

SUPPORTING STATEMENT

PART 46 – TRAINING AND RETRAINING OF MINERS ENGAGED IN SHELL DREDGING OR EMPLOYED AT SAND, GRAVEL, SURFACE STONE, SURFACE CLAY, COLLOIDAL PHOSPHATE, OR SURFACE LIMESTONE MINES.

Sections 46.3, 46.5, 46.6, 46.7, 46.8, 46.9, and 46.11 Training plans; New miner training; Newly-hired experienced miner training; New task training; Annual refresher training; Records of training; and Site-specific hazard awareness training.

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.

This rule enforces MSHA's existing health and safety training regulations in 30 CFR part 48 by establishing training requirements in 30 CFR part 46 for shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines. MSHA's objective in these requirements is to ensure that all miners receive the required training, which would result in a decrease in accidents, injuries, and fatalities. This rule enforces training requirements at approximately 10,305 surface nonmetal work sites and 105,300 miners.

Section 46.3 Training plans. Paragraph (a) of § 46.3 requires mine operators to develop and implement a written training plan approved by MSHA that contains effective programs for training new miners and experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Paragraph (b) requires the following information, at a minimum, to be included in a training plan:

- (1) The company name, mine name, and MSHA mine identification number;
- (2) The name and position of the person designated by the operator who is responsible for the health and safety training at the mine. This person may be the operator;
- (3) A general description of the teaching methods and the course materials that are to be used in providing the training, including the subject areas to be covered and the approximate time to be spent on each subject area;
- (4) A list of the persons who will provide the training, and the subject areas in which each person is competent to instruct; and
- (5) The evaluation procedures used to determine the effectiveness of training.

Paragraph (c) requires a plan that does not include the minimum information specified in paragraph (b) to be approved by MSHA. For each size category, the Agency estimates that 20 percent of mine operators will choose to write a plan and send it to MSHA for approval.

Paragraph (d) requires mine operators to provide miners' representatives with a copy of the training plan.

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At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner.

Paragraph (e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators, or to the Regional Manager, as appropriate. The burden hours and costs of this provision are not borne by mine operators, but by miners and their representatives.

Paragraph (g) requires that the miners' representative with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner.

Paragraph (h) allows mine operators, miners, and miners' representatives to appeal a decision of the Regional Manager in writing to the Director for Education Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal.

Paragraph (i) requires mine operators to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, mine operators must have the capability to provide the plan upon request by MSHA, miners, or their representatives.

Section 46.5 New miner training. Paragraph (a) of § 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe manner.

Section 46.6 Newly hired experienced miner training. Paragraph (a) of § 46.6 requires mine operators to provide each newly hired experienced miner with certain training before the miner begins work.

Section 46.7 New task training. Paragraph (a) of § 46.7 requires, before a miner performs a task for which he or she has no experience, that the mine operator train the miner in the safety and health aspects and safe work procedures specific to that task. If changes have occurred in a miner's regularly assigned task, the mine operator must provide the miner with training that addresses the changes.

Section 46.8 Annual refresher training. Paragraph (a) of § 46.8 requires, at least every 12 months, that the mine operator provide each miner with no less than 8 hours of refresher training.

Section 46.9 Records of training. Paragraph (a) of § 46.9 requires the mine operators upon completion of each training program, to record and certify on MSHA Form 5000-23, or on a form that contains the required information, that the miner has completed the training. False certification that training was completed is punishable under § 110(a) and (f) of the Act.

Section 46.11 Site-specific hazard awareness training. Paragraph (a) of § 46.11 requires the mine operator to provide site-specific hazard training to non-miners, including the following persons: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers, or manufacturers' representatives; and outside vendors, visitors, office or staff personnel who do not work at the mine site on a continuing basis.

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

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collection.

The records allow mine operators to determine that miners have received the required training. MSHA inspectors use the records to determine that training required by the regulations is being provided.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The training plans required by § 46.3 may include narratives, descriptions, lists and tables. The plans can be prepared using Personal Computers and word processing programs and submitted via e-mail or facsimile, and may be followed by a signed hard copy.

MSHA has developed and implemented an electronic system (the MSHA Training Plan Advisor) for mine operators to prepare and submit training plans through the Internet. This system has been available for Part 46 mining operations since September 2000. This is an optional method for the mining industry to prepare and file required training plans. The design of this system increases the likelihood that the plan will be complete, with the potential to decrease the paperwork burden. This system is maintained on Department of Labor servers, and is accessed through MSHA's Homepage at <http://www.msha.gov>, Forms and Online Filings. This rule enforces training requirements at approximately 10,305 surface nonmetal work sites and 5% or 554 electronic submittals were received by MSHA.

Paragraph (a) of § 46.9 allows mine operators to record and certify on MSHA Form 5000-23, or on a form that contains the required information. Form 5000-23 is the mandatory approved form under collection 1219-0070, Certificate of Training (30 CFR 48.9 and 48.29). Because the use of form 5000-23 is optional mechanism by which training can be recorded or certified, the burden for this task is kept separate from 1219-0070.

The form 5000-23 and other sample records are accessible for downloading on the MSHA Homepage:

<http://www.msha.gov>, Forms and Online Filings; and,
under Special Initiatives, Part 46 Training

Paragraph (d) allows mine operators to maintain training certificates at a centralized location, as long as the mine operator has the capability to provide the certificates upon request by MSHA, miners, or their representatives.

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.

No similar or duplicate information exists.

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

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 Act. (See S. Rep. No. 181, 95th Cong., 1st Sess. 28 (1977).)

Congress recognized, however, that small operations may face problems in complying with some of the provisions of the Mine Act. 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. MSHA takes this statutory language into consideration in developing regulatory requirements when different requirements for small and large mines exist and, when appropriate and consistent with ensuring the health and safety of miners when different requirements for small and large mines exist.

Further, MSHA has minimized this burden by providing small and large operations with the option of using an interactive, online version of the training plan (refer to information in Question No. 3 above). We also provide a Part 46 Starter Kit which, among other useful information, contains a model training plan, as well as, examples of training records that operators may use to record the training of miners. Both the online training plan and the kit are available through our homepage.

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 these information collection requirements are the minimum necessary to ensure that miners receive the required training. Reduction in these requirements may result in miners being subjected to unsafe conditions in the mine and, thus, jeopardizing their lives.

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;

Not applicable.

! 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.

- ! **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 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.**

Although there is no explicit requirement that a mine operator retain records for more than three years, the operator must maintain a current, approved training plan during the entire time the mine is in operation. This collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5.

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

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

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

MSHA published the proposed rule (64 FR 18497-18528) which contained the information collection requirements in the Federal Register, giving interested persons 60 days to submit comments; therefore, notifying the public that these information collection requirements were being reviewed by OMB in accordance with the Paperwork Reduction Act. MSHA also mailed copies of the Federal Register notice of proposed rulemaking to all affected mines.

MSHA will publish a 60-day pre-clearance FEDERAL REGISTER notice on **[REPLACE WITH NEW PUBLICATION DATE]**, soliciting public comments regarding the reinstatement of this information collection.

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

MSHA has decided not to provide payments or gifts to respondents.

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

The records are covered by a Privacy Act notice published in the Federal Register. Training plans are part of MSHA's two management Information Systems: (1) Labor/MSHA-3, Metal and Nonmetal Mine Safety and Health Management Information System, and (2) Labor/MSHA-18, Coal Mine Safety and Health Management Information System.) Computerized and manual records are indexed by mine identification number. Computer safeguards are as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974." Manual records are stored in locked files and are accessible only to authorized personnel during working hours.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Section 46.3(a) for existing mines - write training plans

Paragraph (a) of § 46.3 requires existing mine operators to develop and implement a written training plan approved by MSHA that contains effective programs for training new miners and experienced miners, training miners for new tasks, annual refresher training, and hazard training. The mines affected by this provision in each size category are: 5,226 mines that employ 19 or fewer workers; and 251 mines that employ 20 or more workers.

MSHA estimates that a mine supervisor, earning \$44.93 per hour, would take 2 hours to write a plan in mines that employ fewer than 20 persons, and 4 hours in mines that employ 20 or more persons. On average, these burden hours and related costs will occur once every two years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using an annualization factor of 0.553. (Note: All

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calculations have been rounded.)

Recurring burden hours

Mines (1-19) 5,226 mines x 2 hours = 10,452 hours

Mines (≥ 20) 251 mines x 4 hours = 1,004 hours
11,456 hours

11,456 hours/2 (once every 2 yrs) = 5,728 hours

Recurring burden costs

11,456 hours x \$44.93 = \$514,718

Recurring burden costs annualized

\$514,718 x 0.553 = \$284,639

Section 46.3(a) for new mines - write training plans

Also, under paragraph (a) of § 46.3 each affected new mine operator must develop a written training plan. The affected mines in each size category that must write a plan are: 196 mines that employ 19 or fewer workers; and 25 mines that employ 20 or more workers.

MSHA estimates that writing the training plan will take 2 hours for mines that employ fewer than 20 workers, and 4 hours for mines that employ 20 or more workers. For all affected mines, a mine supervisor earning \$44.93 per hour will write the plan. These burden hours and costs will occur annually.

Annual burden hours

Mines (1-19) 196 mines x 2 hours = 392 hours

Mines (≥ 20) 25 mines x 4 hours = 100 hours
492 hours

Annual burden costs

492 hours x \$44.93 = \$22,106

Section 46.3(c) for existing mines - provide training plan to MSHA and notify miner or miners' representative

Paragraph (c) requires a plan that does not include the minimum information specified in paragraph (b) to be approved by MSHA. For each size category, the Agency estimates that 20 percent of mine operators will write a plan and send it to MSHA for approval. The mines affected by this provision in each size category are: 765 mines that employ 5 or fewer workers; 280 mines that employ between 6 and 19 workers; and 50 mines that employ 20 or more workers.

MSHA estimates that it would take a clerical worker, earning \$18.44 per hour, about 0.2 hour per mine to copy and mail the training plan. Because the earning rate and task time do not differ across mine size, one calculation is shown below. On average, these burden hours and related costs will occur once every two years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using an annualization factor of 0.553.

Recurring burden hours

1095 mines - 55 mines (5% are electronic submissions)
x 0.2 hour = 208 hours;

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208 hours/2 (once every 2 yrs) = 104 hours

Recurring burden costs

208 hours x \$18.44 = \$3,836

Recurring burden costs annualized

\$3,836 x 0.553 = \$2,121

Section 46.3(c) for new mines - provide training plan to MSHA and notify miner or miners' representative

A plan that does not include the minimum information specified in § 46.3(b) must be approved by MSHA. The plan must be sent to MSHA and the miner or miners' representative must be notified of the submission. For each mine size category, MSHA estimates that 20 percent of new mine operators that chose to write a plan will send it to MSHA for approval. Thus, the mines affected by this provision in each size category are: 25 mines that employ 5 or fewer workers; 14 mines that employ between 6 and 19 workers; and 5 mines that employ 20 or more workers.

MSHA estimates that a clerical worker, earning \$18.44 per hour, will require about 0.2 hour per mine to copy and mail the plan and notify miner or miner representative and to MSHA. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and costs will occur annually.

Annual burden hours

44 mines - 2 mines (5% are electronic submissions)
x 0.2 hours = 8 hours

Annual burden costs

8 hours x \$18.44 = \$148

Section 46.3(d) for existing mines - provide training plan to miner representative or post

Paragraph (d) requires mine operators to provide miners' representatives with a copy of the training plan.

At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers.

MSHA estimates that a clerical worker, earning \$18.44 per hour, would take 0.1 hour to photocopy the plan and either deliver or post the plan. Because the earning rate and task time do not differ across mine size, one calculation is shown below. On average, these burden hours and related costs will occur once every two years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using an annualization factor of 0.553.

Recurring burden hours

5,477 mines x 0.1 hour = 548 hours;
548 hours/2 (once every 2 yrs) = 274 hours

Recurring burden costs

548 hours x \$18.44 = \$ 10,105

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Recurring burden costs annualized

$\$10,105 \times 0.553 =$ \$5,588

Section 46.3(d) for new mines - provide training plan to miner representative or post

The mine operator must provide the miners' representative with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. The mines that are affected by this provision, in each size category, are: 127 mines that employ 5 or fewer workers; 69 mines that employ between 6 and 19 workers; and 25 mines that employ 20 or more workers.

MSHA estimates that a clerical worker, earning \$18.44 per hour, will require 0.1 hour to photocopy the plan and either deliver or post the plan. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and related costs will occur annually.

Annual burden hours

221 mines \times 0.1 hour = 22 hours

Annual burden costs

22 hours \times \$18.44 = \$406

Section 46.3(e) for existing mines - miners or their representatives submission of written comments on training plan

This provision is not borne by the mine operator, but by miners or miners' representatives. Paragraph (e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators, or to the Regional Manager, as appropriate.

MSHA estimates that a miner or miners' representative would submit comments for 5 percent of the affected mines in each size category. The mines affected in each size category are: 191 mines that employ 5 or fewer workers; 70 mines that employ between 6 and 19 workers; and 13 mines that employ 20 or more workers. MSHA estimates that a miner or miners' representatives, earning \$19.81 per hour, would take 2 hours per affected mine to prepare written comments. Because the earning rate and task time do not differ across mine size, one calculation is shown below.

In addition, 2 percent of mines will request a plan review in their comments. The mines affected in each size category are: 77 mines that employ 5 or fewer workers; 28 mines that employ between 6 and 19 workers; and 5 mines that employ 20 or more workers. MSHA estimates that a miner or miners' representatives, earning \$19.81 per hour, would take 0.3 hours per affected mine to prepare written comments.

On average, these burden hours and related costs will occur once every two years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using an annualization factor of 0.553.

Recurring burden hours

$(274 \text{ mines} \times 2 \text{ hours}) + (110 \text{ mines} \times 0.3 \text{ hours}) = 581 \text{ hours};$
 $581 \text{ hours} / 2 \text{ (once every 2 yrs)} =$ 291 hours

Recurring burden costs

581 hours x \$19.81 = \$11,510

Recurring burden costs annualized

\$11,510 x 0.553 = \$6,365

Section 46.3(e) for new mines - miners or their representatives submission of written comments on training plan

This provision is not borne by the mine operator, but by miners or miners' representatives. Paragraph (e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators, or to the Regional Manager, as appropriate.

MSHA estimates that a miner or miners' representative would submit comments for 5 percent of the affected new mines in each size category. The mines affected in each size category are: 6 mines that employ 5 or fewer workers; 3 mines that employ between 6 and 19 workers; and 1 mine that employs 20 or more workers. MSHA estimates that a miner or miners' representatives, earning \$19.81 per hour, would take 2 hours per affected mine to prepare written comments. Because the earning rate and task time do not differ across mine size, one calculation is shown below.

In addition, 2 percent of mines will request a plan review in their comments. The new mines affected in each size category are: 3 mines that employ 5 or fewer workers; 1 mine that employs between 6 and 19 workers; and 1 mine that employs 20 or more workers. MSHA estimates that a miner or miners' representatives, earning \$19.81 per hour, would take 0.3 hour per affected mine to prepare written comments. These burden hours and related costs will occur annually.

Annual burden hours

(10 mines x 2 hours)+ (5 mines x 0.3 hour) = 22 hours

Annual burden costs

22 hours x \$19.81 = \$ 436

Section 46.3(g) for existing mines - provide miner or representative with copy of approved training plan or post if no miner representative

Requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within one week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within one week of approval.

MSHA estimates that the affected existing mines are: 765 mines that employ 5 or fewer workers; 280 mines that employ between 6 and 19 workers; and 50 mines that employ 20 or more workers. On average, a clerical worker, earning \$18.44 per hour, is estimated to take 0.1 hour to photocopy and either post or deliver the approved training plan. Because the earning rate and task time do not differ across mine sizes, one calculation is shown below. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using a 0.553 annualization factor.

Recurring burden hours

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1095 mines x 0.1 hours = 110 hours;
110 hours/2 (once every 2 yrs) = 55 hours

Recurring burden costs
110 hours x \$18.44 = \$2,028

Recurring burden costs annualized
\$2,028 x 0.553 = \$ 1,121

Section 46.3(g) for new mines - provide miner or representative with copy of approved training plan or post if no miner representative

Requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within one week of approval. At new mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within one week of approval.

MSHA estimates that the affected new mines are: 25 mines that employ 5 or fewer workers; 14 mines that employ between 6 and 19 workers; and 5 mines that employ 20 or more workers. On average, a clerical person, earning \$18.44 per hour, is estimated to take 0.1 hour to photocopy and either post or deliver the approved training plan. Because the earning rate and task time do not differ across mine size, one calculation is shown below.

Annual burden hours
44 mines x 0.1 hour = 4 hours

Annual burden costs
4 hours x \$18.44 = \$74

Section 46.3(h) for existing mines - appeal by mine operator

Paragraph (h) allows mine operators, miners, and miners' representatives to appeal a decision of the Regional Manager in writing to MSHA's, Director for Education Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal. The mines affected by this provision in each size category are: 15 mines that employ 5 or fewer workers; 6 mines that employ between 6 and 19 workers; and 1 mine that employs 20 or more workers.

MSHA estimates that for 90% of the mine operators affected by this provision, the appeal would be written by a mine supervisor. MSHA estimates that a mine supervisor, earning \$44.93 per hour, would take 4 hours to write the appeal. Because the earning rate and task time do not differ across mine size, one calculation is shown below. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using a 0.553 annualization factor.

Recurring burden hours
22 mines x 4 hours = 88 hours;
88 hours/2 (once every 2 yrs) = 44 hours

Recurring burden costs
88 hours x \$44.93 = \$3,954

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Recurring burden costs annualized

$\$3,954 \times 0.553 =$ \$ 2,187

Section 46.3(h) for existing mines - continued - appeal by mine operator

MSHA further estimates that for the remaining 10% of existing mine operators that would appeal a decision, the appeal would be written by an attorney (a third party). See question 13 for these costs.

Section 46.3(h) for new mines - appeal by mine operator

A mine operator may appeal an MSHA decision concerning the approval of its training plan. The number of new mines that will write an appeal are: 25 mines that employ 5 or fewer workers; 14 mines that employ between 6 and 19 workers; and 5 mines that employ 20 or more workers. Of these mines, 2 percent of them will file an appeal, and in 90 percent of these cases, the appeal will be written by a mine supervisor. Thus, the number of new mines affected by this provision, in each size category, are: 0.46 mine that employ 5 or fewer workers; 0.25 mine that employ between 6 and 19 workers; and 0.09 mine that employs 20 or more workers. MSHA estimates that a new mine supervisor, earning \$44.93 per hour, will require 4 hours to write the appeal. Because the earning rate and task time do not differ across mine size, one calculation is shown below. The burden hours and related costs occur annually.

Annual burden hours

1 mine x 4 hours = 4 hours

Annual burden costs

4 hours x \$44.93 = \$ 180

Section 46.3(h) for new mines - continued - appeal by mine operator

MSHA further estimates that for the remaining 10% of new mine operators that would appeal a decision, the appeal would be written by an attorney (a third party). See question 13 for these costs.

Section 46.3(i) for existing mines - operator must make available training plan for inspection

Paragraph (i) requires mine operators to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, mine operators must have the capability to provide the plan upon request to MSHA, miners, or their representatives. The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers.

MSHA estimates that a clerical worker, earning \$18.44 per hour, would take 0.1 hour to photocopy and file the training plan. Because the earning rate and task time do not differ across mine size, one calculation is shown below. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc.); thus, the costs are annualized using a 0.553 annualization factor.

Recurring burden hours

5,477 mines x 0.1 hour = 548 hours;
548 hours/2 (once every 2 yrs) = 274 hours

Recurring burden costs

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548 hours x \$18.44 = \$ 10,105

Recurring burden costs annualized

\$10,105 x 0.553 = \$5,588

Section 46.3(i) for new mines - operator must make available training plan for inspection

The mine operator must make available a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. The new mines affected by this provision for each size category are: 127 mines that employ 5 or fewer workers; 69 mines that employ between 6 and 19 workers; and 25 mines that employ 20 or more workers.

MSHA estimates that a clerical worker, earning \$18.44 per hour, will require 0.1 hour to photocopy and file the training plan. Because the earning rate and task time do not differ across mine sizes, one calculation is shown below.

Annual burden hours

221 mines x 0.1 hours = 22 hours

Annual burden costs

22 hours x \$18.44 = \$406

46.5(a) New miner training - prepare for training

Paragraph (a) of § 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe manner. The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers.

MSHA estimates that for each mine, a mine supervisor, earning \$44.93 per hour, would take 6 hours annually to prepare for the new miner training. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and related costs will occur annually.

Annual burden hours

5,477 mines x 6 hours = 32,862 hours

Annual burden costs

32,862 hours x \$44.93 = \$ 1,476,490

46.5(a) New miner training - continued - mine supervisor giving training

MSHA further estimates, for each size category, that the average number of training sessions the mine supervisor would provide, per mine, annually are: 0.46 session for mines that employ 5 or fewer workers; 0.64 session for mines that employ between 6 and 19 workers; and 0.82 session for mines that employ 20 or more workers. On average, each training session is estimated to last 13.48 hours.

The mines affected, in each size category, are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers. These burden

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hours and costs will occur annually.

Annual burden hours

Mines(1-5) 3,827 mines x 0.46 session	
x 13.48 hours =	23,730 hours
Mines(6-19) 1,399 mines x 0.64 session	
x 13.48 hours =	12,069 hours
Mines(≥20) 251 mines x 0.82 session	
x 13.48 hours =	<u>2,774 hours</u>
	38,573 hours

Annual burden costs

38,573 hours x \$44.93 =	\$ 1,733,085
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46.5(a) New miner training - continued - offsite training

Additionally, the Agency estimates that part of new miner training would be provided off-site by a third party. Mine operators would pay the third party for providing this part of the new miner training; thus mine operators would incur burden costs but no burden hours. See question 13 for these costs.

Section 46.6(a) Newly-hired experienced miner training - prepare for training

Paragraph (a) of § 46.6 requires mine operators to provide each newly hired experienced miner with certain training before the miner begins work. The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers.

MSHA estimates that it would take a mine supervisor, earning \$44.93 per hour, 1 hour annually to prepare to give the experienced miner training. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and related costs will occur annually.

Annual burden hours

5,477 mines x 1 hour =	5,477 hours
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Annual burden costs

5,477 hours x \$44.93 =	\$246,082
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Section 46.6(a) Newly hired experienced miner training - continued - mine supervisor giving training

MSHA further estimates, for each size category, that the average number of training sessions the mine supervisor would provide, per mine, annually are: 0.45 sessions for mines that employ 5 or fewer workers; 0.63 sessions for mines that employ between 6 and 19 workers; and 0.81 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 3.4 hours.

The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers. These burden hours and related costs occur annually.

Annual burden hours

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Mines(1-5) 3,827 mines x 0.45 session x 3.4 hours =	5,855 hours
Mines(6-19) 1,399mines x 0.63sessions x 3.4 hours =	2,997 hours
Mines(\geq 20) 251 mines x 0.81 sessions x 3.4 hours =	<u>691 hours</u>
	9,543 hours

Annual burden costs

9,543 hours x \$44.93 =	\$428,767
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Section 46.7 Regularly-assigned task training - prepare for training

Paragraph (a) of § 46.7 requires that before performing a regularly-assigned task for which the miner has no experience, the mine operator must train the miner in the safety and health aspects and safe work procedures specific to that regularly-assigned task. If changes have occurred in a miner's regularly assigned task, the mine operator must provide the miner with training that addresses the changes. The mines affected by this provision in each size category are: 3,809 mines that employ 5 or fewer workers; 1,385 mines that employ between 6 and 19 workers; and 246 mines that employ 20 or more workers.

For each mine, a mine supervisor, earning \$44.93 per hour, would take 0.25 hours annually to prepare for the task training. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and related costs will occur annually.

Annual burden hours

5440 mines x 0.25 hour =	1,360 hours
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Annual burden costs

1,360 hours x \$44.93 =	\$61,105
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Section 46.7 Regularly-assigned task training - continued - mine supervisor giving training

In addition to preparing for regularly assigned training, there is also a paperwork burden attributable to the time it takes the mine supervisor to provide such task training.

With respect to each size category, the average number of (composite) training sessions that the mine supervisor will give annually per mine will be: 1.53 sessions for mines that employ 5 or fewer workers; 7.82 sessions for mines that employ between 6 and 19 workers; and 40.16 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 0.6 hours. These burden hours and costs occur annually.

The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers.

Annual burden hours

Mines(1-5) 3,827 mines x 1.53 sessions x 0.6 hrs. =	3,513 hours
Mines(6-19) 1,399 mines x 7.82 sessions x 0.6 hrs. =	6,564 hours
Mines (\geq 20) 251 mines x 40.16 sessions x 0.6 hrs. =	<u>6,048 hours</u>
	16,125 hours

Annual burden costs

16,125 hours x \$44.93 =	\$724,496
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Section 46.7 New task training - prepare for training

Paragraph (a) of § 46.7 requires that before performing a new task for which the miner has no experience, the mine operator must train the miner in the safety and health aspects and safe work procedures specific to that regularly-assigned task. If changes have occurred in a miner's new task, the mine operator must provide the miner with training that addresses the changes.

The mines affected by this provision in each size category are: 6,349 mines that employ 5 or fewer workers; 3,462 mines that employ between 6 and 19 workers; and 1,231 mines that employ 20 or more workers.

MSHA estimates that for each mine, a mine supervisor, earning \$44.93 per hour, would take 0.08 hours annually to prepare for the task training. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and related costs will occur annually.

Annual burden hours

11,042 mines x 0.08 hours = 883 hours

Annual burden costs

883 hours x \$44.93 = \$39,673

Section 46.7 New task training - continued - mine supervisor giving training

In addition to preparing for new task training, there is also a paperwork burden attributable to the time it takes the mine supervisor to provide such task training.

With respect to each size category, the average number of (composite) training sessions that the mine supervisor will give annually per mine will be: 1.53 sessions for mines that employ 5 or fewer workers; 7.82 sessions for mines that employ between 6 and 19 workers; and 40.3 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 0.2 hours. These burden hours and costs occur annually.

The mines affected by this provision in each size category are: 6,349 mines that employ 5 or fewer workers; 3,462 mines that employ between 6 and 19 workers; and 1,231 mines that employ 20 or more workers.

Annual burden hours

Mines (1-5) 6,349 mines x 1.53 sessions x 0.2 hrs. = 1,943 hours

Mines (6-19) 3,462 mines x 7.82 sessions x 0.2 hrs. = 5,415 hours

Mines (\geq 20) 1,231 mines x 40.3 sessions x 0.2 hrs. = 9,922 hours

17,280 hours

Annual burden costs

17,280 hours x \$44.93 = \$776,390

Section 46.8(a) Annual refresher training - prepare for training

Paragraph (a) of § 46.8 requires, at least every 12 months, that the mine operator provide each miner with no less than 8 hours of refresher training. The mines affected by this provision in each size category are:

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3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers.

MSHA estimates that for each mine, a mine supervisor, earning \$44.93 per hour, would take 3 hours to prepare for the task training. Because the earning rate and task time do not differ across mine size, one calculation is shown below. These burden hours and related costs occur annually.

<u>Annual burden hours</u>	
5,477 mines x 3 hours =	16,431 hours

<u>Annual burden costs</u>	
16,431 hours x \$44.93 =	\$738,245

Section 46.8(a) Annual refresher training - continued - mine supervisor giving training

MSHA further estimates, for each size category, that the average number of training sessions the mine supervisor would provide, per mine, annually are: 0.92 sessions for mines that employ 5 or fewer workers; 0.94 sessions for mines that employ between 6 and 19 workers; and 2.01 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 8 hours.

The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers. These burden hours and costs occur annually.

<u>Annual burden hours</u>	
Mines(1-5) 3,827 mines x 0.92 session x 8 hrs. =	28,167 hours
Mines(6-19) 1,399 mines x 0.94 session x 8 hrs. =	10,520 hours
Mines(\geq 20) 251 mines x 2.01 sessions x 8 hrs. =	<u>4,036 hours</u>
	42,723 hours

<u>Annual burden costs</u>	
42,723 hours x \$44.93 =	\$1,919,544

Section 46.9 Records of training

Paragraph (a) of § 46.9 requires mine operators, upon completion of each training program, to record and certify on MSHA Form 5000-23, or on a form that contains the required information, that the miner has completed the training.

For all records required to be kept in §§ 46.5, 46.6, 46.7, and 46.8, MSHA estimates that, for each mine, a mine supervisor, earning \$44.93 per hour, would take 0.05 hours to record and certify each miner's training record. In addition, it would take a clerical worker, earning \$18.44 per hour, 0.05 hours to prepare, copy, and distribute the certificate. Because the earning rate and task time does not differ across mine size, calculations are combines below.

§ 46.5 - (new miner training) records

The annual number of training records required to be kept under § 46.5 (New miner training) in each size category are: 1,653 in mines that employ 5 or fewer workers; 1,673 in mines that employ between 6 and 19 workers; and 813 in mines that employ 20 or more workers.

§ 46.5 records - Annual burden hours

4,139 mines x 0.05 hours (supervisor) =	207 hours
4,139 mines x 0.05 hours (clerical) =	<u>207 hours</u>
	414 hours

§ 46.5 records - Annual burden costs

207 hours x \$44.93 (supervisor) =	\$9,301
207 hours x \$18.44 (clerical) =	<u>\$3,817</u>
	\$13,118

§ 46.6 - (newly hired experienced miner training) records

The annual number of training records required to be kept under § 46.6 (Newly-hired experienced miner training) in each size category are: 1,625 in mines that employ 5 or fewer workers; 1,647 in mines that employ between 6 and 19 workers; and 804 in mines that employ 20 or more workers.

§ 46.6 records - Annual burden hours

4,076 mines x 0.05 hours (supervisor) =	204 hours
4,076 mines x 0.05 hours (clerical) =	<u>204 hours</u>
	408 hours

§ 46.6 records - Annual burden costs.

204 hours x \$44.93 (supervisor) =	\$9,166
204 hours x \$18.44 (clerical) =	<u>\$3,762</u>
	\$12,928

§ 46.7 (Task Training) records

The annual number of training records required to be kept under § 46.7 (New task training) in each size category are: 6,573 in mines that employ 5 or fewer workers; 13,150 in mines that employ between 6 and 19 workers; and 11,564 in mines that employ 20 or more workers.

§ 46.7 records - Annual burden hours

31,287 mines x 0.05 hours (supervisor) =	1,564 hours
31,287 mines x 0.05 hours (clerical) =	<u>1,564 hours</u>
	3,128 hours

§ 46.7 records - Annual burden costs

1,564 hours x \$44.93 (supervisor) =	\$70,271
1,564 hours x \$18.44 (clerical) =	<u>\$ 28,840</u>
	\$99,111

§ 46.8 (Annual refresher training) records

The annual number of training records required to be kept under § 46.8 (Annual refresher training) in each size category are: 6,573 in mines that employ 5 or fewer workers; 13,150 in mines that employ between 6 and 19 workers; and 11,564 in mines that employ 20 or more workers.

§ 46.8 records - Annual burden hours

31,287 mines x 0.05 hours (supervisor) =	1,564 hours
31,287 mines x 0.05 hours (clerical) =	<u>1,564 hours</u>
	3,128 hours

§ 46.8 records - Annual burden costs

1,564 hours x \$44.93 (supervisor) =	\$70,271
1,564 hours x \$18.44 (clerical) =	<u>\$ 28,840</u>
	\$99,111

Section 46.11 Site-specific hazard awareness training

Paragraph (a) of §46.11 requires mine operators to provide site-specific hazard training to any person who is not a miner. The group includes scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers, or manufacturers’ representatives; and outside vendors, visitors, office or staff personnel who do not work at the mine site on a continuing basis.

The annual number of non-miners to be trained in each mine size category are: 50 non-miners in each of the 3,361 mines that employ 5 or fewer workers; 100 non-miners in each of the 1,467 mines that employ between 6 and 19 workers; and 200 non-miners in each of the 285 mines that employ 20 or more workers.

No record is required for this type of training. The burden is for the time the miner takes to provide the training. MSHA estimates that for each mine, a miner, earning \$19.81 per hour, would take 0.15 hours annually, on average, to provide hazard training.

The mines affected by this provision in each size category are: 3,827 mines that employ 5 or fewer workers; 1,399 mines that employ between 6 and 19 workers; and 251 mines that employ 20 or more workers. These burden hours and costs occur annually.

Annual burden hours

Mines(1-5) 3,827 mines x 50 non-miners x 0.15 hrs. =	28,703 hours
Mines(6-19) 1,399 mines x 100 non-miners x 0.15 hrs. =	20,985 hours
Mines(>20) 251 mines x 200 non-miners x 0.15 hrs. =	<u>7,530 hours</u>
	57,218 hours

Annual burden costs

57,218 hours x \$19.81 =	\$ 1,133,489
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TOTAL BURDEN HOURS =	252,897
TOTAL BURDEN COSTS =	\$9,525,390

Summary Table

Section	Responses (last Rpt)	Annual burden Hrs (last Rpt)	1 st yr. Burden Costs (last Rpt)	Annualized Burden Costs (last Rpt)	Annual Burden Cost (last Rpt)	Responses (this Rpt)	Recur-ring Burden Hrs (this Rpt)	Recur-ring Burden Costs (this Rpt)	Annualized Burden Costs (this Rpt.)	Annual Burden Costs (this Rpt)
46.3(a) exist	5,141	10,864	\$391,104	\$216,281	-	5,477	5,728	\$514,718	\$284,639	-
46.3(a) new	214	486	-	-	\$17,496	221	492	-	-	\$22,106
46.3(c) exist	1,028	206	\$3,495	\$1,933	-	1,040	104	\$3,836	\$2,121	-

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46.3(c) new	43	9	-	-	\$146	42	8	-	-	\$148
46.3(d) exist	5,141	514	\$8,740	\$4,833	-	5,477	274	\$10,105	\$5,588	-
46.3(d) new	214	21	-	-	\$364	221	22	-	-	\$406
46.3(e) exist	360	544.95	\$12,534	\$6,931	-	384	291	\$11,510	\$6,365	-
46.3(e) new	15	22.68	-	-	\$522	15	22	-	-	\$436
46.3(g) exist	1,028	102.8	\$1,748	\$966	-	1,095	55	\$2,028	\$1,121	-
46.3(g) new	43	4.3	-	-	\$73	44	4	-	-	\$74
46.3(h) exist	18	72.40	\$2,606	\$1,441	-	22	44	\$3,954	\$2,187	-
46.3(h) new	1	3.1	-	-	\$111	44	4	-	-	\$180
46.3(i) exist	5,141	514.10	\$8,740	\$4,833	-	5,477	274	\$10,105	\$5,588	-
46.3(i) new	214	21.4	-	-	\$364	221	22	-	-	\$406
46.5(a) prepare	5,141	30,846	-	-	\$1,110,456	5,477	32,862	-	-	\$1,476,490
46.5(a) train	5,141	36,874.27	-	-	\$1,327,474	5,477	38,573	-	-	\$1,733,085
46.6(a) prepare	5,141	5,141	-	-	\$185,076	5,477	5,477	-	-	\$246,082
46.6(a) train	5,141	9,125.84	-	-	\$328,530	5,477	9,543	-	-	\$428,767
46.7(a) Reg. Prepare	5,123	1,285.25	-	-	\$46,269	5,440	1,360	-	-	\$61,105
46.7(a) Reg. Train	5,141	17,038.43	-	-	\$613,384	5,440	16,125	-	-	\$724,496
46.7(a) New Prepare	10,695	855.60	-	-	\$30,802	11,042	883	-	-	\$39,673
46.7(a) New Train	10,695	18,942.96	-	-	\$681,947	11,042	17,280	-	-	\$776,390
46.8(a) Prepare	5,141	15,423	-	-	\$555,228	5,477	16,431	-	-	\$738,245
	5,141	40,611.60	-	-	\$1,462,018	5,477	42,723	-	-	\$1,919,544

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46.8(a) Train										
46.9 records of 46.5	8,776	438.80	-	-	\$11,628	4,139	414	-	-	\$13,118
46.9 records of 46.6	8,672	433.60	-	-	\$11,490	4,076	408	-	-	\$12,928
46.9 records of 46.7	68,080	3,404	-	-	\$90,206	31,287	3,128	-	-	\$99,111
46.9 records of 46.8	68,080	3,404	-	-	\$90,206	31,287	3,128	-	-	\$99,111
46.11(a) Train	5,141	56,182.50	-	-	\$1,292,198	5,477	57,218	-	-	\$1,133,489
Total	*239,850	253,392.58	\$428,967	\$237,218	\$7,855,988	161,872	252,897	\$556,256	\$307,609	\$9,525,390

*Note: the 83I states the number of Responses as 239,871 (+21 Responses)

Respondents (last Rpt) = 5,141

Respondents (this Rpt) = 10,305

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 show in Items 12 and 14.)

- ! The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- ! If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- ! Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Operating and Maintenance Costs:

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§ 46.3(c) for Existing Mines

A plan that does not include the minimum information specified in proposed 46.3(b) must be approved by MSHA. The plan must be sent to MSHA and the miner or miners' representative must be notified of its submission. For each size category, MSHA estimates that 20 percent of existing mine operators that must write a plan will choose to send them in MSHA for approval. Thus, the affected M/NM mines in each size category that are estimated to send in training plans for MSHA approval are: 765 mines that employ 1 through 5 persons; 280 mines that employ 6 through 19 persons; and 50 mines that employ 20 or more persons. A plan is estimated to consist of 5 pages, copy costs are \$0.17 per page and postage is \$1.10. Because the burden cost does not differ across mine size, calculations are combined below. On average, these costs will occur once every two years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using an annualization factor of 0.553.

Recurring Burden Costs

(1,095 - 55 mines (5% electronic submissions)) x
 ((5 pgs. x \$0.17) + \$1.10) x 2 = \$4,056

Recurring Burden Costs Annualized

\$4,056 x 0.553 = \$2,243

§ 46.3(c) For New Mines

A plan that does not include the minimum information specified in proposed 46.3(b) must be approved by MSHA. The plan must be sent to MSHA and the miner or miners' representative must be notified of its submission. For each size category, MSHA estimates that 20 percent of new mine operators that must write a plan will choose to send them in MSHA for approval. Thus, the affected M/NM mines in each size category that are estimated to send in training plans for MSHA approval are: 25 mines that employ 1 through 5 persons; 14 mines that employ 6 through 19 persons; and 5 mines that employ 20 or more persons. A plan is estimated to consist of 5 pages, copy costs are \$0.17 per page and postage is \$1.10. Because the burden cost does not differ across mine size, calculations are combined below.

Annual Burden Costs

44 mines - 2 mines (5% electronic submissions) x
 ((5 pgs. x \$0.17) + \$1.10) x 2 = \$164

§ 46.3(d) for Existing Mines

The mine operator must provide the miners' representative with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. The existing M/NM mines that are affected by this provision, in each size category, are: 3,827 mines that employ 1 through 5 persons; 1,399 mines that employ 6 through 19 persons; and 251 mines that employ 20 or more persons. A plan is estimated to consist of 5 pages and copy costs are \$0.17 per page. Because the burden cost does not differ across mine size, calculations are combined below. On average, these costs will occur once every two years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using an annualization factor of 0.553.

Recurring Burden Costs

5,477 mines x (5 pgs. x \$0.17) = \$4,655

Recurring Burden Costs Annualized

$\$4,655 \times 0.553 =$ \$2,574

§ 46.3(d) for New Mines

The mine operator must provide the miners' representative with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. The new M/NM mines that are affected by this provision, in each size category, are: 127 mines that employ 1 through 5 persons; 69 mines that employ 6 through 19 persons; and 25 mines that employ 20 or more persons. A plan is estimated to consist of 5 pages and copy costs are \$0.17 per page. Because the burden cost does not differ across mine size, calculations are combined below.

Annual Burden Costs

$221 \text{ mines} \times (5 \text{ pgs.} \times \$0.17) =$ \$188

§ 46.3(e) for Existing Mines

Note: The burden hours and costs for this provision are not borne by the mine operator, but by miners or miners' representatives

Within 2 weeks following the receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to the operator, or to MSHA, and they may also ask that the plan be reviewed. The existing M/NM mines in each size category affected by this rule are: 3,827 mines that employ 1 through 5 persons; 1,399 mines that employ 6 through 19 persons; and 251 mines that employ 20 or more persons. MSHA estimates that 5 percent of existing mines in each employment size category will have a miner or miner representative submit written comments, and that 2 percent of such mines will ask for plan review. Postage costs to deliver written comments are estimated to be \$1.10. Because the burden cost does not differ across mine size, calculations are combined below. On average, these costs will occur once every two years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using an annualization factor of 0.553.

Recurring Burden Costs

$5,477 \text{ mines} \times ((0.05 \times \$1.10) + (0.02 \times \$1.10)) =$ \$438

Recurring Burden Costs Annualized

$\$438 \times 0.553 =$ \$242

§ 46.3(e) for New Mines

Note: The burden hours and costs for this provision are not borne by the mine operator, but by miners or miners' representatives

Within 2 weeks following the receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to the operator, or to MSHA, and they may also ask that the plan be reviewed. The new M/NM mines in each size category affected by this rule are: 127 mines that employ 1 through 5 persons; 69 mines that employ 6 through 19 persons; and 25 mines that employ 20 or more persons. MSHA estimates that 5 percent of existing mines in each employment size category will have a miner or miner representative submit written comments, and that 2 percent of such mines will ask for plan review. Postage costs to deliver written comments are estimated to be \$1.10. Because the burden cost does not differ across mine size, calculations are combined below.

Annual Burden Costs

$$221 \text{ mines} \times ((0.05 \times \$1.10) + (0.02 \times \$1.10)) = \$18$$

§ 46.3(g) for Existing Mines

Requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within one week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within one week of approval. MSHA estimates that the affected existing mines are: 765 mines that employ 5 or fewer workers; 280 mines that employ between 6 and 19 workers; and 50 mines that employ 20 or more workers. On average, a plan is estimated to be 5 page and copying costs are \$0.17 per page. Postage is \$1.10. Because the burden cost does not differ across mine size, calculations are combined below. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using a 0.553 annualization factor.

Recurring Burden Costs

$$1,095 \text{ mines} \times (5 \text{ pgs.} \times \$0.17) + \$1.10 = \$2,135$$

Recurring Burden Costs Annualized

$$\$2,135 \times 0.553 = \$1,181$$

§ 46.3(g) for New Mines

Requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within one week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within one week of approval. MSHA estimates that the affected new mines are: 25 mines that employ 5 or fewer workers; 14 mines that employ between 6 and 19 workers; and 5 mines that employ 20 or more workers. On average, a plan is estimated to be 5 page and copying costs are \$0.17 per page. Postage is \$1.10. Because the burden cost does not differ across mine size, calculations are combined below.

Annual Burden Costs

$$44 \text{ mines} \times ((5 \text{ pgs.} \times \$0.17) + \$1.10) = \$86$$

§ 46.3(h) for Existing Mines

A mine operator may appeal an MSHA decision concerning an approved training plan. The existing M/NM mines affected by this provision in each size category are: 15 mines that employ 5 or fewer workers; 6 mines that employ between 6 and 19 workers; and 1 mine that employs 20 or more workers. MSHA assumes that, for 90% of the mines affected by this provision, the appeal will be written by a mine supervisor. The costs for postage to send in the written appeal are estimated to be \$1.10. Because the burden cost does not differ across mine size, calculations are combined below. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using a 0.553 annualization factor.

Recurring Burden Costs

$$20 \text{ mines} \times \$1.10 = \$22$$

Recurring Burden Costs Annualized

$$\$22 \times 0.553 = \$12$$

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For the remaining 10% of existing mines, the appeal process will be handled by an outside attorney (a third party) at an estimated \$2,200 per mine. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using a 0.553 annualization factor.

Recurring Burden Costs

Mines (1-5) 1.53 mines x \$2,200 =	\$3,366
Mines (6-19) 0.56 mine x \$2,200 =	\$1,232
Mines (\geq 20) 0.10 mine x \$2,200 =	<u>\$ 220</u>
	\$4,818

Recurring Burden Costs Annualized

\$4,818 x 0.553 =	\$2,664
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§ 46.3(h) for New Mines

A mine operator may appeal an MSHA decision concerning an approved training plan. The number of new mines that will write an appeal are: 25 mines that employ 1 to 5 workers; 14 mines that employ between 6 and 19 workers; and 5 mines that employ 20 or more workers. Of these mines, 2 percent of them will file an appeal, and in 90 percent of these cases the appeal will be written by a mine supervisor. Thus, the number of mines affected by this provision, in each size category, are: 0.46 mine that employ 1 to 5 workers, and 0.25 mine that employ between 6 and 19 workers, and 0.09 mine that employ 20 or more workers. The costs for postage to send in the written appeal are estimated to be \$1.10.

Annual Burden Costs

Mines (1-5) 0.46 mine x \$1.10 =	\$0.51
Mines (6-19) 0.25 mine x \$1.10 =	\$0.28
Mines (\geq 20) 0.09 mine x \$1.10 =	<u>\$0.10</u>
	\$0.89

For the remaining 10% of new mines, the appeal process will be handled by an outside attorney (a third party) at an estimated \$2,200 per mine.

Annual Burden Costs

Mines (1-5) 0.05 mine x \$2,200 =	\$ 110
Mines (6-19) 0.03 mine x \$2,200 =	\$ 66
Mines (\geq 20) 0.01 mine x \$2,200 =	<u>\$ 22</u>
	\$ 198

§ 46.3(i) For Existing Mines

The mine operator must make available a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. The existing mines affected by this provision for each employment size category are: 3,809 mines that employ 1 through 5 persons; 1,385 mines that employ 6 through 19 persons; and 246 mines that employ 20 or more persons. The photocopying costs are \$0.17 per page and 5 pages must be copied. Because the burden cost does not differ across mine size, calculations are combined below. On average, these burden hours and costs occur once every 2 years (occurring in the 1st year, 3rd year, etc...); thus, the costs are annualized using a 0.553 annualization factor.

Recurring Burden Costs

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5,440 mines x (5 pgs. x \$0.17) = \$4,624

Recurring Burden Costs Annualized

\$4,624 x 0.553 = \$2,557

§ 46.3(i) For New Mines

The mine operator must make available a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. The new mines affected by this provision for each employment size category are: 127 mines that employ 1 through 5 persons; 69 mines that employ 6 through 19 persons; and 25 mines that employ 20 or more persons. The photocopying costs are \$0.17 per page and 5 pages must be copied. Because the burden cost does not differ across mine size, calculations are combined below.

Annual Burden Costs

221 mines x (5 pgs. x \$0.17) = \$188

§ 46.5(a)

Part of new miner training for miners with no experience will be provided off the mine site by a third party. The mine operator will pay the third party for providing this part of the new miner training.

The number of miners receiving off-site training in each category are: 1,653 miners in mines that employ 5 or fewer workers; 1,673 miners in mines that employ between 6 and 19 workers; and 813 miners in mines that employ 20 or more workers.

On average, the annual costs for off-site training are \$143 per miner. This consists of the following: a \$38.50 training fee, \$33 for transportation to off-site training, \$33 per diem for meals, and \$39 for overnight lodgings (MSHA assumes that half of the miners receiving off-site training will require overnight lodgings for one night at \$77 per night, or 0.5 x \$77). Because the burden cost does not differ across mine size, calculations are combined below.

Third Party Annual Costs For New Miner Training

4,139 miners x \$38.50 = \$ 159,352

In addition, each miner will incur approximately \$33 for transportation to off site training, \$33 per diem for food, and half of the miners receiving off site training are estimated to require 1 overnight lodging at \$77 per night, or 0.5 x \$77. Thus, the charge comes to \$105 = \$33 + \$33 + \$39.

Annual Expenses Related to Third Party New Miner Training

4,139 miners x \$105 = \$ 434,595

§ 46.9 Recordkeeping

§ 46.9 Under each training provision (§§ 46.5(a), 46.6, 46.7, and 46.8.) for each training record a clerical person must make 2 copies. Copies are \$0.17 per page and the record consists of one page.

Record Expenses Under § 46.5(a) - Annual Costs

4,139 records x \$0.17 x 1 page x 2 copies = \$ 1,407

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Record Expenses Under § 46.6 - Annual Costs

4,079 records x \$0.17 x 1 page x 2 copies = \$ 1,387

Record Expenses Under § 46.7 - Annual Costs

31,287 records x \$0.17 x 1 pg. x 2 copies = \$10,638

Record Expenses Under § 46.8 - Annual Costs

31,287 records x \$0.17 x 1 pg. x 2 copies = \$10,638

TOTAL ANNUAL COST BURDEN = \$630,333

Summation of Question 13 Dollars

Section	1st Yr. (last Rpt)	Annualized (last Rpt)	Annual (last Rpt)			
				1st Yr. (this Rpt)	Annualized (this Rpt)	Annual (this Rpt)
46.3(c) exist	\$3,599	\$1,989	-	\$4,056	\$2,243	-
46.3(c) new	-	-	\$151	-	-	\$164
46.3(d) exist	\$3,856	\$2,133	-	4,655	\$2,574	-
46.3(d) new	-	-	\$161	-	-	\$188
46.3(e) exist	\$359	\$199	-	\$438	\$242	-
46.3(e) new	-	-	\$15	-	-	\$18
46.3(g) exist	\$1,799	\$994	-	\$2,135	\$1,181	-
46.3(g) new	-	-	\$76	-	-	\$86
46.3(h) exist	\$18	\$10	-	\$22	\$12	-
46.3(h) exist	\$4,022	\$2,224	-	\$4,818	\$2,664	-
46.3(h) new	-	-	\$3	-	-	\$1
46.3(h) new	-	-	\$92	-	-	\$198
46.3(i) exist	\$3,835	\$2,120	-	\$4,624	\$2,557	-
46.3(i) new	-	-	\$161	-	-	\$188
46.5(a)	-	-	\$153,580	-	-	\$159,352
46.5(a)	-	-	\$416,860	-	-	\$434,595
46.9 - 46.5(a) records	-	-	\$1,317	-	-	\$1,407

46.9 - 46.6 records	-	-	\$1,301	-	-	\$1,387
46.9 - 46.7 records	-	-	\$10,212	-	-	\$10,638
46.9 - 46.8 records	-	-	\$10,212	-	-	\$10,638
Total	\$174,488	\$9,669	\$594,144	\$20,748	\$11,473	\$618,860

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

As a result of the final rule, MSHA inspectors will spend time in reviewing training records and plans of affected mine operators. On average, MSHA estimates that the additional time that an inspector will need annually per mine will be: 15 minutes (0.25 hour) for a mine employing 5 or fewer workers; 30 minutes (0.5 hour) for a mine employing between 6 to 19 workers; and 1 hour for a mine that employs over 20 workers. The average grade and salary of a MSHA inspector is GS 12/5, at \$63,119 per annum or \$30.35 per hour. The number of mines affected are: 6,349 mines that employ 5 or fewer workers; 3,462 mines that employ between 6 and 19 workers; and 1,231 mines that employ 20 or more workers.

MSHA believes that the review of an affected mine operator's training record and plans will be part of the normal duties of each inspector and that no additional inspectors would be hired to perform the review.

Mines(1-5):	6,349 mines x 0.25 hour x \$30.25 =	\$ 48,173
Mines(6-19):	3,462 mines x 0.5 hour x \$30.25 =	\$ 52,536
Mines(≥20):	1,231 mines x 1 hour x \$30.25 =	<u>\$ 37,361</u>
		\$138,070

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

Please note that some of the methods in which Respondents, Responses, and Hours were calculated on the last report versus this report have changed, therefore, accounting for the major part of the differences explained below. We feel that the methods used throughout this document more accurately reflect the burden.

Respondents: There has been an increase of 5,164 Respondents (from 5,141 to 10,305). The last report counted only the number of mines that responded even though the report specifically stated that this rule enforces training requirements at approximately 10,150 surface nonmetal work sites. With respect to this submission, the rule enforces training requirements at approximately 10,305 surface nonmetal work sites. Therefore, the more accurate net change should be an increase of 155.

Responses: There has been a 77,999 decrease in the number of Responses (from 239,871 to 161,872). In the last report, \$46.9 (Records of Training) took one task and broke the supervisor's and clerical worker's time into 2 separate calculations then totaled the burden hours for that task. This is correct. However, the number of mines where the supervisor and clerical worker performed this task were counted as separate responses; therefore, the number of responses was doubled. This "double counting" accounts for a

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difference of 70,789 responses.

The actual number of response difference is reflected in 2 areas. In sections other than §46.9 there was an overall increase in the number of respondents by 4,841 due to the increase in the number of mines. In §46.9, excluding the difference mentioned above, there would have been a decrease of 12,030 responses. §46.9 requires mine operators upon completion of training to record and certify the training. There has been a decrease in the annual number of records due to the reduction in the number of miners. Therefore the net change would have been a decrease of 7,189 responses.

Hours: There has been a decrease of 496 burden hours (from 253,393 to 252,897). § 46.3 ¶(a), (d), (e), (g), (h), and (i), are tasks with associated burden. However, each task is performed every-other-year. In the last report, the total hours was accounted in the burden. In this report, the burden hours associated with each of these tasks were halved since the work is performed every-other-year. This accounted for a decrease of 6,666 hours.

Had the same method of calculation on the last report been used on this report, the net change would have been an increase of 6,170 hours. The time to perform each task remained the same from the last report to this report; therefore, the change is due because in most cases the number of mines performing each task had increased.

Costs: There has been a costs increase of \$26K (from \$604 to \$630). This increase is due to the number of mines in which operating and maintenance costs are associated has risen along with the increase in copying costs and postage.

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

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

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

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

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

There are no certification exceptions identified with this information collection.

B. Collection of Information Employment Statistical Methods

This collection of information does not employ statistical methods.