Wilson Boulevard Room 2350, Arlington, VA 22209–3939. For hand delivery, sign in at the receptionist's desk on the 21st floor.

Comments to OMB may be sent by mail addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer for MSHA.

FOR FURTHER INFORMATION CONTACT: Greg Moxness, Chief, Economic Analysis Division, Office of Standards, Regulations, and Variances, MSHA, at *moxness.greg@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Independent contractors (contractors) perform services or construction at a mine. They may be engaged in virtually every type of work performed at a mine, including activities such as clearing land, excavating ore, processing minerals, maintaining, or repairing equipment, or constructing new buildings or new facilities, such as shafts, hoists, conveyors, or kilns. Independent contractors vary in size, the type of work performed, and the time spent working at mine sites. Some contractors work exclusively at mining operations, others may work a single contract at a mine and never return to MSHA jurisdiction.

The work contractors perform can pose serious dangers to employees. From January 1, 2001 through June 30, 2011, 623 miners have been fatally injured in mining accidents; 143 of those (or about 23%) worked for independent contractors. MSHA uses the contractor information during inspections to determine the responsibility for compliance with safety and health standards and to facilitate the service of documents.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to independent contractors. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address 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, to minimize the burden of the collection of information on those who are to respond.

The public may examine publicly available documents, including the public comment version of the supporting statement, at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939. OMB clearance requests are available on MSHA's Web site at *http://www.msha.gov* under ''Rules & Regs'' on the right side of the screen by selecting *Information Collections Requests, Paperwork Reduction Act Supporting Statements.* The public comment version of the supporting statement will be available on MSHA's Web site for 60 days after the publication date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because comments will not be edited to remove any identifying or contact information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

The information obtained from mine operators is used by MSHA during inspections to determine compliance with safety and health standards. MSHA has updated the data in respect to the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection extension request. MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

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

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0040.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR Part 45/MSHA Form 7000–52.

Total Number of Respondents: 15,609.

Frequency: Various.

Total Number of Responses: 100,651.

Estimated Total Burden Hours: 8,188 hours.

Estimated Total Burden Cost: $545.

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

Authority: 44 U.S.C. 3506(c)(2)(A).

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2012–6988 Filed 3–22–12; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Extension of Existing Information Collection; Diesel-Powered Equipment for Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

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. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

The Mine Safety and Health Administration is soliciting comments concerning the proposed extension of an existing information collection, OMB Control Number 1219–0119, Diesel-Powered Equipment in Underground Coal Mines. OMB last approved this information collection request (ICR) on March 31, 2009.

DATES: Submit comments on or before May 22, 2012.

ADDRESSES: Comments must be identified with ''OMB Control Number 1219–0119'' and sent to both the Office

of Management and Budget (OMB) and MSHA. Comments to MSHA may be sent by any of the methods listed below.

• *Federal E–Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

• *Facsimile:* 202–693–9441, include ''OMB 1219–0119'' in the subject line of the message.

• *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939. For hand delivery, sign in at the receptionist's desk on the 21st floor.

Comments to OMB may be sent by mail addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer for MSHA.

FOR FURTHER INFORMATION CONTACT: Greg Moxness, Chief, Economic Analysis Division, Office of Standards, Regulations, and Variances, MSHA, at *moxness.greg@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The Mine Safety and Health Administration (MSHA) requires mine operators to provide important safety protections to underground coal miners who work in mines that use diesel-powered equipment. Diesel equipment can pose a fire and explosion hazard in the confined environment of an underground coal mine where combustible coal dust and explosive methane gas are present.

This information collection request (ICR) was last approved on March 31, 2009 when it was titled ''Approval, Exhaust Gas Monitoring, and Safety Requirements for the Use of Diesel Powered Equipment in Underground Coal Mines''. The ICR title has been shortened to ''Diesel-Powered Equipment in Underground Coal Mines'' to focus on the central subject of the ICR and to make reference to the ICR simpler.

The following provisions are addressed by the ICR:

§ 75.1901(a)—Diesel fuel requirements;

§ 75.1904(b)(4)(i)—Underground diesel fuel tanks and safety cans;

§ 75.1906(d)—Transport of diesel fuel;

§ 75.1911(i) and (j)—Fire suppression systems for diesel-powered equipment and fuel transportation units;

§ 75.1912(h) and (i)—Fire suppression systems for permanent underground diesel fuel storage facilities;

§ 75.1914(f)(1) and (2);(g)(5); (h)(1) and (2)—Maintenance of diesel powered equipment;

§ 75.1915(a); (b)(5); (c)(1) and ((2)—Training and qualification of persons working on diesel-powered equipment.

MSHA requires mine operators to provide important safety protections to underground coal miners who work in mines that use diesel-powered equipment. Diesel equipment can pose a fire and explosion hazard in the confined environment of an underground coal mine where combustible coal dust and explosive methane gas are present.

This information collection addresses the recordkeeping associated with maintenance of diesel-powered equipment; testing and maintenance of fire suppression systems on the equipment and at fueling stations; exhaust gas sampling provisions to protect miners' safety. Records document conditions encountered during: Testing and maintenance of diesel equipment; corrective actions taken; and that the persons performing the maintenance, repairs, examinations, and tests are trained and qualified to do so.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed extension of the information collection related to Diesel-Powered Equipment in Underground Coal Mines. MSHA is particularly interested in comments that:

• Evaluate whether the collection of information is necessary for the proper performance of MSHA's functions, including whether the information has practical utility;

• Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

• Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and

• Address 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, to minimize the burden of the collection of information on those who are to respond.

The public may examine publicly available documents, including the public comment version of the supporting statement, at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939. OMB clearance requests are available on MSHA's Web site at *http://www.msha.gov* under ''Rules & Regs'' on the right side of the screen by selecting *Information Collections Requests, Paperwork Reduction Act Supporting Statements.* The document will be available on MSHA's Web site for 60 days after the publication date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because comments will not be edited to remove any identifying or contact information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

The information obtained from mine operators is used by MSHA during inspections to determine compliance with this safety standard. MSHA has updated the data in respect to the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection extension request.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Diesel-Powered Equipment for Underground Coal Mines.

OMB Number: 1219–0119.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR Part 75.

Total Respondents: 223.

Frequency: Various.

Total Responses: 169,003.

Estimated Total Burden Hours: 14,364 hours.

Estimated Total Burden Cost: $457,808.

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

Authority: 44 U.S.C. 3506(c)(2)(A).

Patricia W. Silvey,

Certifying Officer.

[FR Doc. 2012–6989 Filed 3–22–12; 8:45 am]

BILLING CODE 4510–43–P

SUPPORTING STATEMENT

Health Standards for Diesel Particulates (Underground Coal) 30 CFR §§75.1915/72.503, 72.510, 72.520 and Part 7 or Part 36 as a result of §72.500

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.

Under Section 101(a) of the Mine Safety and Health act of 1977 (The Mine Act), the Secretary of Labor shall develop, promulgate, and revise as may be appropriated, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. In addition, Section 103(h) of the Mine Act mandates that mine operators keep any records and make any reports that are reasonably necessary for MSHA to perform its duties under the Mine Act.

The Mine Safety and Health Administration (MSHA) established standards and regulations for diesel-powered equipment in underground coal mines that provide coal miners who work on and around diesel-powered equipment with additional important protections. The rule is designed to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter. The rule contains information collection requirements for underground coal mine operators in §§75.1915/72.503(d), 72.510, 72.520, and as a result of §72.500, diesel manufacturers are affected under Part 7 or 36.

Section 75.1915(a) and (c) and §72.503(d). Section 72.503(d) requires that after-treatment devices installed on diesel powered equipment be maintained according to manufacturer specifications. Since such devices are not usually on diesel machinery, maintenance personnel will need to be trained concerning the maintenance of such devices. Section 75.1915(a) (training and qualifications of persons working on diesel powered equipment) requires training in the maintenance of diesel powered equipment, and §75.1915(c) requires a record of those trained.

Section 72.510(a) requires underground coal miners exposed to diesel emissions be annually trained in the: health risks associated with exposure to diesel particulate; methods used in the mine to control diesel particulate concentrations; identification of the personnel responsible for maintaining those controls; and actions miners must take to ensure controls operate as intended.

Section 72.510(b) requires underground coal mine operators to keep a record of the annual training.

Section 72.520 requires underground coal mine operators to maintain an inventory of diesel powered equipment units, together with information about any unit's emission control or filtration system. This list must be updated within 7 days of any change.

Part 7, Part 36, and §72.503(d) As a result of §72.503(d) which requires all permissible equipment to have after-treatment or filtration devices, diesel manufacturers will need to amend existing diesel machine approval applications under Part 7 or Part 36. Few machine approvals are approved under Part 36, while most machine approvals are approved under Part 7.

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 recordkeeping requirements included are necessary not only to assist MSHA in determining compliance, but also to provide useful information to mine operators and miners' representatives about the affected standards and regulations.

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.

Mine operators have been provided the option of providing this information via MSHA's web page or submittal by written document. MSHA has made the required information available on-line to aid mine operators in maintaining this information up-to-date in compliance with the regulatory requirements. However, in order to comply with the Government Paperwork Elimination Act the mine operator has the option of forwarding and/or retaining the information requested in whatever format method they choose.

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

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

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

This information collection does not have a significant impact on a substantial number of 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.

The information collection requirements contained in the rule are the minimum necessary to ensure the safe and healthful operation of diesel-powered equipment in underground coal mines. They serve as a means of verifying compliance with the regulations and also provide important information to mine operator and miners' representatives about safety and health conditions in miner's workplace. Reduction of these information collection requirements will increase the likelihood that unsafe and unhealthy conditions could go undetected and uncorrected in underground coal mines that use diesel powered equipment.

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

*** requiring respondents to report information to the agency more often than quarterly;**

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

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

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

*** in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

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

*** that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

*** requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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

8. If applicable, provide a copy and identify the 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.

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

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration 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 statue, regulation, or agency policy.

There is no assurance of confidentiality provided to respondents.

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

There are no questions of a sensitive nature.

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

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

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

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Shown are the burden hours and related costs that are borne by affected: (1) underground coal mine operators that use diesel powered equipment, and (2) manufacturers of diesel powered equipment.

The following hourly wage rates based on data from the U.S. Coal Mineral Mine Salaries, Wages and Benefits Survey Results, were used to determine burden hour costs: supervisor wage rate of $62.50, coal miner wage rate of $25.98, and clerical worker wage rate of $21.74.

Mine Operators

Burden Hours

There are approximately 165 respondents impacted by this collection of information. Approximately 162 mine operators will incur an estimated 563 annual burden hours and related costs of $13,383 and approximately 3 manufacturers an estimated 60 annual burden hours and related cost of $3,900. The breakdown is as follows:

Paperwork Burden for Mine Operators

Section 72.503 Determination of Emission; filter Maintenance

Section 72.503(d) requires that after treatment devices installed on diesel powered equipment be maintained according to manufactures specifications. Since such devices are not usually on diesel machinery, maintenance personnel will need to be trained concerning the maintenance of such devices. §75.1915 (training and qualifications of persons working on diesel powered equipment) requires training in the maintenance of diesel powered equipment, and §75.1915(c) requires a record of those trained.

Mines employing 20 or more workers, MSHA estimates a turnover rate of 7 percent for maintenance personnel who work on diesel powered equipment. Therefore, annually, of the 397 maintenance personnel, 28 new maintenance personnel would each need to be trained. MSHA assumes that each new maintenance person trained would be in a different mine. Table 1 shows annual burden hours and costs related to the preparation by the clerical worker. Table 2 shows annual burden hours and costs related to trainee registration.

Table 1: 75.1915 and Sections 72.503(d)
Annual Maintenance Training – Clerical Worker Preparation
Annual Burden Hours and Costs

Mine Size	# of Mines	Time to Prepare (hrs)	Time Spent on Each Miner (hrs)	# of Miners to Train	Annual Year Burden Hours [a]	Clerical Wage (per hr)	Annual Burden Costs
≥20 & ≤500	25	0.25	0.0167	25	6.7	$21.74	$146
>500	3	0.25	0.0167	3	0.8	$21.74	$17
Total	28			28	7.5		$163

[a]Burden Hours = (No. of Mines x Time to Prepare)+ (Time Spent on Each Miner x No. of Miners to Train).

Table 2: 75.1915 and Sections 72.503(d)
Annual Maintenance Training – Miner Registration and Record
Annual Burden Hours and Costs

Mine Size	# of Miners to Train	Time to Register per Miners (hrs)	Annual Year Burden Hours	Miner Wage (per Hr)	Annual Burden Costs
≥20 & ≤500	16	0.0056	0.09	$25.95	$2
>500	2	0.0056	0.01	$25.95	$0.26
Total	18		0.10		$2

Section 72.510 Miner Health Training

This section requires that all miners who can reasonably be expected to be exposed to diesel emissions on mine property be trained annually in accordance with §72.510(a). A mine supervisor will perform the training.

A supervisor will take 5 minutes (0.0833 hours) to instruct a clerical worker concerning the training. Table 3 shows burden hours and costs related to the supervisor's instructions.

A clerical worker will take 15 minutes (0.25 hours) in each mine (includes listening to supervisor's instructions) to make arrangements concerning the required training. In addition, the clerical worker will take 1 minute (0.0167 hours) to record each trainee in a computer file. Table 4 shows burden hours and costs related to the preparation by the clerical worker.

Each trainee will take 20 seconds (0.0056) to sign a registration sheet, which will also act a as record that the miner has received the required training. Table 5 shows burden hours and costs related to trainee registration.

Table 3: Section 72.510
Miner Health Training – Supervisor Instruction to Clerical Worker
Annual Burden Hours and Costs

Mine Size	# of Mines	Time to Instruct (hrs)	Annual Burden Hours	Superv. Wage (per hr)	Annual Burden Costs
<20	4	0.0833	0.33	$62.50	$21
≥20 & ≤500	14	0.0833	1.1	$62.50	$69
>500	1	0.0833	0.08	$62.50	$5
Total	19		1.5		$95

Table 4: Section 72.510
Miner Health Training – Clerical Worker Preparation
Annual Burden Hours and Costs

Mine Size	#of Mines	Time to Prepare (hrs	Time Spent on Each Miner (hrs)	# of Miners to Train	Annual Burden Hours [a]	Clerical Wage (per hr)	Annual Burden Costs
<20	17	0.25	0.0167	198	7.55	$21.74	$164
≥20 & ≤500	140	0.25	0.0167	16,851	316.4	$21.74	$6879
>500	5	0.25	0.0167	3,170	54.15	$21.74	$1177
Total	162			20,219	378		$8220

[a]Burden Hours = (No. of Mines x Time to Prepare)+(Time Spent on Each Miner x No. of Miners to Train).

Table 5: Section 72.510
Miner Health training – Miner Registration and Record
Annual Burden Hours and Costs

Mine Size	# of Miners to Train	Time to Register per Miner (hrs)	Annual Burden Hours	Mine Wage (per hr)	Annual Burden Costs
<20	198	0.0056	1.1	$25.95	$29
≥20 & ≤500	16851	0.0056	94.4	$25.95	$2,449
>500	3170	0.0056	17.8	$25.95	$461
Total	20219		113		$2,939

Section 72.520 Diesel Equipment Inventory
Annual Burden

Section 72.520 requires underground coal mine operators to maintain a list of diesel powered equipment units, together with information about any unit's emission control or filtration system. This list must be updated within 7 days of any change.

Mine operators can obtain general information on approved engines from manufacturers or MSHA (via MSHA's website). Annually, this task will take a mine supervisor about 2 minutes to perform for each change that is required. Each year, it is estimated that there will be: 2 diesel machine changes in the 7 mines that employ fewer than 20 workers (or 0.2857 machines per mine); 287 diesel machine changes in 137 mines that employ 20 to 500 workers (or 2.0948 machines per mine); and 23 diesel machine changes in 1 mine that employee more than 500 workers. Table 6 shows burden hours and costs related to information collected by the supervisor.

Table 6: Section 72.520
Diesel Inventory List – Data Collection by Supervisor
Annual Burden Hours and Costs

Mine Size	# of Mines	Annual # of Machine Changes per mine	Time for Superv to Collect Data (hrs)	Annual Burden Hours	Superv Wage (per hr)	Annual Burden Costs
<20	17	0.2941	0.0333	0.17	$62.50	$11
≥20 & ≤500	140	2.0949	0.0333	9.77	$62.50	$611
>500	5	23	0.0333	3.83	$62.50	$239
Total	162			14		$861

Section 72.520 Diesel Equipment Inventory – continued
Annual Burden

In addition, mine operators can obtain machine-specific information (e.g. serial numbers) from maintenance files or similar records. Collecting and recording this information will take a miner an average of 2 minutes (0.03333 hours) per machine. Annually, the number of diesel machine changes will be: 5 in mines employing fewer than 20 workers; 293 in mines employing 20 to 500 workers; and 115 in mines employing more than 500 workers. Table 7 shows burden hours and costs related to information collection and recording by the miner.

Table 7: Section 72.520
Diesel Inventory List
Data Collection and Recording by Miner
Annual Burden Hours and Costs

Mine Size	# of Diesel Machine Changes per Year	Time for Miner to Collect Data (per machine)	Annual Burden Hours	Miner Wage (per hr)	Annual Burden Costs
<20	5	0.0333	0.17	$25.95	$4
≥20 & ≤500	293	0.0333	9.76	$25.95	$253
>500	115	0.0333	3.83	$25.95	$99
Total	413		14		$356

Section 72.520 Diesel Equipment Inventory – continued
Annual Burden

The mine operator must transmit electronically or send a copy of the diesel inventory list to the appropriate MSHA District Manager and provide a copy to the miner representative.

For each paper change, a clerical worker must copy the list, send the list to the District Manager, and provide a copy to the miner representative. It will take a clerical worker 5 minutes (0.0833 hours) to perform these functions. Table 8 shows burden hours and costs associated with the tasks performed by the clerical worker. MSHA assumed that all changes would be by paper to determine the annual burden.

Table 8: Section 72.520
Diesel Inventory List – Clerical Worker Duties
Annual Burden Hours and Costs

Mine Size	# of Diesel Machine Changes per Year	Clerical Time (hrs)	Annual Burden Hours	Clerical Wage (hr)	Annual Burden Costs
<20	5	0.0833	0.4	$21.74	$9
≥20 & ≤500	293	0.0833	24.4	$21.74	$530
>500	115	0.0833	9.6	$21.74	$208
Total	413		34		$747

Paperwork Burden for Manufacturers

As a result of §72.500, which requires all permissible equipment to have filtration devices, manufacturers will need to amend some existing permissible machine approvals. In most cases, the application and evaluation will be a simple process.

The number of approvals affected will be 3 per year. MSHA estimates that it will take 20 hours to prepare an evaluation. Manufacturers' costs to amend an existing application are estimated at $65 per hour.

Table 9 shows burden hours and costs related to manufacturers' amending existing applications.

Table 9: Section 72.503, Part 7 and Part 36
Manufacturers Costs to Amend Existing Applications
Annual Burden Hours and Costs

# of Existing Machine Approval to Amend	Time to Amend (in hrs)	Annual Burden Hours	Cost to Amend (per hr)	Annual Burden Costs
3	20	60	$65	$3,900

SUMMARY TABLES:
Mine Operators – Annual Burden Hours

	<20		20 to 500		> 500		Total	
Provision	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
72.510	9	$214	412	$9397	72	$1643	493	$11254
75.1915/72.503	0	$0	6.8	$148	0.8	$17	8	$165
72.520	0.74	$24	44	$1394	17.2	$546	62	$1964
Total	**10**	**$238**	**463**	**$10939**	**90**	**$2206**	**563**	**$13383**

Table 2
Manufacturers' – Annual Burden Hours

Detail	Hrs.	Costs
Amend Applications	**60**	**$3,900**

TOTAL BURDEN HOURS: 623

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 that costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

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

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

Section 72.520
Annual Burden

Underground coal mines that use diesel powered equipment will need to update their list of diesel equipment and make a copy of this updated list and send it into the appropriate MSHA District Manager. Also a copy will need to be made of the updated list and given to the representative of the miners. On average, the updated initial list is estimated to be 2 pages for each mine. The list is updated each time a change is made to the diesel equipment inventory. On average annually, the annual estimated changes will occur: 2 times for all mines employing fewer than 20 workers; 280 times for all mines employing 20 and 500 workers; and 33 times for the 5 mines that employ more than 500 workers. Photocopy costs are estimated to be $0.15 per page. Two copies of the list will need to be made for each change. Therefore,

copy costs per mine is $0.60 ($0.15 x 2 pgs. X 2 copies). In addition, each mine will incur $0.39 for postage to mail a copy of the list to the appropriate MSHA District Manager. Total costs are $0.99. Table 1 shows the photocopy and postage costs.

Table 1: Section 72.520
Costs to Copy and Mail Diesel Inventory List
Annual Burden Costs

Mine Size	Diesel Machine Changes per year	Costs per mine	Annual Burden Costs
<20	5	$0.99	$5
≥20 & ≤500	293	$0.99	$290
>500	115	$0.99	$114
Total	413		$409

Paperwork Burden to Manufacturers

As a result of §72.500, which requires all permissible equipment to have filtration devices, manufactures will need to amend some existing permissible machine approvals. However, manufactures will have to pay for the cost for tests that are needed to in order to amend the existing applications. For the 3 applications that need to be amended, the costs for tests are estimated to be $2,000 per application. Table 2 shows the costs related to testing power packages for existing applications.

Table 2: Part 7 or 36
Testing Costs Related to Amended Applications
Annual Burden Costs

# of Existing Machine Approval to Amend	Test Costs per Application	Annual Burden Costs
3	$2,000	$6,000

TOTAL ANNUAL BURDEN COST: $6,409

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.

Section 72.500(a), which requires all permissible equipment to have after-treatment or filtration devices, manufacturers would need to amend existing permissible machine approvals granted under Part 36. There are 3 diesel power packages applications that are estimated to be amended by manufacturers. The 3 applications would each take 24 hours of MSHA time to approve. The average MSHA rate is about $65 per hour.

3 existing diesel power package applications
x 24 hrs. x $65 per hr. =$4,680

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

A reduction of 85 burden hours (from 708 to 623) reflects a reduction due to correction previously reported training burden that should not have been included, and an increase in the number of respondents (from 148 to 165). The number of responses decreased by 591 (1004 to 413) since the first year included an inventory of all equipment and this submission includes only changes to equipment. A reduction in the burden cost (from $8,000 to $6,409) was a direct result of the correction in previously reported training 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 the 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 has no forms associated with this collection of information on which to display an expiration date.

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

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

. Statistical methodology for stratification and sample selection,

. Estimation procedure,

. Degree of accuracy needed for the purpose described in the justification,

. Unusual problems requiring specialized sampling procedures, and

. Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

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

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

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

The collection of this information does not employ statistical methods.

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

TITLE I--GENERAL
MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 75--MANDATORY SAFETY STANDARDS--UNDERGROUND COAL MINES

Subpart T--Diesel-Powered Equipment

Sec. 75.1915 Training and qualification of persons working on diesel-powered equipment.

(a) To be qualified to perform maintenance, repairs, examinations and tests on diesel-powered equipment, as required by Sec. 75.1914, a person must successfully complete a training and qualification program that meets the requirements of this section. A person qualified to perform these tasks shall be retrained as necessary to maintain the ability to perform all assigned diesel-powered equipment maintenance, repairs, examinations and tests.

(b) A training and qualification program under this section must:

(1) Be presented by a competent instructor;

(2) Be sufficient to prepare or update a person's ability to perform all assigned tasks with respect to diesel-powered equipment maintenance, repairs, examinations and tests;

(3) Address, at a minimum, the following:

(i) The requirements of subpart T of this part;

(ii) Use of appropriate power package or machine checklists to conduct tests to ensure that diesel-powered equipment is in approved and safe condition, with acceptable emission levels;

(iii) Proper maintenance of approved features and the correct use of the appropriate maintenance manuals, including machine adjustments, service, and assembly;

(iv) Diesel-powered equipment fire suppression system tests and maintenance;

(v) Fire and ignition sources and their control or elimination, including cleaning of the equipment;

(vi) Safe fueling procedures and maintenance of the fuel system of the equipment; and

(vii) Intake air system maintenance and tests.

(4) Include an examination that requires demonstration of the ability to perform all assigned tasks with respect to diesel-powered equipment maintenance, repairs, examinations and tests; and

(5) Be in writing. The written program shall include a description of the course content, materials, and teaching methods for initial training and retraining.

(c) Recordkeeping. The operator shall maintain a copy of the training and qualification program required by this section and a record of the names of all persons qualified under the program.

(1) The record of the names of qualified persons shall be made in a manner that is not susceptible to alteration, or recorded electronically in a computer system that is secure and not susceptible to alteration.

(2) The training and qualification program and record of qualified persons are to be kept at surface location of the mine and made available for inspection by an authorized representative of the Secretary and by miners' representatives.

PART 72--HEALTH STANDARDS FOR COAL MINES

Subpart D--Diesel Particulate Matter--Underground Areas of Underground Coal Mines

Sec. 72.503 Determination of emissions; filter maintenance; definition of ``introduced''.

(a) MSHA will determine compliance with the emission requirements established by this part by using the amount of diesel particulate matter emitted by a particular engine determined from the engine approval pursuant to Sec. 7.89(a)(9)(iii)(B) or Sec. 7.89(a)(9)(iv)(A) of this title, with the exception of engines deemed to be in compliance by meeting the EPA requirements specified in Table 72.502-1 (Sec. 72.502(b)).

(b) Except as provided in paragraph (c) of this section, the amount by which an aftertreatment device can reduce engine emissions of diesel particulate matter as determined pursuant to paragraph (a) must be established by a laboratory test:

(1) on an approved engine which MSHA has determined, pursuant to paragraph (a) of this section, to emit no more diesel particulate matter than the engine being used in the piece of diesel-powered equipment in question;

(2) using the test cycle specified in Table E-3 of Sec. 7.89 of this title, and following a test procedure appropriate for the filtration system, by a laboratory capable of testing engines in accordance with the requirements of Subpart E of part 7 of this title; and

(3) with an aftertreatment device representative of that being used on the piece of diesel-powered equipment in question.

(c) In lieu of the laboratory tests required by paragraph (b), the Secretary may accept the results of tests conducted or certified by an organization whose testing standards are deemed by the Secretary to be as rigorous as those set forth by paragraph (b) of this section; and further, the Secretary may accept the results of tests for one aftertreatment device as evidencing the efficiency of another aftertreatment device which the Secretary determines to be essentially identical to the one tested.

(d) Operators must maintain in accordance with manufacturer specifications and free of observable defects, any aftertreatment device installed on a piece of diesel equipment upon which the operator relies to remove diesel particulate matter from diesel emissions.

(e) For purposes of Secs. 72.500(a), 72.501(a) and 72.502(a), the term ``introduced'' means any piece of equipment whose engine is a new addition to the underground inventory of engines of the mine in question, including newly purchased equipment, used equipment, and equipment receiving a replacement engine that has a different serial number than the engine it is replacing. ``Introduced'' does not include a piece of equipment whose engine was previously part of the mine inventory and rebuilt.

PART 72--HEALTH STANDARDS FOR COAL MINES

Subpart D--Diesel Particulate Matter--Underground Areas of Underground Coal Mines

Sec. 72.510 Miner health training.

(a) Operators must provide annual training to all miners at a mine who can reasonably be expected to be exposed to diesel emissions on that

property. The training must include--

(1) The health risks associated with exposure to diesel particulate matter;

(2) The methods used in the mine to control diesel particulate matter concentrations;

(3) Identification of the personnel responsible for maintaining those controls; and

(4) Actions miners must take to ensure the controls operate as intended.

(b)(1) An operator must keep a record of the training at the mine site for one year after completion of the training. An operator may keep the record elsewhere if the record is immediately accessible from the mine site by electronic transmission.

(2) Upon request from an authorized representative of the Secretary of Labor, the Secretary of Health and Human Services, or from the authorized representative of miners, mine operators must promptly provide access to any such training record. Whenever an operator ceases to do business, that operator must transfer the training records, or a copy, to any successor operator who must maintain them for the required period.

PART 72--HEALTH STANDARDS FOR COAL MINES

Subpart D--Diesel Particulate Matter--Underground Areas of Underground Coal Mines

Sec. 72.520 Diesel equipment inventory.

(a) The operator of each mine that utilizes diesel equipment underground, shall prepare and submit in writing to the District Manager, an inventory of diesel equipment used in the mine. The inventory shall include the number and type of diesel-powered units used underground, including make and model of unit, type of equipment, make and model of engine, serial number of engine, brake horsepower rating of engine, emissions of engine in grams per hour or grams per brake horsepower-hour, approval number of engine, make and model of aftertreatment device, serial number of aftertreatment device if available, and efficiency of aftertreatment device.

(b) The mine operator shall make changes to the diesel equipment inventory as equipment or emission control systems are added, deleted or modified and submit revisions, to the District Manager, within 7 calendar days.

(c) If requested, the mine operator shall provide a copy of the diesel equipment inventory to the representative of the miners within 3 days of the request.