

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before August 28, 2007.

**ADDRESSES:** Send comments to: Debbie Ferraro, Management Services Division, 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via e-mail to [Ferraro.Debbie@DOL.GOV](mailto:Ferraro.Debbie@DOL.GOV). Ms. Ferraro can be reached at (202) 693-9821 (voice), or (202) 693-9801 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Contact the employee listed in the **ADDRESSES** section of this notice.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 103(f) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-173 as amended by Pub. L. 95-164, (Mine Act) establishes miners' rights which may be exercised through a representative. Title 30, Code of Federal Regulations CFR part 40 contains procedures which a person or organization must follow in order to be identified by the Secretary as a representative of miners. The regulations define what is meant by "representative of miners," a term that is not defined in the Mine Act.

Title 30, CFR 40.3 requires the following information to be filed with the Mine Safety and Health Administration (MSHA): (1) The name, address and telephone number of the

representative or organization that will serve as representative; (2) the name and address of the mine operator; the name, address and MSHA ID number, if known, of the mine; (3) a copy of the document evidencing the designation of the representative; (4) a statement as to whether the representative will serve for all purposes of the Act, or a statement of the limitation of the authority; (5) the name, address and telephone number of an alternate; (6) a statement that all the required information has been filed with the mine operator; and (7) certification that all information filed is true and correct followed by the signature of the miners' representative. Title 30, CFR 40.4 requires that a copy of the notice designating the miners' representative be posted by the mine operator on the mine bulletin board and maintained in current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated. Under 30 CFR 40.5, a representative who wishes to terminate his or her designation must file a written statement with the appropriate district manager terminating his or her designation.

Section 109(d) of the Mine Act, requires each operator of a coal or other mine to file with the Secretary of Labor (Secretary), the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses. Title 30, CFR part 41 implements this requirement and provides for the mandatory use of Form 2000-7, Legal Identity Report, for notifying the MSHA of the legal identity of the mine operator.

The legal identity for a mine operator is fundamental to enable the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties which, by statute, must take into account the size of the business, its economic viability, and its history of previous violations. Because of the rapid and frequent turnover in mining company ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interest in other mines held by the operator and relevant persons in a partnership, corporation or other organization. This information is also necessary to the Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Under Title 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA

when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons.

MSHA must be aware of openings and closings so that its resources can be used efficiently in achieving the requirements of the Mine Act, 30 U.S.C. 801 *et seq.* Section 103(a) of the Mine Act, 30 U.S.C. 813, requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines which operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard precludes wasted time and trips.

**II. Desired Focus of Comments**

MSHA is particularly interested in comments which:

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

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice or viewed on the internet by accessing the MSHA home page (<http://www.msha.gov/>) and selecting "Rules and Regs", then selecting "Fed Reg Docs."

**III. Current Actions**

Currently, MSHA is soliciting comments concerning the extension of the information collection requirements related to 30 CFR 40.3, 40.4, and 40.5 (Representative of Miners), 30 CFR 41.20 (Notification of Legal Identity), and 30 CFR 56.1000 and 57.1000

(Notification of Commencement of Operations and Closing of Mines).

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines.

*OMB Number:* 1219-0042.

*Affected Public:* Business or other for-profit.

*Frequency:* On Occasion.

*Number of Respondents:* 4,945.

*Number of Responses:* 11,109.

*Number of Burden Hours:* 2,347.

*Total Burden Cost (operating/maintaining):* \$3,550.

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

Dated at Arlington, Virginia, this 25th day of June, 2007.

**David L. Meyer,**

*Director, Office of Administration and Management.*

[FR Doc. E7-12525 Filed 6-28-07; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Application for Waiver of Surface Facilities Requirements

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before August 28, 2007.

**ADDRESSES:** Send comments to, Debbie Ferraro, Management Services Division, 1100 Wilson Boulevard, Room 2171,

Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via e-mail to [Ferraro.Debbie@DOL.GOV](mailto:Ferraro.Debbie@DOL.GOV). Ms. Ferraro can be reached at (202) 693-9821 (voice), or (202) 693-9801 (facsimile).

**FOR FURTHER INFORMATION:** Contact the employee listed in the **ADDRESSES** section of this notice.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title 30 Sections 71.400 through 71.402 and 75.1712-1 through 75.1712-3 require coal mine operators to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. If the operator is unable to meet any or all of the requirements, he/she may apply for a waiver. Title 30 CFR Sections 71.403, 71.404, 75.1712-4 and 75.1712-5 provide procedures by which an operator may apply for and be granted a waiver. Applications are filed with the District Manager for the district in which the mine is located and contain the name and address of the mine operator, name and location of the mine, and a detailed statement of the grounds upon which the waiver is requested and the period of time for which it is requested. Waivers for surface coal mines may be granted for a period not to exceed one year; requests for an annual extension may be sought by the operator. Waivers for underground coal mines may be granted for extended periods of time based on the information provided by the mine operator in the request for a waiver.

The purpose for the waiver is to assure the conditions at the mine make it impractical for the mine operator to provide the required facilities, and to document the circumstances for granting of the waiver. This gives the mine operator written documentation that the requirement(s) of the standard have been waived by MSHA and MSHA inspection personnel will not require the mine operator to comply with the part(s) of the standard included in the waiver. Without this written documentation, MSHA inspection personnel cannot be assured that a mine operator is not required to provide the required sanitary facilities.

##### II. Desired Focus of Comments

MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the internet by accessing the MSHA home page (<http://www.msha.gov/>) and choosing "Rules and Regs", then choosing "Fed Reg Docs."

##### III. Current Action

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Application for Waiver of Surface Facilities Requirement.

This information is necessary in order to assure the mine operator is not required to provide the surface facilities as required by the standard. This information provides written documentation that MSHA has waived the requirements for the applicable part(s) of the standard as outlined in the waiver.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Application for Waiver of Surface Facilities Requirements.

*OMB Number:* 1219-0024.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 843.

*Number of Responses:* 843.

*Total Burden Hours:* 322.

*Total Burden Cost:* \$0.

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

Dated at Arlington, Virginia, this 25th day of June, 2007.

**David L. Meyer,**

*Director, Office of Administration and Management.*

[FR Doc. E7-12526 Filed 6-28-07; 8:45 am]

**BILLING CODE 4510-43-P**

## SUPPORTING STATEMENT

Representative of Miners: 30 CFR 40.2, 40.3, 40.4, 40.5

Legal Identity Report: 30 CFR 41.20

Notification of Commencement of Operations and Closing of Mines: 30 CFR 56.1000, 57.1000, (pertains to metal and nonmetal mines).

### A. Justification

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

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

#### Representative of Miners

Section 103(f) of the Mine Act establishes miners' rights which may be exercised through a representative. Title 30, Code of Federal Regulations (30 CFR) Part 40 contains procedures which a person or organization must follow in order to be identified by the Secretary as a representative of miners. The regulations define what is meant by "representative of miners," a term that is not defined in the Mine Act.

30 CFR 40.2 requires the representative of miners to file the information specified in 30 CFR 40.3 with the MSHA district manager and the mine operator.

30 CFR 40.3 requires the following information to be filed with MSHA:

- (1) the name, address and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the title of the official or position who will serve as representative and his or her telephone number;
- (2) the name and address of the mine operator; the name, address and MSHA ID number, if known, of the mine;
- (3) a copy of the document evidencing the designation of the representative;
- (4) a statement that the person or position will serve for all purposes of the Act, or a statement of the limitation of the authority;
- (5) the name, address and telephone number of an alternate;
- (6) a statement that all the required information filed has been delivered to the mine operator prior to or concurrently with the filing of the statement; and
- (7) certification that all information filed is true and correct followed by the signature of the miners' representative.

30 CFR 40.4 requires that a copy of the notice designating the miners' representative be posted by the mine operator on the mine bulletin board and maintained in current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated.

Under 30 CFR 40.5, a representative who wishes to terminate his or her designation must file a written statement with the appropriate MSHA district manager terminating his or her designation.

#### Notification of Legal Identity

Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary of Labor (Secretary), the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses.

MSHA's regulation in 30 CFR Part 41 implements this requirement and provides for the mandatory use of Form 2000-7, Legal Identity Report, for notifying MSHA of the legal identity of the mine operator.

The legal identity of a mine operator is fundamental to enable the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties. Because of the rapid and frequent turnover in mining company ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interest in other mines held by the operator and relevant persons in a partnership, corporation, or other organization. This information is also necessary to the Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Additionally, MSHA is requesting approval of MSHA Form 7000-51 (Mine ID Request) so that mine operators can request an MSHA mine identification number for each mine. While this form is not required by regulation, it has been MSHA's experience that many mine operators request mine identification numbers prior to completing and submitting the required 2000-7 Legal Identity Form. Allowing mine operators to submit MSHA Form 7000-51 would facilitate this process.

#### Notification of Commencement of Operations and Closing of Mines

Under 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons.

MSHA must be aware of mine openings and closings so that its resources can be used efficiently in achieving the requirements of the Mine Act, 30 U.S.C.801 *et seq.* Section 103(a) of the Mine Act, 30 U.S.C. 813, requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines that operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard can prevent wasted time and trips.

**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.**

Representative of Miners: The information submitted to MSHA is used by MSHA to identify the representative of miners for all purposes provided for in the Mine Act. Information submitted in compliance with Part 40 requirements also serves to notify both the operator and individual miners of the identity of the miners' representative. Providing notification to the operator, consistent with the Mine Act, assures that the miners' representative who is also an employee of the operator does not suffer loss of pay during participation in an inspection. Posting of the designation at the mine also ensures that miners are notified of the identity of the miners' representative(s) at the mine, so that miners who wish to exercise their individual rights through the miners' representative know who they should contact.

Notification of Legal Identity: MSHA uses the information to properly identify persons charged with violating mandatory safety and health standards and in the assessment of civil penalties on those violations. The Office of the Solicitor uses the information to expedite service of documents on the mine operator.

Mine ID Request: MSHA enters the information provided by the mine operator into the Agency's Mine Information System and assigns a mine identification number unique to the mine.

Notification of Commencement of Operations and Closing of Mines: The MSHA official in charge of the district office that services the affected mine is responsible for receiving the information and informing the appropriate supervisors and inspectors. Inspection plans can then be developed to include coverage of the mines that are currently in operation so statutory inspection requirements can be met.

**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.**

Representative of Miners: To comply with the Government Paperwork Elimination Act of 1998, MSHA is providing a new form for miners' representatives to file the necessary information under 30 CFR 40.3 using a web-based application. This form will include the option for the two miners designating the representative to file the form confidentially. The miners' representative will be able to fill out the form and submit it electronically or print it out and send it by mail or give it to the District Manager or the MSHA inspector. MSHA is also providing access through use of the DOL call center, which will assist the miners' representative in filling out and filing the form.

MSHA is providing this new form because the House Education and Labor Committee conducted a hearing on the Upper Big Branch explosion on May 24, 2010 and heard testimony from deceased miners' families regarding safety conditions in existence prior to the explosion. The family members testified that the mine operator, Massey Energy, Inc., would retaliate if miners expressed concern about safety and health issues to management. Family members testified that even if nothing was done immediately, Massey would find reason to retaliate weeks or months later. The Committee also heard testimony that the Upper Big Branch miners did not have an opportunity to refuse to work at a job or in an area that they deemed to be unsafe, and if they did refuse to work, they would be fired. The ability for miners to designate a miners' representative confidentially will provide miners an opportunity to exercise their rights under the Mine Act and their right to a safe and healthy work environment.

Notification of Legal Identity: Form 2000-7 is available on MSHA's web page for on-line submission. Approximately 34% of the forms are submitted electronically.

Mine ID Request: When the mine operator contacts the local field or district office regarding what information is needed to obtain a mine identification number, they will be informed that the form is available on the MSHA Home Page and that they may submit the information electronically via the Internet by accessing the MSHA Home Page. MSHA estimates that most 7000-51 forms are submitted electronically.

Notification of Commencement of Operations and Closing of Mines: While no improved information technology has been identified that would reduce the burden, mine operators can submit the information electronically. However, MSHA has found that the majority of the notifications required by this standard are made by telephone. A small percentage of the notifications are made face-to-face to an inspector, some are received in writing and very few are received electronically.

**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 information is available.

**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.**

These information collections do not have significant economic impacts 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.**

Representative of Miners: Under the Mine Act, miners are entitled to exercise all statutory rights. One statutory right is to designate a representative to accompany the Secretary's authorized representative during an inspection of the mine. Without this information, MSHA may be unable to fulfill its duty to miners by permitting a miners' representative to accompany the Secretary's authorized representative. The person seeking to be designated as a representative of miners files the information required under Part 40 with MSHA and the affected mine operator. Once the necessary information has been filed, a miners' representative retains his or her status until he or she files a statement with the district manager terminating his or her designation.

Notification of Legal Identity: The information concerning legal identity of the mine operator and any changes that may occur need to be submitted only once. Without the information, MSHA would be unable to properly ascertain the identity of persons and entities charged with violating mandatory health and safety standards and properly assessing civil penalties based on ownership of mines. Also, this information is necessary for the Office of the Solicitor to determine the proper action and parties under the Mine Act.

Mine ID Request: The information concerning mine ownership, mine name, location, and other relevant data needs to be submitted only once. This information is necessary for the same reasons as the Notification of Legal Identity.

Notification of Commencement of Operations and Closing of Mines: The mine operator need only notify MSHA once of each mine opening or closing. If the Agency is not notified, as required, inspection resources would be wasted when inspectors travel great distances only to find that a mine is closed. In addition, miners (at mines that re-open) may not receive the benefit of safety and health inspections because MSHA would not be aware that the mine had re-opened.

**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 secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

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

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

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

MSHA published a 60-day *Federal Register* notice on December 17, 2010 (75 FR 79031). No comments were received.

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

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

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

MSHA will keep miners' names and contact information confidential when the miners' representative requests a confidential designation. For the other designations, no assurance of confidentiality is provided.

**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.**

Representative of Miners: The miners' representative files the information with both MSHA and the affected mine operator. Once the information has been filed, a representative retains his/her status until the designation is terminated. The reporting burden is, therefore, limited to the annual turnover or replacement of designated miners' representative. The burden is the same for each miners' representative regardless of the size of the mine or the number of miners represented. MSHA estimates that it will take each representative an average of 45 minutes (0.75 hours) to prepare and mail the required notification to both the MSHA District Office and the mine operator. Salaries used for this section are taken from the U.S. Mineral Mine Salaries, Wages, & Benefits – 2009 Survey Results.

## Coal

MSHA records indicate that there are 1,891 active coal mines. MSHA personnel estimate that two percent of the total active coal mines will file to change or obtain new miners' representative designations with MSHA annually.

1,891 mines x 0.02 changes/yr = 38 notifications/yr  
38 notifications x 0.75 hours to file = 28.5 hours  
28.5 hours to file x \$33.57/hr = \$957

## Metal and Nonmetal

MSHA records indicate that there are 12,174 active metal and nonmetal mines. MSHA receives new miner's representation designations (approximately 60 notifications in Districts each year).

60 notifications x 0.75 hours to file = 45 hours  
45 hours x \$26.53/hr = \$1,194

**Total Responses = 38 notifications + 60 notifications = 98**  
**Total Burden Hours = 28.5 hours + 45 hours = 73.5 hours**  
**Total Burden Hour Costs = \$957 + \$1,194 = \$2,150**

Notification of Legal Identity: MSHA estimates that each year there is an average of 14,065 existing mines in operation, of which about 1,125 are new mines. The remaining 12,940 mines are in compliance with the legal identity reporting requirements of 30 CFR Part 41. Of the 12,940 mines, MSHA estimates that 5,952 operators will amend the information in their legal identity reports each year. MSHA estimates that it would take the mine operator 30 minutes (0.5 hour) by hard copy and 20 minutes (0.33 hour) electronically to complete a report for newly opened mines, and 15 minutes (0.25 hour) by hard copy and 10 minutes (0.17 hour) electronically to amend the information in a previously submitted report.

MSHA experience indicates that the MSHA Form 2000-7 is prepared by a secretary who earns \$25.08 per hour (salary averaged based on data from the U.S. Metal and Industrial Mineral Mine Salaries, Wages, & Benefits – 2009 Survey Results and U.S. Coal Mine Salaries, Wages, & Benefits – 2009 Survey Results).

### Initial Legal Identity Request for New Mines

708 written requests x 0.5 hours + 417 electronic requests x 0.33 hours = 492 hours

### Amendments to Previously Submitted Legal Identity Reports

2,321 written requests x 0.25 hours + 3,631 electronic requests x 0.17 hours = 1,197 hours

**Total Responses = 708 requests + 417 requests + 2281 requests + 3671 requests = 7,077**

**Total Burden Hours = 492 hours + 1,197 hours = 1,689 hours**

**Total Burden Hour Costs = \$25.08 clerical hourly wage x 1,689 hours = \$42,360**

Mine ID Request: MSHA estimates that each year there is an average of 14,065 existing mines in operation, of which about 1,125 are new mines. MSHA estimates that it takes a mine operator 20 minutes to complete a report for newly opened or soon to be opened mines. MSHA also estimates that all these forms will be completed online.

MSHA experience indicates that the MSHA Mine ID Request Form 7000-51 is prepared by a secretary who earns \$25.08 per hour (salary averaged based on data from the U.S. Metal and Industrial Mineral Mine Salaries, Wages, & Benefits - 2009 Survey Results and U.S. Coal Mine Salaries, Wages, & Benefits – 2009 Survey Results).

1,125 requests x 0.33 hours to electronically file = 371 hours

371 hours x \$25.08 composite clerical hourly wage = \$9,305

**Total Requests = 1125**

**Total Burden Hours = 371 hours**

**Total Burden Hour Costs = \$9,305**

Notification of Commencement of Operations and Closing of Mines: Currently, the number of Metal/Nonmetal mines is 12,174. MSHA has found that the majority of the notifications required by this standard are made by telephone. A small percentage of the notifications are made verbally to an inspector, and some are received in writing. MSHA estimates that 3,408 notifications of metal and nonmetal mines occur annually. Most of these are temporary in nature and reflect the seasonal status of the mines. Approximately 75% (2,556) of all metal and nonmetal mine openings and closings notifications are made by telephone calls of 3 minutes (0.05 hour) duration. Approximately 10% (341) are made verbally to the MSHA inspector during routine inspections and no burden is calculable. The remaining 15% (511) are made in writing with an estimated 30 minutes (0.5 hour) burden for each. The calculations are as follows using the clerical hourly wage rate published by the U.S. Metal and Industrial Mineral Salaries, Wages and Benefits – 2009 Survey Results. The composite clerical hourly wage for Metal/Nonmetal in 2009 is \$24.45.

2,556 telephone calls x 0.05 hour/call + 511 written contacts x 0.5 hour/response = 384 hours

384 hours x \$24.45 clerical wage/hour = \$9,389

**Total Request = 2556 + 511 = 3,067**

**Total Burden Hours = 384 hours**

**Total Burden Hour Cost = \$9,389**

**GRAND TOTAL REQUESTS : 11,367**

**GRAND TOTAL BURDEN HOURS: 2,517.5 HOURS**

**GRAND TOTAL BURDEN HOUR COSTS: \$63,204**

**13. Provide an estimate for 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 collections 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.**

Representative of Miners: Almost all of the notices of miners' representatives are in the form of written correspondence or form letters. Almost all of the correspondences are hand delivered to MSHA district and field offices or presented to MSHA inspectors while on the mine site. MSHA believes that this cost is negligible and has not assigned a cost to this burden. As a consequence, no equipment is necessary and no equipment costs are incurred in complying with this standard. All new notices or changes submitted electronically incur zero charges. MSHA also believes that the cost to the mine operator for posting a copy of the notice of miners' representative is negligible and has not assigned a cost to this burden.

Notification of Legal Identity The Notification of Legal Identity report or changes to the report need to be submitted only once by the mine operator. Therefore, start-up cost, operation and maintenance cost, and purchase of services cost, have not been associated specifically for this regulatory requirement. All new reports or changes submitted electronically incur zero charges. Mailing costs that may be incurred based on annual submission estimates are as follows:

708 new reports annually x \$1.00 supplies and postal cost = \$708  
2,321 amended reports annually x \$0.70 supplies and postal cost = \$1,625

Mine ID Request: The Mine ID Request Form is an optional form that may be submitted by the mine operator to request a mine identification number. The form only needs to be completed and submitted once electronically. Provisions have not been made to distribute hard copies of the form so it can only be completed on-line at MSHA's web site. Mine operators may also call MSHA and the form can be completed for them by MSHA staff.

Notification of Commencement of Operations and Closing of Mines: For most mine operators, a long distance call must be made to notify MSHA that the mine has opened or closed. It is estimated that the cost to respondents who telephone the notification to MSHA averages \$0.77 cents (\$0.35 for the first minute + \$0.42 for 2 additional minutes) per telephone response. MSHA estimates that the cost to mine operators who respond in writing is \$0.44 postage and \$0.26 for office supplies per written response.

2,556 telephone responses x \$0.77 per call = \$1,968  
511 written responses x \$0.70 per mailing = \$358

**GRAND TOTAL BURDEN COST: \$4,659**

**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.**

Representative of Miners: The cost to the Federal Government is estimated to be negligible in that each District Manager maintains only a current register of representatives of miners.

Notification of Legal Identity: MSHA enforcement personnel examine the records during routine inspections. There is no significant cost to the Federal Government.

Mine ID Request: MSHA personnel use the mine's operator-provided information to assign a mine identification number. There is no significant cost to the Federal Government.

Notification of Commencement of Operations and Closing of Mines: MSHA receives approximately 416 notifications of new metal and nonmetal mine opening each year. With each notification, an MSHA inspector must complete a mine information form and supplemental information form. MSHA estimates that it takes an inspector approximately 45 minutes (0.75 hour) to complete each form, and it takes a clerical person approximately 15 minutes (0.25 hour) to enter the data into a computer. The

wage rate for a GS 12-5 grade MSHA inspector, based on 2010 pay schedule without locality pay, is \$32.73 per hour. The wage rate for a GS 7-5 grade clerical person, based on 2010 pay schedule without locality pay, is \$18.45 per hour.

416 notifications x 0.75 hour/notification = 312 hours  
416 notifications x 0.25 hour/notification = 104 hours

312 hours x \$32.73 per hour (average salary of MSHA mine inspector) = \$10,212  
104 hours x \$18.45 per hour (average salary of clerical staff person) = \$1,919

**Federal Government Burden Hours = 416 hours**

**Federal Government Burden Cost = \$12,131**

MSHA also receives approximately 2,992 notifications each year of metal and nonmetal mines closing or re-opening. MSHA estimates that it takes an Agency inspector approximately 15 minutes (0.25 hour) to revise the information on the two forms noted above, and it takes a clerical person approximately 5 minutes (0.08 hour) to enter the data into a computer.

2,992 notifications x 0.25 hour/notification = 748 hours  
2,992 notifications x 0.08 hour/notification = 239 hours

748 hours x \$32.73 per hour = \$24,482  
239 hours x \$18.45 per hour = \$4,410

**Federal Government Burden Hours = 987 hours**

**Federal Government Burden Cost = \$28,892**

**GRAND TOTAL FEDERAL HOURS: 1,403 hours**

**GRAND TOTAL FEDERAL COST: \$41,023**

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

The increase in the burden hours and costs is due to an increase in the number of mines, the increase in number of notifications of closing and opening metal and nonmetal mines, and an increase in supply and postage costs.

**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 will display the OMB number and expiration date on the MSHA Form 2000-7.  
MSHA will display the OMB number and expiration date on the MSHA Form 7000-51.

**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 request.

## **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 frequent than annual) data collection cycles to reduce burden.**

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

**4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or**

**set of tests may be submitted for approval separately or in combination with the main collection of information.**

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

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.