SUPPORTING STATEMENT

Mine Mapping and Records of Opening, Closing, and Reopening of Mines (Formerly Record of Mine Closures, Opening & Reopening of Mines)

This information collection request (ICR), OMB Control Number 1219-0073 (OMB 1219-0073), was last approved on March 31, 2009 and was titled *Record of Mine Closures, Opening & Reopening of Mines.* The package has been renamed *Mine Mapping and Records of Opening, Closing, and Reopening of Mines* to acknowledge the ICR's burden for mine mapping as primary, being significantly greater than for closing, opening or reopening of mines. The fourteen standards submitted for approval as OMB 1219-0073 are as follows:

OMB Control	30 CFR Citations	Title
1219-0073	**Part 75**	**Underground Coal Mines**
	§ 75.372(a)(1), (a)(2), & (c)	Mine ventilation map.
	§ 75.373	Reopening mines.
	§ 75.1200	Mine map.
	§ 75.1200-1	Additional information on mine map.
	§ 75.1201	Certification.
	§ 75.1202	Temporary notations, revisions, and supplements.
	§ 75.1202-1(a) & (b)	Temporary notations, revisions, and supplements.
	§ 75.1203	Availability of mine map.
	§ 75.1204	Mine closure; filing of map with Secretary.
	§ 75.1204-1	Places to give notice and file maps.
	§ 75.1721(a), (b), & (c)	Opening of new underground coal mines, or reopening and reactivating of abandoned or deactivated coal mines, notification by the operator; requirements.
	Part 77	**Surface Coal Mines and Surface Work Areas of Underground Coal Mines**
	§ 77.1200	Mine map.
	§ 77.1201	Certification of mine maps.
	§ 77.1202	Availability of mine map.

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.

The information collection addressed by this notice is intended to protect miners by assuring that up-to-date, accurate mine maps contain the information needed to clarify the best alternatives for action during an emergency operation. Coal mine operators routinely use maps to create safe and effective development plans.

Mine maps are schematic depictions of critical mine infrastructure, such as water, power, transportation, ventilation, and communication systems. Using accurate, up-to-date maps during a disaster, mine emergency personnel can locate refuges for miners and identify sites of explosion potential; they can know where stationary equipment was placed, where ground was secured, and where they can best begin a rescue operation. During a disaster, maps can be crucial to the safety of the emergency personnel who must enter a mine to begin a search for survivors.

Mine maps may describe the current status of an operating mine or provide crucial information about a long-closed mine that is being reopened.

Coal mine operators use map information to develop safe and effective plans and to help determine hazards before beginning work in areas, such as abandoned underground mines or the worked out and inaccessible areas of an active underground or surface mine. Abandoned mines or inaccessible areas of active mines may have water inundation potentials, explosive levels of methane or lethal gases. If an operator, unaware of the hazards, were to mine into such an area, miners could be killed or seriously injured.

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

> In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

Sections 312 (a), (b), and (c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 872, address MSHA's collection of information concerning mapping of mines and the opening, closure, and reopening of mines necessary to carry out its duty protecting the safety and health of miners as follows:

> SECTION 312. (a) The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all pillared, worked out, and abandoned areas, except as provided in this section, entries and aircourses with the direction of airflow indicated by arrows, contour lines of all elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells located within five hundred feet of such mine and any underground area of such mine, and such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned which are inaccessible or cannot be entered safely and on which no information is available. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.
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> (b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.
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> (c) Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by. a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

The referenced provisions from Title 30 Code of Federal Regulations are attached at the end of this document.

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

The information collection addressed by this notice is intended to protect miners by assuring that up-to-date, accurate mine maps contain the information needed to clarify the best alternatives for action during an emergency operation. The information collections in this package are interwoven with those in OMB 1219-0088, Ventilation Plans, Tests, and Examinations in Underground Coal Mines.

Mine maps are schematic depictions of critical mine infrastructure, such as water, power, transportation, ventilation, and communication systems. Using accurate, up-to-date maps during a disaster, mine emergency personnel can locate refuges for miners and identify sites of explosion potential; they can know where stationary equipment was placed, where ground was secured, and where they can best begin a rescue operation. During a disaster, maps provide information critical to the safety of the emergency personnel who must enter a mine to begin a search for survivors.

Mine maps may describe the current status of an operating mine or provide crucial information about a long-closed mine that is being reopened.

Coal mine operators use map information to develop safe and effective plans and to recognize hazards before approaching areas, such as abandoned underground mines or the worked out and inaccessible areas of an active underground or surface mine. Abandoned mines or inaccessible areas of active mines may have water inundation potential, explosive levels of methane or lethal gases. If an operator, unaware of the hazards, were to mine into such an area, miners could be killed or seriously injured.

MSHA requires mine operators to provide the Agency with certified underground mine maps annually, with access to inspect surface mine maps and to file mine closure maps, providing essential information for MSHA to plan and conduct mandatory inspections and to review and approve mandatory mine plans and permits.

The notifications requiring the opening of new mines and reopening of abandoned mines provide information for the same purpose. Mine maps accurately depicting the most recent up-to-date conditions are essential to the planning and safe operation of mines, and therefore, to the health and safety of the miners.

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.

MSHA's requirements provide a range for scaling maps appropriate for underground coal mines which can encompass hundreds of square miles of active and abandoned workings. Mine mapping depicts critical mine safety and health elements with a potential to interact with extensive infrastructures and fire and emergency hazards. The

maps must be in accessible forms capable of being used in an emergency.

To be useful, most mine maps must be large. Technology does not exist or been identified that can reduce the burden to all segments of the mining industry without imposing increased burdens on others. Facsimile machines capable of scanning and transmitting documents greater than 8.5" x 11" in size are not commonly used and are not cost effective. Similarly, digital/electronic files used for computer generated maps are huge and require sophisticated printers or plotters and computer software.

Xerox paper or mylar copies, hand delivered, mailed or delivered are the most practical and economical means to transmit mine maps. These prints can be as small as 24" x 36" or in segments as large as 48" x 120" (as many segments and as large as the mine size and map scale dictates). MSHA provides copies of the mine abandonment maps submitted to the District Managers under 30 CFR 75.1204-1 to the U.S. Department of Interior, Office of Surface Mining, Reclamation and Enforcement (OSM). OSM microfilms and retains the maps in a repository which is available to the public and to mine operators of adjacent properties upon request.

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.

The information can only be provided by the mine operators who develop the areas, plan and conduct the mining, and create the mine workings which are eventually worked out and finally abandoned. MSHA requires underground mine operators to submit maps when an area is abandoned. This information is microfilmed and retained in a Department of Interior map repository and made available to the public and to the mine operators of adjacent properties. In addition, some States require underground mine operators to submit final, mine closure maps and retain them in map repositories. However, the microfilm repository maintained by the U.S. Department of Interior's Office of Surface Mining Reclamation & Enforcement (OSM) containing copies of the maps submitted to the MSHA District Managers, is the best organized, indexed, and complete source of information available.

Maps are unique to each mine. There is no other source for this information.

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

This information does not have a significant impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Mine operators are required to maintain accurate and up-to-date mine maps. The maps must be revised and supplemented at intervals of not more than 6 months and must be certified accurate by a registered engineer or surveyor. Copies of the certified underground maps should be submitted to MSHA annually. Up-to-date and revised mine closure maps must also be provided to the Secretary whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days.

In addition, mine operators must notify MSHA when a new mine is opened or a previously abandoned or inactive mine is reopened so that an inspection can be conducted. The information gathered and recorded on mine maps is essential for the safe operation of the mine and is essential for assuring compliance with the safety standards imposed by the Mine Act and MSHA regulations. The information is not available from any other source. Only the mine operator is capable of continuously updating the mine map. Inaccurate or outdated information would endanger miner safety.

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

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The requirements are 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 a 60-day *Federal Register* notice on March 22, 2012 (77 FR 16863). MSHA received one comment which supported MSHA's collection of all of the information required in this information collection to safeguard the safety of all personnel underground and on the surface of coal mines.

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

MSHA does not provide payments or gifts to respondents.

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

Section 312(b) of the Mine Act and 30 CFR § 75.1203 provide that "[t]he coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such maps and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development."

11. Provide additional justification for any questions of a sensitive nature, such

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

There are no questions of a sensitive nature.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Mining companies develop and maintain maps of their operations for numerous purposes. These maps serve as a graphic presentation of work completed and projected and as such are invaluable planning tools. The maps provide information for communicating operational specifics, personnel training, calculating and projecting equipment purchases, scheduling and planning mine development and construction, and calculating royalty payments. State agencies have traditionally required maps for licensing, permits and employee safety purposes. MSHA standards require only the information necessary to evaluate compliance with specific safety standards. Accurate and up-to-date mine maps are essential in the event of a major mine accident.

MSHA standards do specify that these maps be created (a record of mining activities), be available for inspection and require copies provided to MSHA and, in that sense, impose a recordkeeping burden.

MSHA estimates (using FY 2010 labor costs from weighted averages of U.S. Coal Mine

Salaries, Wages and Benefits - 2010 Survey Results, Western Mine Engineering, Inc. and actual numbers of operating underground and surface coal mines) that the annual burden for 30 CFR Part 75 Subpart M - Maps is as follows:

Maps are prepared and revised twice annually based upon information gathered through mine surveying and kept up-to-date by notations between revisions. MSHA estimates that, of 556 underground coal mines with employment, only 25% (139) are large enough to have survey crews, drafting or computer drafting and a professional engineer or surveyor on the payroll. MSHA also estimates that it takes approximately 8 hours for a three person survey crew to complete all activities related to surveying a typical underground coal mine. It also takes an engineer 4 hours to review the survey crew's work and perform other related activities and 4 hours for a draftsman or computer technician to update the map or input survey data. The remaining 75% (417) of the underground mines utilize contract surveying and engineering companies.

Number of respondents:

Underground Coal Mines	556
Surface Coal Mines	1,320
Total	1,876

Underground Coal

Burden Hours for §§ 75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1, and 75.1203:

Survey Crew:

139 underground mines x 3 man surveying crew x 8 hrs x 2/year = 6,672 hours

Registered engineer or surveyor to supervise surveying, drafting and certify map accuracy:

139 mines x 1 registered engineer or surveyor x 4 hours x 2/year = 1,112 hours

Data entry, system operation or drafting, preparation of prints and documents for state or federal agencies

139 mines x 1 draftsman/computer tech x 4 hours x 2/year = 1,112 hours

Cost of Burden Hours:

MSHA estimates that the average hourly cost for survey crewmen is equivalent to that of a coal miner at $36.92 per hour, for an annual cost of:

6,672 hours x $36.92 per hour = $246,330

MSHA estimates the average hourly cost of an on-staff registered engineer or surveyor to be $62.87 per hour, for an annual cost of:

1,112 hours x $62.87 per hour = $69,911

MSHA estimates the average annual cost of a draftsman/computer technician (or underground coal office worker) to be the same as that of a secretary at $28.67 per hour, for an annual cost of:

1,112 hours x $28.67 per hour = $31,881

30 CFR 75.1204 and 75.1204-1 require that the certified mine maps be revised and supplemented to the date of the closure and a copy be submitted to MSHA. Safety specialists estimate that it takes approximately 2 additional hours to update the map. MSHA's records show that there is an average of 98 underground coal mine closures each year. Those closures may be temporary, permanent or permanent with all surface openings sealed. In all cases, if the closure is for a period greater than 90 days, the mine operator is required to submit to the MSHA District Manager an updated mine map.

Burden Hours:

98 mine closure maps x 2 hours = 196 hours

MSHA estimates that the update and submittal of the closure map will require the services of a registered engineer or surveyor at an hourly cost of $62.87 and a draftsman/computer technician at an hourly cost of $28.67

Cost of Burden Hours:

196 hours x $62.87 per hour for registered engr/surveyor = $12,323
196 hours x $28.67 per hour for draftsman/computer tech = $5,619

MSHA’s estimate of burden hours and cost for §§ 75.373 and 75.1721 for underground mine operators to notify MSHA prior to opening a new mine or reopening a previously abandoned or inactive mine is as follows:

Section 75.1721 specifies the information and mandatory mine plans which must be submitted to the MSHA District Manager prior to opening the mine and prior to MSHA conducting an inspection (per § 75.373) before coal extraction begins. The required submission does not include the submittal of a certified mine map but does include submittal of documents and preliminary roof control and mine ventilation plans normally developed by a mine safety director, a production manager or an engineering technician. The information and plans required in the notification are neither complex nor extremely detailed due to the presumed need to revise the plans as soon as experience is gained in the actual mining conditions. The revised plan submittals are addressed under their respective sections in other recertification estimates. MSHA

recorded 98 opening or reopening events for underground mines in fiscal 2010 and estimates that each submission required 6 hours to compile and submit the required information and preliminary plans.

Burden Hours:

98 new mine or reopening of mine notifications x 6 hours = 588 hours

MSHA estimates the average hourly cost for preparation of such notifications to be $84.69 per hour for a mine supervisor/safety director.

Cost of Burden Hours:

588 hours x $84.69 per hour for mine supervisor/safety director = $49,798

Surface Coal

MSHA's estimate of the burden hours and costs of 30 CFR Part 77 Subpart M - Maps (§§ 77.1200, 77.1201 and 77.1202) for surface mine operators to conduct the surveying, preparation, and maintenance of the required certified mine maps is as follows:

In fiscal year 2010 MSHA recorded 1,380 surface mines with employment. MSHA estimates that 25% (or 345) of those mines are sufficiently large to employ full time survey crews and registered engineers with the remaining 75% (or 1,035) utilizing contract surveying/engineering companies. Generally, surveying of surface mines can be accomplished more efficiently than underground mines by using more sophisticated surveying equipment and fewer man hours. In addition, compared to underground mines, there exists substantially less risk of miners being entrapped or the mines requiring major mine rescue or recovery efforts. As a result, the surface mine map standards do not include the continuous updating with notations, availability at the mine site in a fire proof repository, or revisions every 6 months required for underground mines. However, the mine maps must be certified by a registered engineer or surveyor. MSHA estimates that a survey crew of three, including the registered engineer or surveyor, can maintain the required map accurately and sufficiently up-to-date to satisfy the operating needs of the mine and have available to a representative of the Secretary the required information on the mine map. A typical surface survey is estimated to take 8 hours to complete by the survey crew with an additional 4 hours by the engineer to review the work and conduct related activities. MSHA estimates the survey crewmen hourly rate to be equivalent to that of a surface coal miner at $31.26 per hour and the registered engineer or surveyor hourly rate to be $51.49 per hour.

Burden Hours:

330 mines x 2 survey crewmen x 8 hours = 5,280 hours

330 mines x 1 engineer x 4 hours = 1,320 hours

Cost of Burden Hours:

5,280 survey crewmen hours x $31.26 per hour = $165,053
1,320 hours for an engineer x $51.49 per hour = $67,967

Total Burden Hours for 1219-0073 = 16,476

Total Direct Burden Cost = $648,882

The summary of total burden hours for §§ 75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1, and 75.1203 are as follows:

Regulation/ Task	# Mines	Staff	Hrs/ Staff	Annual Frequency	Burden Hours
Part 75 Subpart M - Maps (75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1 and 75.1203) (excluding mine closure maps)					
Survey Crew	139	3	8	2	6,672
Engineer	139	1	4	2	1,112
Data entry, etc	139	1	4	2	1,112
Subtotal					8,896
Mine closure maps (75.1204 and 75.1204-1) Closure updates					
Engineer	98	1	2	1	196
Data entry, etc	98	1	2	1	196
Subtotal					392
MSHA notification of opening new mines or reopening inactive or abandoned mines (75.373 and 75.1721)					
Notify MSHA	98	1	6	1	588
Subtotal					588
Part 77 Subpart M - Maps (77.1200, 77.1201 and 77.1202)					
Survey Crew	330	2	8	1	5,280
Engineer	330	1	4	1	1,320
Subtotal					6,600
TOTAL					16,476

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the

cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

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

MSHA has not included any capital equipment costs for the underground or surface coal mines large enough to maintain their own surveying and map making capabilities because that equipment is only incidentally used in complying with the standards. No equipment must be purchased specifically for the purpose of providing/gathering the information required by these standards. Mine maps are prepared on office equipment and or engineering equipment maintained at the mine or in the contractors office for normal business related engineering activities and not specifically for use in collecting data to satisfy MSHA's mine map requirements.

MSHA estimates that 75% of surface and underground mines are not sufficiently large to justify equipping and maintaining a surveying, drafting, and engineering capability dedicated to the mine. In general, these operations will utilize contract surveying and engineering services in preparing and maintaining mine maps. Even where a parent company or coal mineral rights owner provides these services to several small mine operations, the arrangement involves service contract charges to the individual mines.

MSHA estimates each underground mine requires a 3-person contract surveying crew (including a registered engineer or surveyor) to survey each underground mine twice each month and each surface mine quarterly to maintain the information necessary for accurate and up-to-date mine maps. Each on-site visit is estimated to take 6.5 hours at $232 per hour. In addition, the contract surveying/engineering company would provide to the operator an updated certified mine map twice annually, with three copies for the operator to send to MSHA as required by 30 CFR 75.372 at a charge of $48 per print.

Underground Coal Mine Contract Surveying / Mine Map Cost Estimate:

417 mines x 6.5 hours per mine survey x $232 per hour x 24 surveys = $15,092,064
417 mines x 2 updated maps per year x 3 prints x $48 = $120,096.

Surface Coal Mine Contract Surveying/Mine Map Cost Estimate

990 mines x 6.5 hours x $232 per hour x 4 surveys per year = $5,971,680
990 mines x 2 updated maps per year x 3 prints x $48 = $285,120

Underground Mine Closure Maps - MSHA Notification Cost Estimate

MSHA estimates the only additional costs for preparation and submittal of mine closure maps involves the copying and postage costs. Such costs are estimated to average $55 per map for copying and special mail packaging and handling.

98 closure maps x $55 = $5,390

Opening of New Underground Mine or Reopening of Inactive or Abandoned Mine - MSHA Notification

98 opening or reopening notifications x $5.50 mail each notification = $539

Total Burden Costs Associated with Providing Certified Mine Maps = $21,474,889

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.

Cost to the Federal Government is minimal. Federal mine inspectors examine required maps for compliance in the course of routine mine inspections. Therefore, the requirements result in no significant additional costs to the Federal government. Underground Coal Mine maps are mailed to the MSHA District Office in the district where the mine is located. Cost to the Federal Government consists of the examination of the map by MSHA inspection personnel for the required information and clerical and

mailing costs for mailing the maps to the Office of Surface Mining, Reclamation and Enforcement repository and maintaining the copy of the map in the MSHA repository.

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

There was an increase in the total number of respondents, responses and burden hours as a direct result of an increase in the number of mines.

Respondents: Increased from 1,453 to 1,876
Responses: Increased from 737 to 804
Burden Hours: Increased from 14,572 to 16,476
Burden Cost: Increased from $18,221,257 to $21,474,889

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.

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

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

There are no exceptions to the certification statement identified in Item 19 of the OMB 83-I.

B. Collection of Information Employment Statistical Methods

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units,

households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

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

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

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

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

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

As the regulation does not require a statistical analysis, 1 through 5 do not apply.

Supporting statute and regulations mandating or authorizing the collection of information.

Federal Mine Safety & Health Act of 1977, Public Law 91-173, as amended by Public Law 95-164

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

> In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

MAPS

Sections 312 (a), (b), and (c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 872, address MSHA's collection of information concerning mapping of mines and the opening, closure, and reopening of mines necessary to carry out its duty protecting the safety and health of miners as follows:

> SECTION 312. (a) The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all pillared, worked out, and abandoned areas, except as provided in this section, entries and aircourses with the direction of airflow indicated by arrows, contour lines of all elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells located within five hundred feet of such mine and any underground area of such mine, and such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned which are inaccessible or cannot be entered safely and on which no information is available. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.
>
> (b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning,

leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

(c) Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by. a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

30 CFR PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Subpart D—Ventilation

§ 75.372 Mine ventilation map.

(a)(1) At intervals not exceeding 12 months, the operator shall submit to the district manager 3 copies of an up-to-date map of the mine drawn to a scale of not less than 100 nor more than 500 feet to the inch. A registered engineer or a registered surveyor shall certify that the map is accurate.

(2) In addition to the informational requirements of this section the map may also be used to depict and explain plan contents that are required in § 75.371. Information shown on the map to satisfy the requirements of § 75.371 shall be subject to approval by the district manager.

* * * * *

(c) The mine map required by Sec. 75.1200 may be used to satisfy the requirements for the ventilation map, provided that all the information required by this section is contained on the map.

§ 75.373 Reopening mines.

After a mine is abandoned or declared inactive, and before it is reopened, mining operations shall not begin until MSHA has been notified and has completed an inspection.

§ 75.1200 Mine map.

The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show:

* * * * *

§ 75.1200-1 Additional information on mine map.

Additional information required to be shown on mine maps under § 75.1200 shall include the following:

* * * * *

§ 75.1201 Certification.

Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located.

§ 75.1202 Temporary notations, revisions, and supplements.

Such map shall be kept up-to-date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

§ 75.1202-1 Temporary notations, revisions, and supplements.

(a) Mine maps shall be revised and supplemented at intervals of not more than 6 months.

(b) Temporary notations shall include:

* * * * *

§ 75.1203 Availability of mine map.

The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such maps and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

§ 75.1204 Mine closure; filing of map with Secretary.

Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days, he shall promptly notify the Secretary of such closure. Within 60 days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of 90 days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

§ 75.1204-1 Places to give notice and file maps.

Operators shall give notice of mine closures and file copies of maps with the Coal Mine Safety and Health District Office for the district in which the mine is located.

§ 75.1721 Opening of new underground coal mines, or reopening and reactivating of abandoned or deactivated coal mines, notification by the operator; requirements.

(a) Each operator of a new underground coal mine, and a mine which has been abandoned or deactivated and is to be reopened or reactivated, shall prior to opening, reopening or reactivating the mine notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the approximate date of the proposed or actual opening of such mine. Thereafter, and as soon as practicable, the operator of such mine shall submit all preliminary plans in accordance with paragraphs (b) and (c) of this section to the District Manager and the operator shall not develop any part of the coalbed in such mine unless and until all preliminary plans have been approved.

(b) The preliminary plans required to be submitted by the operator to the District Manager shall be in writing and shall contain the following:

* * * * *

(c) The preliminary plans required to be submitted by the operator to the District Manager shall be in writing and shall contain the following:
* * * * *

Part 77—MANDATORY SAFETY STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

§ 77.1200 Mine map.
The operator shall maintain an accurate and up-to-date map of the mine, on a scale of not less than 100 nor more than 500 feet to the inch, at or near the mine, in an area chosen by the mine operator, with a duplicate copy on file at a separate and distinct location, to minimize the danger of destruction by fire or other hazard. The map shall show:
* * * * *

§ 77.1201 Certification of mine maps.
Mine maps shall be made or certified by an engineer or surveyor registered by the State in which the mine is located.

§ 77.1202 Availability of mine map.
The mine map maintained in accordance with the provisions of § 77.1200 shall be available for inspection by the Secretary or his authorized representative.