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:

- 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.

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.


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...
§ 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.

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.


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 Particulate Matter Exposure (Underground Coal Mines)
30 CFR §§ 72.510(a) and (b), 72.520(a) and (b)

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 Federal Mine Safety and Health Act of 1977 (Mine Act), the Secretary of Labor shall 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. 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 the Mine Safety and Health Administration to perform its duties under the Mine Act.

MSHA established standards and regulations for diesel-powered equipment in underground coal mines that provide additional important protection for coal miners who work on and around diesel-powered equipment. The standards were 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 standards contain information collection requirements for underground coal mine operators in §§ 72.510(a) & (b), 72.520(a) & (b).

**Section 72.510(a)** requires underground coal mine operators to provide annual training to all miners who may be exposed to diesel emissions. The training must include health risks associated with exposure to diesel particulate matter; 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 training for one year.

**Section 72.520(a) and (b)** requires underground coal mine operators to maintain an inventory of diesel powered equipment units together with a list of information about any
unit's emission control or filtration system. The list must be updated within 7 calendar
days of any change.

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

The information collection is provided to the MSHA inspector and used by the agency to
monitor the mine operator’s compliance with the health standard and to provide useful
information to mine operators and miners’ representatives about the affected
standards.

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 the option of providing the inventory via MSHA’s web page or they
may submit the information in writing to MSHA. MSHA has information available on-line
to aid mine operators in maintaining and updating the inventory. In addition, the MSHA
standards afford the mine operator the flexibility to retain the information in whatever
format/method they choose that reasonably conveys the inventory.

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

No similar or duplicate information exists.

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

This information collection does not have a significant impact on a substantial number
of small entities. However, MSHA has made available various links on our web-site
specific to diesel matters. On our homepage at www.msha.gov, there are sites making
available compliance materials and other information on diesel particulate.
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 are essential for helping to protect miners’ health and safety while working in areas of the underground mine where diesel-powered equipment is being operated. The information also serves as a means of verifying compliance with the standards and also informs mine operators and miners’ representatives of safety and health conditions in a miner’s workplace. Reduction of these information collection requirements would 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.
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 remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents.

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

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 underground coal mine operators that use diesel-powered equipment. The following hourly wage rates for underground coal mines are from the U.S. Coal Mines Salaries, Wages, and Benefits - 2012 Survey Results, InfoMine USA, Inc. and were used to determine burden hour costs: supervisor wage rate of $97.60, coal miner wage rate of $40.56, and clerical worker wage rate of $28.05.

Paperwork Burden

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). Training will occur at 206 mines and 25,710 miners will be trained.

A supervisor earning $97.60 per hour will take 5 minutes (0.0833 hours) to instruct a clerical worker concerning the training. A clerical worker earning $28.05 per hour 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. Each trainee earning $40.56 per hour will take 20 seconds (0.0056 hours) to sign a registration sheet, which will also serve as a record.

Burden hours

Supervisors instruct clerical workers at 206 mines x 0.08333 hours per mine = 17 hours
Clerical prep at 206 mines x 0.25 hours per mine = 52 hours
Registration of 25,710 miners x 0.0167 hours per miner = 429 hours
25,710 miners signing x 0.0056 hours per miner = 144 hours

Costs

17 Supervisor Hours at $97.60 per hour = $1,659
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, it will take a mine supervisor
earning $97.60 per hour about 2 minutes (0.0333 hours) to perform this task for each
change that is required. Each year, it is estimated that changes will be required for
approximately one sixth of the inventory, 895 diesel machines.

895 changes x 0.0333 hours per change = 30 hours
30 hours x $97.60 per hour = $2,928

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 earning $40.56 per hour an average of 2 minutes (0.03333
hours) per machine. Annually, 895 diesel machines will have these changes.

895 changes x 0.0333 hours per change = 30 hours
30 hours x $40.56 per hour = $1,217

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. Nearly all mine operators transmit their diesel inventory lists
electronically; therefore, the burden is de minimis.

For those inventories submitted by mail, a clerical worker must copy the list, send the
list to the District Manager, and provide a copy to the miner’s representative. It will take
a clerical worker earning $28.05 per hour 5 minutes (0.0833 hours) per machine to
perform these functions. MSHA estimates only a few mine operators will submit their
inventories by mail.

9 inventory changes x 0.0833 hours per machine = 1 burden hour
1 hour x $28.05 per hour = $28

481 Clerical Hours x $28.05 per hour = $13,492
144 Trainee Hours x $40.56 per hour = $5,841
SUMMARY TABLES:

Table 1: Mine Operators – Annual Burden Hours

<table>
<thead>
<tr>
<th>Provision</th>
<th>Burden Hours</th>
<th>Total Respondents</th>
<th>Total Responses</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.510</td>
<td>642</td>
<td>206</td>
<td>51,832</td>
<td>$20,992</td>
</tr>
<tr>
<td>72.520</td>
<td>61</td>
<td>206</td>
<td>1,799</td>
<td>$4,173</td>
</tr>
<tr>
<td>Total</td>
<td>703</td>
<td>206</td>
<td>53,631</td>
<td>$25,165</td>
</tr>
</tbody>
</table>

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 mine operators 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 to 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. Nearly all mine operators transmit their diesel inventory lists electronically; therefore, the cost is de minimis.

On average, 9 inventories are estimated to occur annually. The cost per change is estimated to be $1.03; $0.60 for copying ($0.15 x 2 pgs. x 2 copies) and $0.43 for postage to mail a copy of the list to the appropriate MSHA District Manager.

9 inventory changes x $1.03 per change = $9

TOTAL ANNUAL BURDEN COST: $9

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.

There is no cost to the Federal government for this information collection.

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

There have been no program changes. The number of respondents, responses, and burden hours has increased due to the increase in both the number of mines and the number of diesel powered equipment reported in the inventory. A significant number of mine operators will submit their inventories electronically; therefore, there was a decrease in the number of inventories submitted by mail. Additionally, the cost to
manufacturers to amend existing approvals was removed to eliminate duplication; it is already covered by existing OMB collection 1219-0066. The removal of this cost accounts for almost all of the $6,416 decrease in cost ($6,425 to $9).

Current:
TOTAL BURDEN HOURS: 703
TOTAL RESPONDENTS: 206
TOTAL RESPONSES: 53,631
TOTAL RESPONDENT COST: $9

Previous:
TOTAL BURDEN HOURS: 740
TOTAL RESPONDENTS: 165
TOTAL RESPONSES: 42,331
TOTAL RESPONDENT COST: $6,425

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

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of this information does not employ statistical methods.