

SUPPORTING STATEMENT

Final Rule 30 CFR §75.1915/72.503, §72.510, §72.520, and as a result of §72.500 diesel manufacturers are affected under Part 7 or Part 36 - Health Standards for Diesel Particulates (Underground Coal)

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 Act), and Title 5, United States Code, Section 553, 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 MSHA to perform its duties under the Mine Act.

The Mine Safety and Health Administration (MSHA) is establishing new standards and regulations for diesel-powered equipment in underground coal mines that will provide coal miners who work on and around diesel-powered equipment with additional important protections. The final 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. This final 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 for diesel manufacturers are affected under Part 7 or 36.

Existing § 75.1915(a) and §72.503(d). Section 72.503(d) requires that aftertreatment 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. Existing §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 require 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.

Existing Part 7, Part 36, and §72.503(d) As a result of § 72.503(d) which requires all permissible equipment to have aftertreatment or filtration devices, diesel manufacturers will need to amend existing diesel machine approvals under Part 7 or Part 36. Few machine approvals are approved under existing Part 36, while most machine approvals are approved under existing 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 respondents in the paperwork provisions required by this final rule will be only those underground coal mine operators that use diesel powered equipment. The recordkeeping requirements included in the final rule 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.

The final rule contains requirements for information to be recorded, maintained for the period specified, and made accessible, upon request, to authorized representatives of the

Secretary of Labor and miners' representatives. No specific information technology has been identified that would reduce the burden; 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, which may include utilizing, E-mail or facsimilie.

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.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations because accidents, injuries and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Act. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress did recognize that small operations may face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with ensuring the health and safety of this

nation's miners, different requirements for small and large mines exist. See, for example, 30 CFR 49.3 and 50.11(b). To provide distinct information collection and recordkeeping requirements for small mines in the regulation at hand, however, would not promote the Act's objectives. 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 final 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.

Less frequent data gathering will not provide the information necessary to ensure that dangerous conditions requiring immediate attention are identified and corrected. The application and records required are necessary to MSHA to effectively evaluate the training and working conditions intended necessary in order to properly carry out the requirements of the rule 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 data and page number of publication in the Federal Register of the agency's notice, required by 5 CAR 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 record keeping, 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 proposed rule in the FEDERAL REGISTER (04/09/1998, (63 FR pages 17492 through 17579)), 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 has decided not to provide payments or gifts to respondents.

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

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

For mine operators that use diesel powered equipment, the final rule imposes two types of burden hours. First, there are burden hours that will occur only in the first year the rule is in effect (hereafter referred to as "first year" burden hours). Second, there are burden hours that will occur every year that the rule is in effect, starting with the first year (hereafter referred to as "annual" burden hours).

Manufacturers of diesel equipment that are affected by this rule will incur only first year burden hours.

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 \$49.79, coal miner wage rate of \$26.83, and clerical worker wage rate of \$18.56. All first year costs borne by mine operators are annualized using an analyzation factor of 0.07. First year costs borne by manufacturers are annualized using an analyzation factor of 0.142, which reflects that these costs are spread over a 10 year life.

Mine Operators

First Year Burden Hours

In the first year after the rule takes effect, mine operators will incur 997 burden hours, which is composed of 349 first year burden hours (from Table 1) and 648 annual burden hours (from Table 1(a)). The related costs to mine operators will be \$33,049, of which \$12,627 is related to first year burden hours (from Table 1) and \$20,422 is related to annual burden hours (from Table 1(a)).

Burden Hours After the First Year

Beginning in the second year the rule takes effect and continuing every year thereafter, mine operators will incur 648 burden hours and related costs of \$20,422 (from Table 1(a)).

Manufacturers

First Year Burden Hours

In the first year that the rule is in effect manufacturers will incur 700 burden hours and related costs of \$35,000 (from Table 2). After the first year, manufacturers will not incur any burden hours or related costs.

Table 1
Mine Operators - First Year Burden Hours

Provision	< 20		20 to 500		> 500		Total	
	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
75.1915/72.503	1	\$28	50	\$1,299	1	\$14	52	\$1,341
72.510	0.6	\$29	11	\$568	0.1	\$4	12	\$602
72.520	9	\$399	267	\$10,027	9	\$257	285	\$10,684
Total	11	\$456	329	\$11,895	10	\$276	349	\$12,627

Table 1(a)
Mine Operators - Annual Burden Hours

Provision	< 20		20 to 500		> 500		Total	
	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs	Hrs.	Costs
72.510	5	\$167	563	\$17,971	28	\$922	597	\$19,061
75.1915/72.503	0	\$0	4	\$76	0.3	\$5	4	\$82
72.520	0.3	\$8	43	\$1,177	3.5	\$94	47	\$1,279
Total	5	\$176	610	\$19,225	32	\$1,021	648	\$20,422

Table 2
Manufacturers' - Annual Burden Hours

Detail	Hrs.	Costs
Amend Applications	700	\$35,000

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 manufacturer specifications. Since such devices are not usually on diesel machinery, maintenance personnel will need to be trained concerning the maintenance of such devices. Existing §75.1915 (training and qualifications of persons working on diesel powered equipment) requires training in the maintenance of diesel powered equipment.

The training will be contracted out, which will entail either a manufacturer's seminar (on the purchase of new equipment) or classroom training in a vocational or college setting. Since the training will be contracted out there is no related burden hours to mine operators. Therefore, the cost of training does not appear here.

Three persons will receive training in the 3 small mines employing fewer than 20 workers; 208 persons will receive training in the 137 mines employing 20 to 500 workers; and 12 persons will receive training in the 1 mine that employs over 500 workers.

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 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 as a record that the miner has received the required training. Table 5 shows burden hours and costs related to trainee registration.

**Table 3: Existing 75.1915 and Sections 72.503(d)
Maintenance Training - Supervisor Instruction to Clerical Worker
First Year Burden Hours and Costs**

Mine Size	No. of Mines	Time to Instruct (hrs.)	First Year Burden Hours	Superv. Wage (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	3	0.0833	0.3	\$49.79	\$12	\$1
> 20 & <500	137	0.0833	11	\$49.79	\$568	\$40
>500	1	0.0833	0.1	\$49.79	\$4	\$0
Total	141		12		\$585	\$41

**Table 4: Existing 75.1915 and Sections 72.503(d)
Maintenance Training - Clerical Worker Preparation
First Year Burden Hours and Costs**

Mine Size	No. of Mines	Time to Prepare (hrs.)	Time Spent on Each Miner (hrs.)	No. of Miners to Train	First Year Burden Hours ^a	Clerical Wage (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	3	0.25	0.0167	3	1	\$18.56	\$15	\$1
> 20 & <500	137	0.25	0.0167	208	38	\$18.56	\$700	\$49
>500	1	0.25	0.0167	12	0.45	\$18.56	\$8	\$1
Total	141			223	39		\$723	\$51

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

**Table 5: Existing 75.1915 and Sections 72.503(d)
Maintenance Training - Miner Registration and Record
First Year Burden Hours and Costs**

Mine Size	No. of Miners to Train	Time to Register per Miner (hrs.)	First Year Burden Hours	Miner Wage (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	3	0.0056	0.02	\$26.83	\$0.45	\$0.03
> 20 & <500	208	0.0056	1	\$26.83	\$31	\$2.17
>500	12	0.0056	0.07	\$26.83	\$2	\$0.13
Total	223		1		\$33	\$2

After the first year, for mines employing 20 or more workers, MSHA estimates a turnover rate of 7 percent for mechanics who work on diesel powered equipment. Therefore, annually, of the 223 mechanics being trained in the first year, 16 new mechanics would each need to be trained. MSHA assumes that each new mechanic trained would be in a different mine. Table 4a shows annual burden hours and costs related to the preparation by the clerical worker. Table 5a shows annual burden hours and costs related to trainee registration.

**Table 4a: Existing 75.1915 and Sections 72.503(d)
Annual Maintenance Training - Clerical Worker Preparation
First Year Burden Hours and Costs**

Mine Size	No. of Mines	Time to Prepare (hrs.)	Time Spent on Each Miner (hrs.)	No. of Miners to Train	Annual Year Burden Hours ^a	Clerical Wage (per hr.)	Annual Year Burden Costs
> 20 & <500	15	0.25	0.0167	15	4	\$18.56	\$74
>500	1	0.25	0.0167	1	0.27	\$18.56	\$5
Total	16			16	4		\$79

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

**Table 5a: Existing 75.1915 and Sections 72.503(d)
Annual Maintenance Training - Miner Registration and Record
First Year Burden Hours and Costs**

Mine Size	No. of Miners to Train	Time to Register per Miner (hrs.)	Annual Year Burden Hours	Miner Wage (per hr.)	Annual Year Burden Costs
> 20 & <500	15	0.0056	0.08	\$26.83	\$2
>500	1	0.0056	0.01	\$26.83	\$0.15
Total	16		0.09		\$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. The length of the training session will vary depending on the type of diesel equipment in the mine. Mines with diesel equipment subject to §72.500 or §72.501 will hold 30 minute (0.5 hours) training sessions. Mines with diesel equipment subject to §72.502 will hold 15 minute (0.25 hours) training sessions.

With respect to the 30 minute sessions, 2 sessions would be needed in the mines employing fewer than 20 workers, 383 sessions would be needed in mines employing between 20 to 500 workers, and 23 sessions would be needed in mines employing more than 500 workers. With respect to the 15 minute sessions, 5 sessions would be needed in the mines employing fewer than 20 workers, 115 sessions would be needed in mines employing between 20 to 500 workers, and no sessions are needed in mines employing more than 500 workers. Table 6 shows burden hours and costs related to supervisor providing training.

A supervisor will take 5 minutes (0.0833 hours) to instruct a clerical worker concerning the training. Table 7 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 8 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 as a record that the miner has received the required training. Table 9 shows burden hours and costs related to trainee registration.

**Table 6: Section 72.510
 Miner Health Training - Supervisor Providing Training
 Annual Burden Hours and Costs**

Mine Size	No. of 30 Minute Sessions	Time for Each 30 Minute Session (hrs.)	No. of 15 Minute Sessions	Time for Each 30 Minute Session (hrs.)	Annual Burden Hours	Superv. Wage (per hr.)	Annual Burden Costs
<20	2	0.5	5	0.25	2	\$49.79	\$112
> 20 & <500	383	0.5	115	0.25	220	\$49.79	\$10,966
>500	23	0.5	0	0	12	\$49.79	\$573
Total	408		120		234		\$11,651

**Table 7: Section 72.510
 Miner Health Training - Supervisor Instruction to Clerical Worker
 First Year Burden Hours and Costs**

Mine Size	No. of Mines	Time to Instruct (hrs.)	First Year Burden Hours	Superv. Wage (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	7	0.0833	0.6	\$49.79	\$29	\$2
> 20 & <500	137	0.0833	11	\$49.79	\$568	\$40
>500	1	0.0833	0.1	\$49.79	\$4	\$0
Total	145		12		\$602	\$42

**Table 8: Section 72.510
 Miner Health Training - Clerical Worker Preparation
 Annual Burden Hours and Costs**

Mine Size	No. of Mines	Time to Prepare (hrs.)	Time Spent on Each Miner (hrs.)	No. of Miners to Train	Annual Burden Hours ^a	Clerical Wage (per hr.)	Annual Burden Costs
<20	7	0.25	0.0167	50	3	\$18.56	\$48
> 20 & <500	137	0.25	0.0167	13,895	266	\$18.56	\$4,934
>500	1	0.25	0.0167	752	12.78	\$18.56	\$237
Total	145			14,697	281		\$5,219

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

**Table 9: Section 72.510
 Miner Health Training - Miner Registration and Record
 Annual Burden Hours and Costs**

Mine Size	No. of Miners to Train	Time to Register per Miner (hrs.)	First Year Burden Hours	Miner Wage (per hr.)	Annual Burden Costs
<20	50	0.0056	0.28	\$26.83	\$7
> 20 & <500	13,895	0.0056	77	\$26.83	\$2,071
>500	752	0.0056	4.2	\$26.83	\$112
Total	14,697		82		\$2,191

Section 72.520 Diesel Equipment Inventory
First Year 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.

Mine operators can obtain general information on approved engines from manufacturers or MSHA (via MSHA's website). This task will take a mine supervisor about 1 hour per mine. Table 10 shows burden hours and costs related to information collection by the supervisor.

**Table 10: Section 72.520
Diesel Inventory List - Data Collection by Supervisor
First Year Burden Hours and Costs**

Mine Size	No. of Mines	Time for Superv. to Collect Data (hr.)	First Year Burden Hours	Superv. Wage (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	7	1	7	\$49.79	\$349	\$24
> 20 & <500	137	1	137	\$49.79	\$6,821	\$477
>500	1	1	1	\$49.79	\$50	\$3
Total	145		145		\$7,220	\$505

Section 72.520 Diesel Equipment Inventory - Continued
 First Year Burden

In addition, mine operators can obtain machine-specific information (e.g. serial numbers) from maintenance files or similar records. Collection and recording of this information will take a miner an average of 2 minutes (0.0333 hours) per machine. Table 11 shows burden hours and costs related to information collection and recording by the miner.

**Table 11: Section 72.500
 Diesel Inventory List
 Data Collection and Recording by Miner
 First Year Burden Hours and Costs**

Mine Size	No. of Diesel Machines	Time for Miner to Collect Data (per machine)	First Year Burden Hours	Miner Wage (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	20	0.0333	1	\$26.83	\$18	\$1
> 20 & <500	2,874	0.0333	96	\$26.83	\$2,570	\$180
>500	227	0.0333	8	\$26.83	\$203	\$14
Total	3,121		104		\$2,791	\$195

Section 72.500 Diesel Equipment Inventory - Continued
 First Year Burden

The operator must send a copy of the diesel inventory list to the appropriate MSHA District Manager and provide a copy to the miner representative. It will take a clerical worker 15 minutes (0.25 hours) to copy the list, send the list to the District Manager, and provide a copy to the miner representative.

Table 12 shows burden hours and costs associated with the tasks performed by the clerical worker.

**Table 12: Section 72.520
 Diesel Inventory List - Clerical Worker Duties
 First Year Burden Hours and Costs**

Mine Size	No. of Mines	Clerical Time ^a (hrs.)	First Year Burden Hours	Clerical Wage (hr.)	First Year Burden Costs	Annualized Burden Costs
<20	7	0.25	2	\$18.56	\$32	\$2
> 20 & <500	137	0.25	34	\$18.56	\$636	\$44
>500	1	0.25	0.3	\$18.56	\$5	\$0
Total	145		36		\$673	\$47

^a relates to time for clerical person to make copies, mail copy to MSHA, and provide copy to miner representative.

Section 72.500 Diesel Equipment Inventory
Annual Burden

Section 72.500 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 annually.

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 employs more than 500 workers. Table 13 shows burden hours and costs related to information collection by the supervisor.

**Table 13: Section 72.520
Diesel Inventory List - Data Collection by Supervisor
Annual Burden Hours and Costs**

Mine Size	No. of Mines	Annual No. of Machine Changes per mine	Time for Superv. to Collect Data (hr.)	Annual Burden Hours	Superv. Wage (per hr.)	Annual Burden Costs
<20	7	0.2857	0.0333	0.1	\$49.79	\$3
> 20 & <500	137	2.0949	0.0333	9.6	\$49.79	\$476
>500	1	23	0.0333	0.8	\$49.79	\$38
Total	145			10		\$518

Section 72.500 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. Collection and recording of 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: 2 in mines employing fewer than 20 workers; 287 in mines employing 20 to 500 workers; and 23 in mines employing more than 500 workers. Table 14 shows burden hours and costs related to information collection and recording by the miner.

**Table 14: Section 72.500
Diesel Inventory List
Data Collection and Recording by Miner
Annual Burden Hours and Costs**

Mine Size	No. of Diesel Machine Changes per year	Time for Miner to Collect Data (per machine)	First Year Burden Hours	Miner Wage (per hr.)	Annual Burden Costs
<20	2	0.0333	0.1	\$26.83	\$2
> 20 & <500	287	0.0333	10	\$26.83	\$257
>500	23	0.0333	1	\$26.83	\$21
Total	312		10		\$279

Section 72.500 Diesel Equipment Inventory - Continued
Annual Burden

The mine operator must send a copy of the diesel inventory list to the appropriate MSHA District Manager and provide a copy to the miner representative. The list that must be sent must be updated annually.

For each 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 15 shows burden hours and costs associated with the tasks performed by the clerical worker.

**Table 15: Section 72.520
Diesel Inventory List - Clerical Worker Duties
Annual Burden Hours and Costs**

Mine Size	No. of Diesel Machine Changes per year	Clerical Time ^a (hrs.)	First Year Burden Hours	Clerical Wage (hr.)	Annual Burden Costs
<20	2	0.0833	0.2	\$18.56	\$3
> 20 & <500	287	0.0833	24	\$18.56	\$444
>500	23	0.0833	1.9	\$18.56	\$36
Total	312		26		\$483

^a relates to time for clerical person to make copies, mail copy to MSHA and provide copy to miner representative.

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. However, some power packages will require more effort and some redesign and retesting.

The number of approvals affected will be 31, of which 27 will be easy evaluations and 4 will be harder evaluations. MSHA estimates that will take 20 hours to prepare an easy evaluation and 40 hours for a harder evaluation. Manufacturers' costs to amend an existing application are estimated at \$50 per hour.

Table 16 shows burden hours and costs related to manufacturers' amending existing applications.

Table 16
Manufacturers Costs to Amend Existing Applications
First Year Burden Hours and Costs

Machine Approvals	No. of Existing Machine Approvals to Amend	Time to Amend (in hrs.)	First Year Burden Hours	Cost to Amend (per hr.)	First Year Burden Costs	Annualized Burden Costs
Easy Install	27	20	540	\$50	\$27,000	\$3,834
Difficult Install	4	40	160	\$50	\$8,000	\$1,136
Total	31		700		\$35,000	\$4,970

13. Provide an estimate of the total annual cost burden to respondents or record-keeper resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

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

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

Sections 72.503 and 75.1915

Section 72.503(d) requires that aftertreatment 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. The training will be contracted out, which will entail either a manufacturer's seminar (on the purchase of new equipment) or classroom training in a vocational or college type of setting. The number of miners to be trained will be 223, of which 3 are in mines that employ fewer than 20 workers, 208 are in mines that employ between 20 to 500 workers, and 12 are in mines that employ more than 500 workers. On average the cost of training is estimated to be \$75 per hour. Table 1 shows the costs for training.

**Table 1: Existing 75.1915 and Sections 72.503(d)
Costs For Miners to Take Maintenance Training
First Year Burden Costs**

Mine Size	No. of Mines	Person's Trained	Training Time in hrs. (per person)	Training Costs (per hr.)	First Year Burden Costs	Annualized Burden Costs
<20	7	3	1	\$75	\$225	\$16
≥ 20 & ≤500	137	208	1	\$75	\$15,600	\$1,092
>500	1	12	1	\$75	\$900	\$63
Total	145	223			\$16,725	\$1,171

Section 72.520
 First Year Burden

Initially, all underground coal mines that use diesel powered equipment will need to make a copy of their list of diesel equipment and sent to the appropriate MSHA District Manager. Also another copy will need to be made of the list and given to the representative of the miners. On average, the initial list is estimated to be 2 pages for each mine. Photocopy costs are estimated to be \$0.15 per page. Two copies of the list will need to be made by each mine. Therefore, copy costs per mine is \$0.60 (\$0.15 x 2pgs. x 2copies). In addition, each mine will incur \$0.33 for postage to mail a copy of the list to the appropriate MSHA District Manager. Total costs are \$0.93. Table 2 shows the photocopy and postage costs.

**Table 2: Section 72.520
 Costs to Copy and Mail Diesel Inventory List
 First Year Burden Costs**

Mine Size	No. of Mines	Costs per mine	First Year Burden Costs	Annualized Burden Costs
<20	7	\$0.93	\$7	\$0.5
≥ 20 & ≤500	137	\$0.93	\$127	\$9
>500	1	\$0.93	\$1	\$0.07
Total	145		\$135	\$9

^a \$0.93 = (2pgs. x 2copies x \$0.15per pg.) + \$0.33 postage

Section 72.520
Annual Burden

Underground coal mines that use diesel powered equipment will need to update their list of diesel equipment yearly, and will need to make a copy of this updated list and sent 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; 287 times for all mines employing 20 to 500 workers; and 23 times for the 1 mine that employs 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 2pgs. x 2copies). In addition, each mine will incur \$0.33 for postage to mail a copy of the list to the appropriate MSHA District Manager. Total costs are \$0.93. Table 3 shows the photocopy and postage costs.

**Table 3: 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	2	\$0.93	\$2
≥ 20 & <500	287	\$0.93	\$267
>500	23	\$0.93	\$21
Total	312		\$290

^a \$0.93 = (2pgs. x 2copies x \$0.15per pg.) + \$0.33 postage

Paperwork Burden to 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. However, manufacturers will have to pay for the cost for tests that are needed in order to amend the existing applications. Of the 31 applications that needs to be amended, the costs for tests related to 4 applications are estimated to be \$25,000 per application, and the costs for tests related to 27 other applications are estimated to be \$2,000. Table 4 shows the costs related to testing power packages for existing applications.

**Table 4: Part 7 or 36
Testing Costs related to Amended Applications
First Year Burden Costs**

Mine Size	No. of Existing Machine Approvals to Amend	Test Costs per Application	First Year Burden Costs	Annualized Burden Costs
Easy Applications	27	\$2,000	\$54,000	\$7,668
Difficult Applications	4	\$25,000	\$100,000	\$14,200
Total	31		\$154,000	\$21,868

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

As a result of proposed § 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 31 diesel power package applications that are estimated to be amended by manufacturers. Of the 31 applications, 27 would take 24 hours of MSHA time to approve, and 4 would take 100 hours of MSHA time to approve. The average MSHA rate is about \$50 per hour.

27 existing diesel power package applications
x 24 hrs. x \$50 per hr. = \$32,400

4 existing diesel power package applications
x 100 hrs. x \$50 per hr. = \$20,000

MSHA will print up training cards that its inspectors will distribute when they go to an underground coal mine, that uses diesel powered equipment. The training cards will aid in notifying affected miners of the hazards of diesel particulate. The total cost of printing of such training cards are estimated to be no more than \$1,000.

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

As shown in Tables 1 and 1(a) to the answer of Question 12 this final rule will result in burden hours to mine operators during the first year that the rule is in effect of 1,697 burden hours. The 1,697 burden hours is composed of: 349 one time burden hours that will occur only during the first year that the rule is in effect; 648 burden hours for mine operators and 700 hours for manufacturers that will occur the first year the rule is in effect and will continue to occur every year thereafter.

The costs related to the 997 burden hours is \$33,049, which is composed of \$12,627 (which is related to the 349 burden hours) and \$20,422 (which is related to the 648 burden hours).

Beginning in the second year that the rule is in effect and continuing every yearly, the burden hours to mine operators will be 648 burden hours and related costs will be \$20,422.

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

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

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

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

B. Collection of Information Employment Statistical Methods

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

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

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

! Statistical methodology for stratification and sample selection,

! Estimation procedure,

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

- ! Unusual problems requiring specialized sampling procedures, and
- ! Any use of periodic (less frequently than annual) data collection cycles to reduce burden.

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

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

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

This collection of information does not employ statistical methods.

