage rate	=	\$
681.01		
57.90 hours (SM) x \$19.58 (clerical) wage rate	=	\$
1,133.68		
47.00 hours (LG) x \$54.92 (supv.) wage rate	=	\$
		2,581.24
568.65 hours (LG) x \$19.58 (clerical) wage rate	=	\$
<u>11,134.17</u>		

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\$

15,530.10

**METAL/NONMETAL**

Annual burden hours to provide copy of files

1,789 mines (SM) x 0.1 hours (supv.)	=	178.90
		hours
10,018 miners x 0.15 hours (clerical)	=	1,502.70
		hours
183 mines (LG) x 0.1 hours (supv.)	=	18.30
		hours
13,483 miners x 0.15 hours (clerical)	=	<u>2,022.45</u>
		<u>hours</u>
		<b>3,722.35</b>

**hours**

Annual burden costs to provide copy of files

178.90 hours (SM) x \$44.93 (supv.) wage rate	=	\$
8,037.98		
1,502.70 hours (SM) x \$18.44 (clerical) wage rate	=	\$
27,709.79		
18.30 hours (LG) x \$44.93 (supv.) wage rate	=	\$
		822.22
2,022.45 hours (LG) x \$18.44 (clerical) wage rate	=	\$
<u>37,293.98</u>		
		\$

**73,863.97**

**Actual costs for photocopying are shown in Item 13.**

Section 62.190(c) Transfer of records requires the mine operator to transfer all records required to be maintained by this part to a successor operator whenever an operator ceases to do business.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about transferring records. In addition, a clerical worker will take 0.5 hours to compile the records at a small mine, and 1.0 hour to compile records at a large mine. MSHA estimates that 162 small mines, 70 large coal mines, 837 small M/NM mines, and 25 large M/NM mines will close annually.

**COAL**

Annual burden hours to transfer records

162 mines (SM) x 0.1 hours (supv.)	=	16.20
		hours
162 mines (SM) x 0.5 hours (clerical)	=	81.00
		hours
70 mines (LG) x .1 hours (supv.)	=	7.00
		hours
70 mines (LG) x 1.0 hour (clerical)	=	<u>70.00</u>
		<u>hours</u>

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174.20

**hours**

Annual burden costs to transfer records

16.20 hours (SM) x \$54.92 (supv.) wage rate = \$  
889.70

81.00 hours (SM) x \$19.58 (clerical) wage rate = \$  
1,585.98

7.00 hours (LG) x \$54.92 (supv.) wage rate = \$  
384.44

70.00 hours (LG) x \$19.58 (clerical) wage rate = \$  
1,370.60

\$

**4,230.72**

METAL/NONMETAL

Annual burden hours to transfer records

837 mines (SM) x 0.1 hours (supv.) = 83.70  
hours

837 mines x 0.5 hours (clerical) = 418.50  
hours

25 mines (LG) x 0.1 hours (supv.) = 2.50 hours

25 mines (LG) x 1.0 hours (clerical) = 25.00  
hours

**529.70**

**hours**

Annual burden costs to transfer records

83.70 hours (SM) x \$44.93 (supv.) wage rate = \$  
3,760.64

418.58 hours (SM) x \$18.44 (clerical) wage rate = \$  
7,718.62

2.50 hours (LG) x \$44.93 (supv.) wage rate = \$  
112.33

25.00 hours (LG) x \$18.44 (clerical) wage rate = \$  
461.00

\$

**12,052.59**

**TOTAL BURDEN HOURS (ROUNDED) =**

**101,753**

**TOTAL BURDEN COST (ROUNDED) =**

**\$**

**2,479,883**

**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).**

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. 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.

Section 62.110(a) requires operators to establish a system of monitoring that evaluates each miner’s noise exposure sufficiently to determine if such exposure exceeds the action level, permissible exposure level, dual hearing protection level, or ceiling level. To perform the dose determination mine operators will need to purchase or rent noise dosimeters. In addition, mine operators could also use contract services to monitor noise doses.

MSHA estimates that annual operating and maintenance costs related to the dosimeters will be 10% of equipment cost excluding calibration. The annual cost for calibration of equipment is \$170.00 for small mines and \$340.00 for large mines. Small mines will require one dosimeter and large mines will require two. The cost for a dosimeter is \$1,300. There are 649 small coal mines, 496 large coal mines, 5,870 small M/NM mines, and 1,062 large M/NM mines affected by this provision.

<u>Annual Operating and Maintenance Costs for Coal Mines</u>		
649 mines (SM) X \$1,300 X 10% + (649 mine X \$170.00)	=	\$
194,700.00		
496 mines (LG) X \$1,300 X 2 X 10% + (496 mines X \$340)	=	\$
<u>297,600.00</u>		
		\$
		<b>492,300.00</b>

<u>Annual Operating and Maintenance Costs for M/NM Mines</u>		
5,870 mines (SM) X \$1,300 X 10% + (5,870 mines x \$170.00)	=	\$
1,761,000.00		

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1,062 mines (LG) X \$1,300 X 2 X 10% + (1,062 mines x \$340)	=	\$
<u>637,200.00</u>		\$
<b>2,398,200.00</b>		

<b>Total Annual Operating and Maintenance Costs</b>	=	\$
<b>2,890,500.00</b>		

Section 62.110(c) requires mine operators to provide affected miners and their representatives with an opportunity to observe noise exposure monitoring required by this section and to give prior notice of the date and time of intended exposure monitoring to the affected miners and their representatives. Mine operators can choose to give oral notification, distribute a written notice to each miner to be monitored, or post a notice.

Written Notification

It costs \$0.30 per copy to provide 3,266 miners in small coal mines, 14,810 miners in large coal mines, 15,808 miners in small M/NM mines, and 25,948 miners in large M/NM mines with written notification of when noise monitoring will occur.

Annual Costs for Coal Mines

3,266 miners (SM) X \$0.30	=	\$	979.80
14,810 miners (LG) X \$0.30	=	\$	
<u>4,443.00</u>		\$	
		\$	<b>5,422.80</b>

Annual Costs for M/NM Mines

15,808 miners (SM) X \$0.30	=	\$	
		4,742.40	
25,948 miners (LG) X \$0.30	=	\$	
		<u>7,784.40</u>	
		\$	
<b>12,526.80</b>			

<b>TOTAL COSTS FOR WRITTEN NOTIFICATION</b>	=	\$	<b>17,949.60</b>
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Posting Notification

It costs \$0.30 to copy a notice to post. Three copies will have to be posted in a small mine and six copies in a large mine to provide miners with notification of monitoring. There are 290 small coal mines, 504 large coal mines, 4,283 small M/NM mines and 619 large M/NM mines affected by this provision.

Annual Costs for Coal Mines

290 mines (SM) X \$0.30 X 3 copies	=	\$	261.00
504 mines (LG) X \$0.30 X 6 copies	=	\$	<u>907.20</u>
		\$	
		\$	<b>1,168.20</b>

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Annual Costs for M/NM Mines

4,283 mines (LG) X \$0.30 X 3 copies	=	\$
		3,854.70
619 mines (LG) X \$0.30 X 6 copies	=	\$
		<u>1,114.20</u>
		\$
		<b>4,968.90</b>
<b>TOTAL COSTS FOR POSTING NOTIFICATION</b>	=	\$
		<b>6,137.10</b>

Section 62.110(d) requires that whenever a miner's exposure equals or exceeds the action level, exceeds the permissible exposure level, or exceeds the dual hearing protection level, and the miner has not received notification of exposure at such level within the prior 12 months, the operator must notify the miner in writing within 15 calendar days of: (1) the exposure determination; and (2) the corrective action being taken. The mine operator is required to use an exposure evaluation conducted either by the mine operator or by an authorized representative of the Secretary of Labor as a basis for the notification. It is estimated that the cost for photocopying the notification letter is \$0.30. The final rule required mine operators to notify all affected miners, therefore photocopying is needed for each miner. There are 8,612 miners in small coal mines, 43,297 miners in large coal mines, 43,601 miners in small M/NM mines and 114,362 miners in large M/NM mines affected by this provision.

Annual Costs for Coal Mines

8,612 miners (SM) X \$0.30	=	\$
		2,583.60
43,297 miners (LG) X \$0.30	=	\$
		<u>12,989.10</u>
		\$
		<b>15,572.70</b>

Annual Costs for M/NM Mines

43,601 miners (SM) X \$0.30	=	\$
		13,080.30
114,362 miners (LG) X \$0.30	=	\$
		<u>34,308.60</u>
		\$
		<b>47,388.90</b>

<b>TOTAL COSTS FOR NOTIFICATION</b>	=	\$
		<b>62,961.60</b>

Section 62.130 states that no miner shall be exposed during any work shift to noise that exceeds a TWA<sub>8</sub> of 90 dBA permissible exposure level (PEL), or equivalently a dose of 100% of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA. If during any work shift a miner's noise exposure exceeds the PEL, the mine operator is required to use all feasible engineering and administrative controls to reduce the miner's noise exposure to the PEL, and enroll the miners in a hearing conservation program. When administrative controls are used to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miners.

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Administrative Controls

The final rule requires mine operators to supply a copy, at \$0.30 per copy, of the written administrative control procedures to each of the 462 affected miners in small coal mines, 6,846 affected miners in large coal mines, 553 affected miners in small M/NM mines and 15,552 in large M/NM mines.

Annual Costs for Coal Mines

462 miners(SM) X \$0.30	=	\$
		138.60
6,846 miners (LG) X \$0.30	=	\$
		<u>2,053.80</u>
		\$

**2,192.40**

Annual Costs for M/NM Mines

553 miners (SM) X \$0.30	=	\$
		165.90
15,552 miners (LG) X \$0.30	=	\$
		<u>4,665.60</u>
		\$

**4,831.50**

**TOTAL COSTS FOR ADMINISTRATIVE CONTROLS**

**7,023.90** = \$

Section 62.170(a)(1) states that the audiometric testing which results in a valid baseline audiogram must be offered within 6 months of enrolling a miner in a hearing conservation program. Where mobile test vans are used to meet the audiometric test requirements, the operator must offer and provide audiometric testing within 12 months of enrolling a miner in an HCP. Audiograms are required to be performed annually as long as the miner is enrolled in an HCP.

It costs the mine operator \$35 per miner, to have an audiometric test done by a third party. MSHA estimates 15% of the miners will be retested annually. The annual number of miners affected will be 1,366 from small coal mines, 6,984 from large coal mines, 5,437 from small M/NM mines and 9,678 from large M/NM mines.

Annual Costs for Coal Mines

1,366 miners (SM) X \$35	=	\$
		47,810.00
6,984 miners (LG) X \$35	=	\$
		<u>244,440.00</u>
		\$
		<b>292,250.00</b>

Annual Costs for M/NM Mines

5,437 miners (SM) X \$35	=	\$
		190,295.00
9,678 miners (LG) X \$35	=	\$
		<u>338,730.00</u>
		\$

**529,025.00**

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<b>TOTAL ANNUAL COSTS</b>	=	\$
		<b>821,275.00</b>

Section 62.170(b) states that after the baseline audiogram is established, the mine operator must continue to offer subsequent audiometric tests at intervals not exceeding 12 months for as long as the miner remains in the hearing conservation program.

It will cost a mine operator \$0.30 to photocopy the notice. MSHA estimates that 8,367 miners working at 929 small coal mines, 48,290 miners working at 743 large coal mines, 30,509 miners working at 7,299 small M/NM mines, and 76,757 miners working at 1,415 large M/NM mines will be affected by this provision. (The paperwork burden and cost of '62.170(a), concerning a baseline audiogram, are captured in the paperwork burden and cost for '62.170(b).)

Annual Costs for Coal Mines

8,367 miners (SM) X \$0.30	=	\$	2,510.10
48,290 miners (LG) X \$0.30	=	\$	
			<u>14,487.00</u>
			\$

**16,997.10**

Annual Costs for M/NM Mines

30,509 miners (SM) X \$0.30	=	\$	
	9,152.70		
76,757 miners (LG) X \$0.30	=	\$	
			<u>23,027.10</u>
			\$

**32,179.80**

<b>TOTAL ANNUAL COSTS</b>	=	\$
		<b>49,176.90</b>

Section 62.171 (b) requires operators to compile an audiometric test record including: 1) name and job classification of the miner who has undergone the audiometric test; 2) a copy of all of the miner's audiograms required under this part; 3) evidence that the audiograms were conducted in accordance with paragraph (a) of this section; 4) any exposure determination for the miner; and 5) the results of any follow-up examination.

It costs the mine operator \$0.30 to photocopy an audiometric test record for each miner.

MSHA estimates that records will be established for 1,433 small coal miners, 7,781 large coal miners, 6,009 small M/NM miners and 10,706 large M/NM miners.

Annual Costs for Coal Mines

1,433 miners (SM) X \$0.30	=	\$	
			429.90
7,781 miners (LG) X \$0.30	=	\$	
			<u>2,334.30</u>
			\$
			<b>2,764.20</b>

Annual Costs for M/NM Mines

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6,009 miners (SM) X \$0.30	=	\$ 1,802.70
10,706 miners (LG) X \$0.30	=	\$ 3,211.80
		<u>\$ 5,014.50</u>
<b>TOTAL ANNUAL COSTS</b>	=	<b>\$ 7,778.70</b>

Section 62.172(a)(1) states that audiograms must be evaluated by a physician, an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist. This section requires the operator to inform persons evaluating audiograms of the requirements of this part and to provide them with a copy of the miner's audiometric test records.

It costs \$0.30 per miner for photocopying audiometric test records. In addition, MSHA estimates that it will cost approximately \$6 for a small mine and \$11 for a large mine to mail miners' records to physicians, audiologists, or qualified technicians.

MSHA estimates that approximately 1,360 miners in 310 small coal mines, 6,525 miners in 396 large coal mines, 7,311 miners in 714 small M/NM mines, and 12,841 miners in 354 large M/NM mines will be taking annual audiogram retests.

<u>Annual Costs for Coal Mines</u>		
1,360 miners X \$0.30 + (310 mines (SM) X \$6)	=	\$ 2,268.00
6,525 miners X \$0.30 + (396 mines (LG) X \$11)	=	\$ 6,313.50
		<u>\$ 8,581.50</u>
<u>Annual Costs for M/NM Mines</u>		
7,311 miners X \$0.30 + (714 mines (SM) X \$6)	=	\$ 6,477.30
12,841 miners X \$0.30 + (354 mines (LG) X \$11)	=	\$ 7,746.30
		<u>\$ 14,223.60</u>
<b>TOTAL ANNUAL COSTS</b>	=	<b>\$ 22,805.10</b>

Section 62.172(a)(3) requires the mine operator to instruct the physician, audiologist, or a qualified technician not to reveal to the mine operator any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing protectors without the written consent of the miner.

It will cost the mine operator \$0.30 to photocopy the written notice.

MSHA estimates that there will be 303 small coal mines, 211 large coal mines, 714 small M/NM mines, and 354 large M/NM mines affected annually.

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Annual Costs for Coal Mines

303 mines (SM) X \$0.30	=	\$
		90.90
211 mines (LG) X \$0.30	=	\$
		<u>63.30</u>
		\$

**154.20**

Annual Costs for M/NM Mines

714 mines (SM) X \$0.30	=	\$
		214.20
354 mines (LG) X \$0.30	=	\$
		<u>106.20</u>
		\$

**320.40**

<b>TOTAL ANNUAL COSTS</b>	=	<b>\$</b>
		<b>474.60</b>

Section 62.172(b)(1) requires the mine operator to offer and provide an audiometric retest within 30 calendar days of receiving a determination that an audiogram is invalid, provided any medical pathology has improved to the point that a valid audiogram may be obtained.

MSHA estimates that it will cost \$60 for an audiometric retest. MSHA estimates that approximately 136 miners in small coal mines, 587 miners in large coal mines, 600 miners in small M/NM mines, and 1,100 miners in large M/NM mines will be taking audiogram retests.

Annual Costs for Coal Mines.

136 miners (SM) X \$60	=	\$
		8,160.00
587 miners (LG) X \$60	=	\$
		<u>35,220.00</u>
		\$

**43,380.00**

Annual Costs for M/NM Mines

600 miners (SM) X \$60	=	\$
		36,000.00
1,100 miners (LG) X \$60	=	\$ <u>66,000</u>
		<u>.00</u>
		\$

**102,000.00**

<b>TOTAL ANNUAL COSTS</b>	=	<b>\$</b>
		<b>145,380.00</b>

Section 62.173(a) requires the operator to refer a miner for a clinical-audiological evaluation or an otological examination if a valid audiogram cannot be obtained due to a suspected medical pathology of

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the ear which the physician or audiologist believes was caused or aggravated by the miner's exposure to noise or the wearing of hearing protectors.

It will cost the mine operator \$0.30 to notify an affected miner. MSHA estimates there will be 9 miners in small coal mines, 37 miners in large coal mines, 64 miners in small M/NM mines, and 120 miners in large M/NM mines that will need a clinical audiological evaluation or otological examination.

Annual Costs for Coal Mines

9 miners (SM) X \$0.30	=	\$	2.70
37 miners (LG) X \$0.30	=	\$	<u>11.10</u>
		\$	<b>13.80</b>

Annual Costs for M/NM Mines

64 miners (SM) X \$0.30	=	\$	19.20
120 miners (LG) X \$0.30	=	\$	<u>36.00</u>
		\$	<b>55.20</b>

**TOTAL ANNUAL COSTS**

**69.00** = \$

Section 62.173(a) requires the operator to pay for the cost of the clinical audiological evaluation or otological examination. The cost associated with this type of testing is \$180 per miner. MSHA estimates there will be 9 miners in small coal mines, 37 miners in large coal mines, 64 miners in small M/NM miners, and 120 miners in large M/NM mines affected annually.

Annual Costs for Coal Mines

9 miners (SM) X \$180	=	\$	1,620.00
37 miners (LG) X \$180	=	\$	<u>6,660.00</u>
		\$	<b>8,280.00</b>

Annual Costs for M/NM Mines

64 miners (SM) X \$180	=	\$	11,520.00
120 miners (LG) X \$180	=	\$	<u>21,600.00</u>
		\$	<b>33,120.00</b>

**TOTAL ANNUAL COSTS**

**41,400.00** = \$

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Section 62.173(c) requires the operator to instruct the physician, audiologist, or qualified technician not to reveal to the operator any specific findings or diagnoses unrelated to the miner's exposure to noise or the wearing of hearing protectors without the written consent of the miner.

It will cost the mine operator \$0.30 to photocopy the notice for each mine.

MSHA estimates that 230 small coal mines, 100 large coal mines, 11 small M/NM mines, and 2 large M/NM mines will be affected by this provision annually. (MSHA estimates that the mine operator will send one notice including instructions in both paragraphs (b) and (c)).

Annual Costs for Coal Mines

230 mines (SM) X \$0.30	=	\$	
			69.00
100 mines (LG) X \$0.30	=	\$	
			<u>30.00</u>
			\$

**99.00**

Annual Costs for M/NM Mines

11 mines (SM) X \$0.30	=	\$	3.30
2 mines (LG) X \$0.30	=	\$	
			<u>0.60</u>
			\$
			<b>3.90</b>

**TOTAL ANNUAL COSTS**

**102.90**

Section 62.174(a) requires that retraining be provided in accordance with 62.180. Section 62.180(b) requires the operator to certify the date and type of training given each miner and to retain the most recent certification for as long as the miner is enrolled in the hearing conservation program, and for at least six months thereafter.

The cost of photocopying associated with this task is estimated to be \$0.30 per miner.

MSHA estimates that 129 miners in small coal mines, 766 miners in large coal mines, 1,106 miners in small M/NM mines, and 2,096 miners in large M/NM mines will be affected by this provision annually.

Annual Costs for Coal Mines

129 miners (SM) X \$0.30	=	\$	
			38.70
766 miners (LG) X \$0.30	=	\$	
			<u>229.80</u>
			\$
			<b>268.50</b>

Annual Costs for M/NM Mines

1,106 miners (SM) X \$0.30	=	\$	
			331.80

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2,096 miners (LG) X \$0.30	=	\$
		<u>628.80</u>
		\$
		<b>960.60</b>
<b>TOTAL ANNUAL COSTS</b>	=	\$ <b>1,229.10</b>

Section 62.175(a)(1) requires the mine operator, within 10 working days of receiving the results of an audiogram, to notify the miner of the results in writing.

It will cost mine operators \$0.30 to photocopy the notice for each miner.

MSHA estimates that there will be 1,288 miners in small coal mines, 6,854 miners in large coal mines, 12,877 miners in small M/NM mines, and 15,131 miners in large M/NM mines who need to be notified annually.

Annual Costs for Coal Mines

1,288 miners (SM) X \$0.30	=	\$
		386.40
6,854 miners (LG) X \$0.30	=	\$
		<u>2,056.20</u>
		\$
<b>2,442.60</b>		

Annual Costs for M/NM Mines

12,877 miners (SM) X \$0.30	=	\$
		3,863.10
15,131 miners (LG) X \$0.30	=	\$
		<u>4,539.30</u>
		\$
<b>8,402.40</b>		

<b>TOTAL ANNUAL COSTS</b>	=	\$
<b>10,845.00</b>		

Section 62.175(a)(1) requires the operator to notify the miner of the results and interpretation of a follow-up evaluation (otological examination).

It will cost the mine operator \$0.30 to photocopy the notice for each miner.

MSHA estimates that 9 miners in small coal mines, 37 miners in large coal mines, 64 miners in small M/NM mines, and 120 miners in large M/NM mines will be affected by this provision annually.

Annual Costs for Coal Mines

9 miners (SM) X \$0.30	=	\$
		2.70
37 miners (LG) X \$0.30	=	\$
		<u>11.10</u>
		\$
<b>13.80</b>		

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Annual Costs for M/NM Mines

64 miners (SM) X \$0.30	=	\$
		19.20
120 miners (LG) X \$0.30	=	\$
		<u>36.00</u>
		\$
<b>55.20</b>		
<b>TOTAL ANNUAL COSTS</b>	=	\$
<b>69.00</b>		

Section 62.175(a)(2) requires operators to notify miners of the need and reasons for any further testing or evaluation, if applicable.

It will cost the mine operator \$0.30 to photocopy the notice for each miner.

MSHA estimates that there will be 133 miners in small coal mines, 682 miners in large coal mines, 1,161 miners in small M/NM mines, and 2,159 miners in large M/NM mines affected by this provision annually.

Annual Costs for Coal Mines

133 miners (SM) X \$0.30	=	\$
		39.90
682 miners (LG) X \$0.30	=	\$
		<u>204.60</u>
		\$
<b>244.50</b>		

Annual Costs for M/NM Mines

1,161 miners (SM) X \$0.30	=	\$
		348.30
2,159 miners (LG) X \$0.30	=	\$
		<u>647.70</u>
		\$
<b>996.00</b>		
<b>TOTAL ANNUAL COSTS</b>	=	\$
		<b>1,240.50</b>

Section 62.180(a) requires that within no more than 30 days of a miner's enrollment into a hearing conservation program, the mine operator must provide the miner with training. The training must include: the effects of noise on hearing; the purpose and value of wearing hearing protectors; the advantages and disadvantages of the hearing protectors offered; the care, fitting, and use of the hearing protector worn by the miner and the various types of hearing protectors offered by the operator; the mine operator's and miner's respective tasks in maintaining the noise controls; and the purpose and value of audiometric testing and a summary of the procedures.

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It will cost the mine operator \$0.30 to photocopy training certificates for each miner. There are 9,091 miners in small coal mines, 56,118 miners in large coal mines, 38,153 miners in small M/NM mines, and 87,711 miners in large M/NM mines that will be affected by this provision.

Annual Costs for Coal Mines

9,091 miners (SM) X \$0.30	=	\$
		2,727.30
56,118 miners (LG) X \$0.30	=	\$
		<u>16,835.40</u>
		\$

**19,562.70**

Annual Costs for M/NM Mines

38,153 miners (SM) X \$0.30	=	\$
		11,445.90
87,711 miners (LG) X \$0.30	=	\$
		<u>26,313.30</u>
		\$

**37,759.20**

<b>TOTAL ANNUAL COSTS</b>	=	\$
		<b>57,321.90</b>

Section 62.190(b) requires the operator to provide the first copy of a record to a person who has access, at no cost to that person, and additional copies requested by that person at reasonable cost.

It will cost the mine operator \$0.30 to photocopy a record for each miner. MSHA estimates that there are 570 miners in small coal mines, 1,622 miners in large coal mines, 10,018 miners in small M/NM mines, and 13,483 miners in large M/NM mines that will be affected by this provision annually.

Annual Costs for Coal Mines

570 miners (SM) X \$0.30	=	\$
	171.00	
1,622 miners (LG) X \$0.30	=	\$
		<u>486.60</u>
		\$
	<b>657.60</b>	

First Year Costs for M/NM Mines

10,018 miners (SM) X \$0.30	=	\$
		3,005.40
13,483 miners (LG) X \$0.30	=	\$
		<u>4,044.90</u>
		\$
		<b>7,050.30</b>
<b>TOTAL COSTS</b>	=	\$
		<b>7,707.90</b>

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1,237.74

\$

TOTAL COSTS

=

\$

2,475.48

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

There has been an increase of 12,361 respondents from the currently approved collection (1191 to 13,552). Under this submission MSHA has used the 2001 number of Coal and Metal/Nonmetal surface and underground mines as the total respondents, whereas, under this current collection, a combination of the number of respondents and mines was totaled then averaged. MSHA feels that using the total number of mines more accurately reflects the number of respondents.

There has been a decrease of 639,307 responses (1,461,150 to 821,843). The number in the current collection was a combination of hours attributed to the number of operating mines and the hours accounted for during the "first year" of the rule. Over the past several years there has been a decrease in the number of operating mines. Also, less mines would realize those "first year" hours in subsequent years of the rule.

MSHA is requesting a decrease of 21,346 burden hours (123,099 to 101,753). Under the currently approved collection, MSHA accounted for the burden hours during the "first year" of the rule. Therefore, a mine may initially have had needed to come into compliance the first year, but has remained in compliance during subsequent years.

MSHA is requesting a decrease of \$14,684 from the burden cost (\$18,835 to \$4,151). Again, under the currently approved collections, MSHA took into account those costs for the "first year" of the rule. These costs now do not apply in the subsequent years.

**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 the beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The results of this information collection are not scheduled for publication.

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

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

**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**

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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.

The collection of this information does not employ statistical methods.