

SUPPORTING STATEMENT

30 CFR Sections 57.5060, 57.5066, 57.5070, 57.5071, and 57.5075 - Health Standards for Diesel Particulates (Underground Metal and Nonmetal Mines).

A. JUSTIFICATION

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

Diesel particulate matter, or DPM, consists of tiny particles present in diesel engine exhaust that can readily penetrate into the deepest recesses of the lungs. Despite ventilation, the confined underground mine work environment may contribute to significant concentrations of particles produced by equipment used in the mine. Underground miners are exposed to higher concentrations of DPM than any other occupational group. As a result, they face a significantly greater risk than other workers of developing such diseases as lung cancer, heart failure, serious allergic responses and other cardiopulmonary problems.

Title 30, Code of Federal Regulations (30 CFR), part 57, Subpart D, protects underground metal and nonmetal miners by establishing an interim DPM concentration limit of 400 micrograms of total carbon per cubic meter of air and, after five years, that level must be reduced to 160. Mine operators have the option of using engineering controls and best practices to reduce DPM exposures to the proper limit. Annual training is required for all underground miners exposed to diesel emissions. Workers must be trained on the health risks associated with DPM exposure, control methods being used at the mine, identification of personnel responsible for maintaining those controls, and actions miners must take to ensure the controls operate as intended.

30 CFR Section 57.5060(c)

Under this section, if a mine has technological constraints in meeting the final concentration limit contained in § 57.5060(b), effective after January 19, 2006, then the mine operator can file a special extension application. Extension application must be posted and a copy provided to miners' representative. The application must be filed at least 180 days before § 57.5060(b) goes into effect, that is, before July 22, 2005.

30 CFR Section 57.5060(d)

Although this section has been stayed, in instances of noncompliance with the interim limit under § 57.5060(a), mine operators must provide adequate respiratory protection to overexposed miners and enroll them in a respiratory protection plan meeting the requirements of §§ 57.5005(a) and (b). We are, therefore, including those burden hours and costs here. Under this section, the mine operator will provide fit testing to each miner that will use a respirator and provide training to certain miners in the use of respirators.

30 CFR Section 57.5066(b)

This section requires that operators tag diesel-powered equipment at any time there are apparent emission related defects in the equipment. Each time there is an emission related problem on a diesel-powered machine and the machine is tagged, there also must be a record made of this equipment having been tagged. For each diesel machine that has been tagged, an examination must be conducted concerning the tagged equipment and a record must be made of the examination.

30 CFR Section 57.5066(c)

Under this section, the mine operator will need to take various steps to assure that the miner has taken the training concerning the maintenance of diesel powered equipment. The mine operator will retain a record of the training given as evidence of competence.

30 CFR Section 57.5070

Under this section, all miners at a mine who reasonably can expect to be exposed to diesel emissions on mine property must receive annual health training in accordance with § 57.5070(a)(1) through (a)(4). The mine operator must retain a record of training for one year after completion.

30 CFR Section 57.5071

This section requires that mine operators sample the air as often as necessary to determine that DPM concentrations do not exceed the concentration limit. Additionally, mine operators must notify miners and their representatives of the dates and times the sampling will take place. (MSHA assumes that 45 percent of the time notification will occur orally, 35 percent of the time notification will be written, and 20 percent of the time notification will be posted.)

Also under this section, if a mine environment is above the DPM concentration limits mine operators will have to take corrective actions. The mine operators will have to post the corrective actions taken.

Sampling results will be sent back to the operator. Under this section, the operator must post the results and deliver a copy to the miners' representative at the mine.

30 CFR Section 57.5075

Under this section, mine operators are required to provide miners and their representatives records generated by the requirements of this rule, if requested.

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.

Underground mines are confined spaces which, despite ventilation requirements, tend to accumulate significant concentrations of particles and gases – both those produced by the mine itself (e.g. methane gas and respirable dust) and those produced by equipment used in the mine (e.g., diesel particulate). It is widely recognized that respirable particles can create adverse health effects. This information collection is used by MSHA to monitor the mine operator's compliance with the health standard.

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.

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 Facsimile.

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 www.msha.gov there are sites under Compliance Assistance and under Special Initiatives for information on Diesels.

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.

MSHA would not be able to verify the mine operators were complying with the regulations, therefore the possibility could exist that underground metal and nonmetal miners may be exposed to high concentration levels of diesel particulate matter.

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.

Although mine operators are required to post sampling results on the bulletin board and supply a copy to the miner representative, they are also required to retain this information for five years. 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 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.**

The purpose of this response to question 12 is to show the burden hours and related costs of the proposed rule that is borne by affected: (1) underground M/NM mine operators that use diesel-powered equipment, and (2) M/NM miners.

These calculations are based on the data from the Preliminary Regulatory Economic Analysis (PREA) for this rule. In some cases however, the totals in this Supporting Statement may appear to deviate from those in the PREA because the burden hour and burden hour cost components have been rounded for readability.

Details Concerning Paperwork Burden Hours and Related Costs – For M/NM mine operators that use diesel-powered equipment, most paperwork provisions concerns two types of burden hours. There are burden hours that occurred only in the first year the rule was in effect and are therefore not included in this package. There are burden hours that will occur every year that the rule is in effect, starting with the first year, and hereafter known as, annual burden hours. For § 57.5060(c), the burden hours and costs occur only in the fifth year after the rule takes effect.

Throughout this question the following hourly wage rates are used:

\$47.58 for a mine supervisor; \$20.51 for a miner;
\$19.06 for a clerical worker and; \$27.50 for a mine mechanic.

§57.5060(c) Special Extensions

Under the existing § 57.5060(c), a mine operator that needs additional time to come into full compliance with the final concentration limit (160_{TC} micrograms/ m^3), due to technological constraints, is allowed to file an application for a special extension. The provision provides a one-time application lasting no longer than two years.

Section 57.5060(c)- Supervisor Prepare Extension Application One-time Burden Hours and Costs Occurring in 2006

After January 19, 2006, mine operators must limit the concentration of diesel particulate matter (DPM) to which miners are exposed in underground areas of a mine, where miners normally work or travel, to 160_{TC} (mg/m^3). If a mine has technological constraints in meeting this time requirement, then the mine can file a special extension application. The application must be filed at least 180 days before § 57.5060(b) goes into effect, that is, before July 22, 2005. MSHA estimates that the following mines will file for an extension application: 8 mines employing fewer than 20 workers; 11 mines employing 20 to 500 workers; and 1 mine employing more than 500 workers.

MSHA estimates that a supervisor will take 8 hours to write the application for small mines and 16 hours for larger mines and a clerical worker will take 20 minutes (0.3333 hours) to prepare the applications, post the applications and provide a copy to the miners' representative. Table 1 shows one-time burden hours and costs for the mine supervisor to write the extension application. Table 2 shows one-time burden hours and costs for the clerical worker's time that is associated with preparing the extension application.

Table 1: Section 57.5060(c) – Supervisor Prepare Extension Application One-time Burden Hours and Costs Occurring in 2005

Mine Size (Emp.)	Number of Mines	Prepare Application per Mine (Hrs.)	One Time Burden Hours	Supvr. Wage (per Hr.)	One Time Burden Cost
Small (<20)	8	8	64	\$47.58	\$3,045
Large (20 – 500)	11	16	176	\$47.58	\$8,374
Large (>500)	1	16	16	\$47.58	\$761
Total	20		256		\$12,180

Table 2: Section 57.5060(c) – Clerical Worker Preparation for Extension Application One-time Burden Hours and Costs Occurring in 2005

Mine Size (Emp.)	Number of Mines	Prepare Application per Mine (Hrs.)	One Time Burden Hours	Clerical Wage (per Hr.)	One Time Burden Cost
Small (<20)	8	0.333	2.667	\$19.06	\$51
Large (20 – 500)	11	0.333	3.667	\$19.06	\$70
Large (>500)	1	0.333	0.333	\$19.06	\$6
Total	20		7		\$127

This paperwork requirement applies to those mine operators requesting an application for a special extension to the final limit on a yearly basis. We estimate that there would be 16.3 applications made from mines that employ fewer than 20 workers; 28.3 applications made from mines that employ 20 to 500 workers; and 1.0 application made from mines that employ more than 500 workers. For mines with fewer than 20 workers, it would take a mine supervisor, making \$47.58 an hour, 8 hours to prepare an application for a special extension, and a clerical worker, making \$19.06 an hour, 0.33 hours (20 minutes) to photocopy and distribute the extension to the miners’ representative. For mines with more than 20 workers, it would take a mine supervisor, making \$47.58 an hour, 16 hours to prepare an application for a special extension, and a clerical worker, making \$19.06 an hour, 0.33 hours (20 minutes) to photocopy and distribute the extension to the miners’ representative. Tables 3 and 4 show the burden hours and burden costs associated with this section.

Table 3: Annual Burden Hours and Costs Starting in 2006 for Supervisors to Prepare an Application for a Special Extension to Final Limit Under § 57.5060(c)

Mine Size	# of Mines	Burden Hours per Mine	Total Annual Burden Hours	Suprv. Wage (per Hr.)	Annual Burden Cost
Small (<20)	16.3	8	130.4	\$47.58	\$6,204
Large (20 – 500)	28.3	16	452.8	\$47.58	\$21,544
Large (>500)	1.0	16	16	\$47.58	\$761
Total	45.6		599.2		\$28,509

Table 4: Annual Burden Hours and Costs Starting in 2006 for Clerical Worker to Prepare an Application for a Special Extension to Final Limit Under § 57.5060(c)

Mine Size	# of Mines	Burden Hours per Mine	Total Annual Burden Hours	Clerical Wage (per Hr.)	Annual Burden Cost
Small (<20)	16.3	0.33	5.4	\$19.06	\$103
Large (20 - 500)	28.3	0.33	9.3	\$19.06	\$177
Large (>500)	1.0	0.33	0.3	\$19.06	\$6
Total	45.6		15		\$286

Section 57.5060(d) - Miner Respirator Training and Miner Respirator Fit Testing by Mine Supervisor (Annual Burden Hours and Costs)

Although this section has been stayed, in instances of noncompliance with the interim limit under § 57.5060(a), mine operators must provide adequate respiratory protection to overexposed miners and enroll them in a respiratory protection plan meeting the minimum requirements of §§ 57.5005(a) and (b). We are therefore including those burden hours and costs here.

For every year, as a result of employment turnover, a supervisor will need to provide one training session to train miners to use respirators. The training session is estimated to take 45 minutes (0.75 hours), including time for the supervisor to note the training in his daily log or pass around a sign-up sheet to keep as proof of compliance. The affected mines that will need to provide the one session training will be: 77 mines employing fewer than 20 workers; 112 mines employing 20 to 500 workers, and 7 mines employing more than 500 workers. Table 5 shows annual burden hours and costs concerning the supervisor's respirator training.

Table 5: Section 57.5060(d) - Miner Respirator Training by Mine Supervisors (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	Training & Records Keeping Hrs.	Annual Burden Hours	Supvr. Wage (per hr.)	Annual Burden Cost
Small (<20)	77	0.75	58	\$47.58	\$2,670
Large (20 - 500)	112	0.75	84	\$47.58	\$3,997
Large (>500)	7	0.75	5	\$47.58	\$238
Total	196		147		\$6,995

Section 57.5060(d) - Miner Respirator Fit Testing by Mine Supervisor Annual Burden Hours and Costs

During the first year of the rule, a supervisor provided fit testing to each miner that will use a respirator. As a result of miner turnover, every year after the first year, 1 miner will be tested in each mine in each size category. The number of mines and the time to perform fit testing is the same as in the first year.

Table 6 shows annual burden hours and costs related to fit testing.

Table 6: Section 57.5060(d) – Miner Respirator Fit Testing by Mine Supervisors (Annual Burden Hours and Costs)

Mine Size (emp.)	# of Mines	# of Fit Tests per Mine	Time to Fit Test Hrs.	Annual Burden Hrs.	Superv. Wage (per Hr.)	Annual Burden Cost
Small <20	77	1	0.25	19	\$47.58	\$ 904
Large (20 – 500)	112	1	0.25	28	\$47.58	\$1,332
Large (>500)	7	1	0.25	2	\$47.58	\$95
Total	196			49		\$2,331

Section 57.5062 has been stayed pending further regulation. Therefore, no burden hours or costs are included.

Section 57.5066(c) - Mine Operator Retains Evidence of Maintenance Training

Training was contracted in the first year. The record of training was produced then and there are no additional costs or hours for retaining the information.

Section 57.5066(b) – Miner Tag Diesel Equipment and Record Tag (Annual Burden Hours and Costs)

Each time there is an emission related problem on a diesel powered machine the equipment must be tagged, and a record is made of the tag. Annually, MSHA estimates that, on average, in mines with fewer than 20 workers 40 percent of diesel powered equipment (230 machines) will be tagged. For larger mines, which generally have more extensive preventive maintenance programs, MSHA estimates that annually, on average, 20 percent of the diesel-powered equipment will be tagged. Therefore, the number of diesel machines to be tagged annually will be 542 machines in mines employing 20 to 500 workers, and 142 machines in mines employing more than 500 workers. It is estimated to take 2 minutes to tag the machine and another 2 minutes to record the tagging, for a total of 4 minutes (0.067 hours).

Table 7 shows annual burden hours to tag diesel powered equipment concerning emission related problems.

Table 7: Section 57.5066(b) - Miners Tag Diesel Equipment and Record Tag (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Tags	Tag and Record (Hrs.) ^a	Annual Burden Hours	Miner Wage (per Hr.)	Annual Burden Cost
Small (<20)	230	0.067	15	\$20.51	\$308
Large (20 – 500)	542	0.067	36	\$20.51	\$738
Large (>500)	142	0.067	9	\$20.51	\$185
Total	914		61		\$1,231

^a0.067 = 0.0333 (to tag the equipment) + 0.0333 (to record the tag)

Section 57.5066(b) – Examine Tagged Diesel Equipment and Record Examination (Annual Burden Hours and Costs)

For each diesel machine that has been tagged, an examination must be conducted concerning the tagged

equipment and a record must be made of the examination. As noted earlier, the number of machines to be tagged annually will be: 230 machines in mines employing fewer than 20 workers, 542 machines in mines employing 20 to 500 workers, and 142 machines in mines employing more than 500 workers. For each piece of equipment tagged, MSHA estimates that it will take 10 minutes to examine the machine and another 2 minutes to record the examination, for a total of 12 minutes (0.2 hours). Table 8 shows annual burden hours and costs to examine tagged equipment and record the examination.

Table 8: Section 57.5066(b) - Examine Tagged Diesel Equipment and Record Examination (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Tags	Examine & Record (Hrs.) ^a	Annual Burden Hours	Mechanic Wage (per Hr.)	Annual Burden Cost
Small (<20)	230	0.20	46	\$27.50	\$1,265
Large (20 - 500)	542	0.20	108	\$27.50	\$2,970
Large (>500)	142	0.20	28	\$27.50	\$770
Total	914		182		\$5,005

^a 0.20 = 0.167 (to examine the equipment) + 0.033 (to record the examination)

Section 57.5070 - Mine Supervisor Briefing Clerical Worker Regarding Health Training (Annual Burden Hours and Costs)

All miners at a mine who can reasonably be expected to be exposed to diesel emission on mine property must receive health training in accordance with §§ 57.5070(a)(1) through (a)(4). For each mine, MSHA estimates that it will take a mine supervisor 5 minutes (0.083 hours) to brief a clerical worker concerning such training. The number of mines affected by this provision will be: 77 mines employing fewer than 20 workers, 112 mines employing 20 to 500 workers, and 7 mines employing more than 500 workers.

Table 9 shows annual burden hours and costs for a supervisor to brief a clerical worker concerning miner health training.

Table 9 : Section 57.5070 - Mine Supervisors Brief Clerical Workers Regarding Health Training (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	Briefing (Hrs.)	Annual Burden Hrs.	Superv. Wage (per Hr.)	Annual Burden Cost
Small (<20)	77	0.083	6	\$47.58	\$285
Large (20 - 500)	112	0.083	9	\$47.58	\$428
Large (>500)	7	0.083	1	\$47.58	\$48
Total	196		16		\$761

Section 57.5070 - Clerical Worker Briefed by Mine Supervisor Regarding Health Training (Annual Burden Hours and Costs)

As noted earlier, all miners at a mine who can reasonably be expected to be exposed to diesel emission on mine property must receive health training in accordance with §§ 57.5070(a)(1) through (a)(4). For each mine, MSHA estimates that it will take a clerical worker 5 minutes (0.083 hours) to be briefed by a supervisor concerning such training. The number of mines affected by this provision will be: 77 mines employing fewer than 20 workers, 112 mines employing 20 to 500 workers, and 7 mines employing more than 500 workers. Table 10 shows annual burden hours and costs for a clerical worker to be briefed by a supervisor concerning miner health training.

Table 10: Section 57.5070 - Clerical Workers are Briefed by Mine Supervisors Regarding Health Training (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	Briefing (Hrs.)	Annual Burden Hrs.	Clerical Worker Wage (per Hr.)	Annual Burden Cost
Small (<20)	77	0.083	6	\$19.06	\$114
Large (20 - 500)	112	0.083	9	\$19.06	\$172
Large (>500)	7	0.083	1	\$19.06	\$19
Total	196		16		\$305

Section 57.5070 - Mine Supervisor Perform Health Training Sessions (Annual Burden Hours and Costs)

Concerning miner health training, the supervisor will hold a 15 minute (0.25 hours) training session in mines employing fewer than 20 workers, and a 30 minute (0.5 hours) training session in mines employing 20 or more workers. The average number of training sessions to be held by a mine, in each mine size category, will be: 77 sessions in mines employing fewer than 20 workers, 262 sessions in mines employing 20 to 500 workers, and 120 sessions in mines employing more than 500 workers.

Table 11 shows annual burden hours and costs for supervisors to give miner health training.

Table 11: Section 57.5070 - Mine Supervisors Perform Health Training Sessions (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Training Sessions	Heath Training (Hrs.)	Annual Burden Hrs.	Superv. Wage (per hr.)	Annual Burden Cost
Small (<20)	77	0.25	19	\$47.58	\$904
Large (20 - 500)	262	0.50	131	\$47.58	\$6,233
Large (>500)	120	0.50	60	\$47.58	\$2,855
Total	459		210		\$9,992

Section 57.5070 - Clerical Worker Prepare Registration Sheet for Health Training Sessions (Annual Burden Hours and Costs)

For each mine, the clerical worker will need 10 minutes (0.167 hours) to prepare the Registration sheet for the health training attendees to sign at each training session. As noted earlier, the average number of training sessions to be held by a mine, in each mine size category, will be: 77 sessions in mines employing fewer than 20 workers, 262 sessions in mines employing 20 to 500 workers, and 120 sessions in mines employing more than 500 workers. Table 12 shows annual burden hours and costs for clerical workers to prepare registration sheets for health training sessions.

Table 12 Section 57.5070: Clerical Workers Prepare Registration Sheet for Health Training Sessions (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Training Sessions	Prepare Registration Sht (Hrs.)	Annual Burden Hrs.	Clerical Worker Wage (per Hr.)	Annual Burden Cost
Small (<20)	77	0.167	13	\$19.06	\$248
Large (20 - 500)	262	0.167	44	\$19.06	\$839
Large (>500)	120	0.167	20	\$19.06	\$381
Total	459		77		\$1,468

Section 57.5070 - Miners Sign Health Training Attendance Sheet (Annual Burden Hours and Costs)

Each miner attending a health training session will be required to sign the registration sheet prepared by the clerical worker. Each signature will require 20 seconds of a miner's time. Table 13 represents the annual burden hours and costs, by mine size, resulting from this provision.

Table 13: Section 57.5070 - Miners Sign Health Training Attendance Sheet (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Miners	Sign Name (Hrs.)	Annual Burden Hrs.	Mine Wage (per Hr.)	Annual Burden Cost
Small (<20)	770	0.006	4	\$20.51	\$82
Large (20 - 500)	6,772	0.006	38	\$20.51	\$780
Large (>500)	3,972	0.006	22	\$20.51	\$451
Total	11,514		64		\$1,313

Section 57.5071 - Mine Supervisor Oral Notification of Sampling (Annual Burden Hours and Costs)

Section 57.5071 requires that mine operators sample the air as often as necessary to determine whether the concentration of DPM exceeds the limit. We estimate mine operators will sample four times a year to determine DPM concentrations. Additionally, mine operators must notify miners and their representatives of the dates and times the sampling will take place. MSHA assumes that 45 percent of mines will notify miners orally. This action will require 2 minutes of a mine supervisor's time. The annual burden hours and costs of oral notification appear in table 14.

Table 14: Section 57.5071 - Mine Supervisor Oral Notification of Sampling (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Oral Notifications per Mine	Oral Notification (Hrs.)	Annual Burden Hrs.	Superv. Wage (per hr.)	Annual Burden Cost
Small (<20)	35	4	0.033	5	\$47.58	\$238
Large (20 to 500)	51	4	0.033	7	\$47.58	\$333
Large (>500)	3	4	0.033	0	\$47.58	\$0
Total	89			12		\$571

Section 57.5071 - Written Notification of Sampling (Annual Burden Hours and Costs)

MSHA assumes that another 35 percent of mines will notify miners and their representatives in writing. This will require five minutes of a mine supervisor's time to brief a clerical worker. These annual burden hours and costs appear in Table 15. The clerical worker will prepare, copy and deliver the written notice to each miner. This activity will take five minutes for each miner. The annual burden hours and costs associated with these actions are shown in Table 16.

Table 15: Section 57.5071 - Mine Supervisor Written Notification of Sampling (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Written Notifications per Mine	Written Notification (Hrs.)	Annual Burden Hrs.	Superv. Wage (per Hr.)	Annual Burden Cost
Small (<20)	27	4	0.083	9	\$47.58	\$428
Large (20 - 500)	39	4	0.083	13	\$47.58	\$619
Large (>500)	3	4	0.083	1	\$47.58	\$48
Total	69			23		\$1,095

Table 16: Section 57.5071 - Clerical Worker Prepares Written Notification of Sampling (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Miners	# of Written Notifications per Mine	Written Notification (Hrs.)	Annual Burden Hrs.	Clerical Wage (per Hr.)	Annual Burden Cost
Small (<20)	270	4	0.083	90	\$19.06	\$1,715
Large (20 - 500)	390	4	0.083	130	\$19.06	\$2478
Large (>500)	30	4	0.083	10	\$19.06	\$191
Total	690			230		\$4,384

Section 57.5071 - Posted Notification of Sampling (Annual Burden Hours and Costs)

MSHA assumes that the remaining 20 percent of mines will use a posted notice to inform miners of the dates and times that they intend to conduct sampling. This will require five minutes of a supervisor's time to brief a clerical worker. These annual burden hours and costs are exhibited in Table 17. It will take the clerical worker ten minutes to prepare and post the notice and five minutes to be briefed by the supervisor. Table 18 presents these annual burden hours and costs.

Table 17 : Section 57.5071 - Mine Supervisor Briefs Clerical Worker Regarding Posted Notification of Sampling (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Posted Notifications per Mine	Briefing Clerical Worker (Hrs.)	Annual Burden Hrs.	Superv. Wage (per Hr.)	Annual Burden Cost
Small (<20)	15	4	0.083	5	\$47.58	\$238
Large (20 - 500)	22	4	0.083	7	\$47.58	\$333
Large (>500)	1	4	0.083	0	\$47.58	\$0
Total	38			12		\$571

Table 18: Section 57.5071 - Clerical Workers Receive Briefing and Prepare and Post Notification of Sampling (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Posted Notifications per Mine	Briefing Clerical Worker (Hrs.) ^a	Annual Burden Hrs.	Clerical Wage (per Hr.)	Annual Burden Cost
Small (<20)	15	4	0.25	15	\$19.06	\$286
Large (20 - 500)	22	4	0.25	22	\$19.06	\$419
Large (>500)	1	4	0.25	1	\$19.06	\$19
Total	38			38		\$724

^a0.25 = 0.083 (to be briefed) + 0.167 (to prepare and post)

Section 57.5071 Mine Supervisor Prepares and Posts Notice of Corrective Action (Annual Burden Hours and Costs)

If a mine environment is above the DPM concentration limits mine operators will have to take corrective actions. This section requires the mine supervisor to write up and post a notice of the corrective action taken. This will take 15 minutes of the mine supervisor's time. These annual burden hours and costs are displayed in table 19. MSHA assumes that 20 percent of mines with fewer than 20 workers and 40 percent of larger mines will require corrective action.

Table 19: Section 57.5071 - Mine Supervisor Prepares and Posts Notice of Corrective Action (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	Prepare and Post Notice (Hrs.)	Annual Burden Hrs	Superv. Wage (per hr.)	Annual Burden Cost
Small (<20)	15	0.250	4	\$47.58	\$190
Large (20 - 500)	45	0.250	11	\$47.58	\$523
Large (>500)	3	0.250	1	\$47.58	\$48
Total	63		16		\$761

Section 57.5071 - Diesel Particulate Sampling by M/NM Mines (Annual Burden Hours and Costs)

All 77 mines that employ fewer than 20 workers are assumed to contract out their diesel particulate sampling responsibilities. With respect to the 112 mines that employ 20 to 500 workers 50 percent (or 56 mines) will conduct their own sampling. With respect to the 7 mines that employ more than 500 workers 57 percent (or 4 mines) will conduct their own sampling. For mines employing more than 20 workers, sampling will occur 4 times per year. Each time sampling occurs, there will be 2 areas sampled per mine and in each area, 3 samples will be taken. It will take a miner, earning \$20.51 per hour, 20 minutes (0.3333 hrs) to perform one sample. Table 20 shows burden hours and related costs to operators that perform their own sampling.

Table 20: Section 57.5071 - Sampling by Operators (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Samples Annually per Mine ^a	Time to Take a Sample (Hrs.)	Annual Burden Hrs.	Miner Wage (per Hr.)	Annual Burden Cost
Small (<20)	0	0	0	0	\$20.51	\$0
Large (20 - 500)	56	24	0.3333	448	\$20.51	\$9,188
Large (>500)	4	24	0.3333	32	\$20.51	\$656
Total	60			480		\$9,844

^a24 = 3 samples per area samples x 2 areas sampled per mine x 4 sample times per year.

Once sampling results are received, MSHA estimates that it will take a clerical worker 10 minutes to make two copies of a one-page notice and to post one and deliver the other to the miner's representative. These annual burden hours and costs appear in Table 21.

Table 21: Section 57.5071 - Clerical Worker Copies and Distributes Sampling Results (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Samplings per Mine	Copy & Distribute (Hrs.)	Annual Burden Hrs.	Clerical Worker Wage (per Hr.)	Annual Burden Cost
Small (<20)	77	4	0.167	51	\$19.06	\$972
Large (20 - 500)	112	4	0.167	75	\$19.06	\$1,430
Large (>500)	7	4	0.167	5	\$19.06	\$95
Total	196			131		\$2,497

Section 57.5075 Clerical Workers Respond to Requests for Health Records by Miners (Annual Burden Hours and Costs)

MSHA assumes that some miners leaving their jobs at the mine or retired miners would request a copy of the health records generated by the requirements of this rule. These records would consist of copies of the exposure measurements that M/NM mine operators are required to maintain. MSHA estimates that 10 percent of miners will request health records each year. It will take a clerical worker five minutes to respond to each request. The annual burden hours and costs resulting from requests for health records appear in Table 22

Table 22: 57.5075 - Clerical Workers Respond to Requests for Health Records by Miners (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Mines	# of Requests per Mine	Respond to Request (Hrs.)	Annual Burden Hrs)	Clerical Worker Wage (per hr.)	Annual Burden Cost)
Small (<20)	77	1	0.083	6	\$19.06	\$114
Large (20 - 500)	112	6	0.083	56	\$19.06	\$1,067
Large (>500)	7	56	0.083	33	\$19.06	\$629
Total	196			95		\$1,810

Section 57.5075 - Clerical Workers Respond to Requests for Health Records by Dept. of Health and Human Services (DHHS) (Annual Burden Hours and Costs)

Upon request from an authorized representative of the U.S. Department of Health and Human Services (DHHS), underground M/NM mine operators must provide access to any health records. Annually, MSHA estimates that DHHS will request a copy of sampling results from 10 percent of the mines. Therefore, the number of requests each year will be: 8 requests in mines employing fewer than 20 miners, 11 requests in mines employing 20 to 500 workers; and 1 request in mines employing more than 500 workers. It is estimated to take a clerical worker 5 minutes (0.083 hours) to respond to each request. Table 23 shows annual burden hours and costs for clerical workers to respond to requests from DHHS.

Table 23: 57.5075 - Clerical Workers Respond to Requests for Health Records by DHHS (Annual Burden Hours and Costs)

Mine Size (Emp.)	# of Requests per Year	Respond to Request (Hrs.)	Annual Burden Hrs.	Clerical Worker Wage (per Hr.)	Annual Burden Cost
Small (<20)	8	0.083	1	\$19.06	\$19
Large (20 - 500)	11	0.083	1	\$19.06	\$19
Large (>500)	1	0.083	0	\$19.06	\$0
Total	20		2		\$38

Summary of Burden Hours and Related Costs for Item 12

Regulation - Tables 1 - 23	Responses	Hours	Costs
57.5060(c) Supervisor 2005	20	256	12,180
57.5060(c) Clerical 2005	0	7	127
57.5060(c) Supervisor 2006	46	599	28,509
57.5060(c) Clerical 2006	0	15	286
57.5060(d) Respirator Training	196	147	6,995
57.5060(d) Fit Testing	196	49	2,331
57.5066(b) Tag & Record	914	61	1,231
57.5066(b) Examine Tags	914	182	5,005
57.5070 Supervisor Briefing	0	16	761
57.5070 Clerical Briefing	0	16	305
57.5070 Supervisor Perform Training	0	210	9,992
57.5070 Clerical Prepare Form	0	77	1,468
57.5070 Sign Attendance Sheet	11,514	64	1,313
57.5071 Oral Notification	89	12	571
57.5071 Written Notification	69	23	1,095
57.5071 Clerical - Written Notification	690	230	4,384
57.5071 Supervisor Brief Clerical	38	12	571
57.5071 Clerical Briefed; Prepare & Post	0	38	724
57.5071 Supervisor Prepares and Posts Notice	63	16	761
57.5071 Sampling by Operators	0	480	9,844
57.5071 Clerical - Copy & Distribute	784	131	2,497
57.5075 Clerical Respond to Miner Requests	1,141	95	1,810
57.5075 Clerical Respond to DHHS Requests	20	2	38

Total	16,694	2,738	\$92,798
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13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use 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.
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Section 57.5060(d) - Cost to Purchase and Maintain Respirators

Annually, mines employing fewer than 20 workers will purchase 4 respirators, while those employing 20 or more workers will purchase 12 respirators. The cost of a respirator is \$30. Each week the respirator uses one filter costing \$2.

The annual costs to purchase respirators will be as follows:

Table 24. Section 57.5060(d) - Costs to Purchase and Maintain Respirators

Mine Size (Emp.)	# of Mines	# of Respirators per Mine	Annual Cost per Respirator ^a	Annual Costs
Small (<20)	77	4	\$134	\$41,272
Large (20 - 500)	112	12	\$134	\$180,096
Large (>500)	7	12	\$134	\$11,256
Total	196			\$232,624

^a \$134 = \$30 (for the respirator) + \$2/cartridge/week x 52 weeks)

Section 57.5071 - Annual Costs of Sampling for Those Mines That Contract Out Their Sampling Responsibilities

MSHA estimates that the following mines will contract out their DPM sampling responsibilities: 77 mines employing fewer than 20 workers; 56 mines employing 20 to 500 workers; and 3 mines employing 500 or more workers. Mines with fewer than 20 workers will take 12 samples per year, while mines with 20 or more workers will take 24 samples per year. The contract rate to take one sample is estimated at \$75. In addition, it will cost \$33 to analyze each sample.

The annual cost to perform DPM sampling by those mines that contract out their sampling responsibilities will be as follows:

Table 25. Annual Costs of Sampling for Those Mines That Contract Out Their Sampling Responsibilities

Mine Size (Emp.)	# of Mines	# of Samples per Mine	Cost per Sample ^a	Total Annual Costs
Small (<20)	77	12	\$108	\$99,792
Large (20 - 500)	56	24	\$108	\$145,152
Large (>500)	3	24	\$108	\$7,776
Total	136			\$252,720

^a \$108 = (\$75 to collect the sample) + (\$33 to analyze the sample)

Section 57.5071 - Equipment Costs for Those Mines that Perform Their Own Sampling

For mines that perform their own DPM sampling, they will need to pay \$33 to have each sample analyzed. Annually, mines employing fewer than 20 workers will have 12 samples analyzed, while mines employing 20 or more workers will have 24 samples analyzed. The annual costs related to analyzing DPM samples for operators that conduct their own sampling will be as follows:

Table 26. Annual Costs for Analyzing Samples

Mine Size (Emp.)	# of Mines	# of Samples per Mine	Cost per Sample ^a	Total Annual Costs
Small (<20)	0	12	\$53	\$0
Large (20 - 500)	56	24	\$53	\$71,232
Large (>500)	4	24	\$53	\$5,088
Total	60			\$76,320

^a \$53 = \$20 for disposable filter cassette + \$33 to analyze sample.

Section 57.5075 - Annual Costs for Miners Request of Health Records

Miners can request health records. Per mine, the annual number of request are estimated to be: 1 request for a mine employing fewer than 20 workers; 6 requests for a mine employing 20 to 500 workers; and 5 requests for a mine employing more than 500 workers. Each request is estimated to be 4 pages in length, photocopy costs are \$0.15 per page, and postage is \$0.37 per request. Annual costs for miners related to requesting health records will be as follows:

Table 27. Section 57.5075 - Annual Costs for Miners Requests of Health Records

Mine Size (emp.)	# of Mines	# of Requests per Mine	Copying costs per Request ^a	Postage per Request	Total annual Costs
Small (<20)	77	1	\$0.60	\$0.37	\$75
Large (20 - 500)	112	6	\$0.60	\$0.37	\$652
Large (>500)	7	56	\$0.60	\$0.37	\$380
Total	196				\$1107

^a\$0.60 = 4 pages x \$0.15/page

In addition, the Department of Health and Human Services (DHHS) can request health records. Annually, the number of such requests are estimated to be: 8 requests for all the mines that employ fewer than 20 workers; 11 requests for all the mines that employ between 20 - 500 workers; and 1 request for all the mines that employ more than 500 workers. Each request is estimated to be 4 pages in length, photocopy costs are \$0.15 per page, and postage is \$0.37 per request. Annual costs by the DHHS related to requesting health records will be as follows.

Table 28. Section 57.5075 - Annual Costs for DHHS Requests for Health Records

Mine Size (Emp.)	# of Requests per Year	Copying Costs per Request ^a	Postage Costs per Request	Total Annual Costs
Small (<20)	8	\$0.60	\$0.37	\$8
Large (20 - 500)	11	\$0.60	\$0.37	\$11
Large (>500)	1	\$0.60	\$0.37	\$1
Total	20			\$20

^a\$0.60 = 4 pages x \$0.15/page

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.

MSHA inspectors will take samples to measure DPM in M/NM mines using diesel powered equipment once a year. On average, an inspector, earning about \$27 per hour, will perform the sampling. On average, the time to sample miners in one working area will be 9 hours in a mine that employs fewer than 20 workers, and 10 hours in a mine that employs 20 or more workers. Five samples are estimated to be taken in each working area. Seventy seven (77) mines employing fewer than 20 workers are estimated to have, on average, 1 working area, while 126 mines employing 20 or more workers are estimated to have, on average, 2 working areas. The annual costs to take samples will be as follows:

Table 29. Annual Costs for MSHA Inspectors to Take DPM Samples

Mine Size (Emp.)	# of Mines	Time to Sample Miners in one Area(hrs.)	Average # of Working Areas to Sample	Inspector Wage Rate (hr.)	Annual Costs to Sample
Small (<20)	77	9	1	\$27	\$18,711
Large (>20)	126	10	2	\$27	\$68,040
Total					\$86,751

When each sample is taken a filter is needed costing about \$35.

Table 30. Cost of Filters for Sampling

Mine Size (Emp.)	# of Mines	Average # of Working Areas to Sample	# of Samples Taken per Working Area	Cost of Filter per Sample	Annual Costs for Filters.
Small (<20)	77	1	5	\$35	\$13,475
Large (>20)	126	2	5	\$35	\$44,100
Total					\$57,575

It will cost MSHA \$40 to analyze each sample. The costs to analyze the samples are as follows:

Table 31. Annual Costs for MSHA to Analyze Samples

Mine Size (Emp.)	# of Mines	Average # of Working Areas to Sample	# of Samples Taken per Working Area	Cost to Analyze Each Sample	Annual Costs for Analysis
Small (<20)	77	1	5	\$40	\$15,400
Large (>20)	126	2	5	\$40	\$50,400
Total					\$65,800

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

Respondents: No change from 196.

Responses, Hours, and Cost are all affected by the staying of certain provisions pending further rulemaking and the removal of first-year one time only hours. Section 57.5060(c) has been added. In addition, an error in the way records of training are recorded and may be kept has been corrected to reflect the intent of the rule. It was assumed that mine operators would require miners to sign an individual certificate of training; however, the standard does not require trainees to sign a certificate. It requires the mine operator to keep a record of training only.

Responses: There has been a 135,871 decrease in the number of Responses (152,565 to 16,694). The decrease is due to the addition of 66 responses under Section 57.5060(c), -135,901 due to the removal of first-year one time only hours and a decrease of -36 responses by staying the provisions of § 57.5062.

Hours: There has been a decrease of 3,309 hours (6,047 to 2,738). -3,674 is from the removal of first-year one time only hours and +877 is from adding the responses under Section 57.5060(c) , -447 from correcting the error in how in records of training are kept, and -65 is due to staying § 57.5062.

Costs: There has been a \$218K decrease in costs (\$781K to \$563K). Responses under Section 57.5060(c) added \$41K to the costs. The decrease is due to a correction in how burden hours were calculated in the last submission.

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.