

SUPPORTING STATEMENT

30 CFR Sections 62.110, 62.130, 62.170, 62.171, 62.172, 62.173, 62.174, 62.175, 62.180, and 62.190 - Noise exposure assessment; audiometric testing, evaluation, and records and training in all 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.

Noise is one of the most pervasive health hazards in mining. Exposure to hazardous sound levels results in the development of occupational noise-induced hearing loss (NIHL), a serious physical, psychological, and social problem. NIHL can be distinguished from aging and medical factors, diagnosed, and prevented. According to the National Institute for Occupational Safety and Health (NIOSH), NIHL is among the "top ten" leading occupational illnesses and injuries.

For many years, the risk of acquiring NIHL was accepted as an inevitable consequence associated with mining occupations. Miners use mechanized equipment and work under conditions that often expose them to hazardous sound levels. But MSHA standards, OSHA standards, military standards, and others around the world have been established in recognition of the controllability of this risk. Quieter equipment, isolation of workers from noise sources, and limiting worker exposure times are among the many well accepted methods now used to reduce the costly incidence of NIHL.

Records of miner exposures are necessary so that mine operators and MSHA can evaluate the need for and effectiveness of engineering controls, administrative controls, and personal protective equipment to protect miners from harmful levels of exposure. However, the Agency believes that extensive records for this purpose are not needed. These requirements are a performance-oriented approach to monitoring. Records of miner hearing examinations enable mine operators and MSHA to ensure that the controls are effective in preventing NIHL for individual miners. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts.

Collection of such records is authorized under Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act). 30 CFR Sections 62.110, 62.130, 62.170, 62.171, 62.172, 62.173, 62.174, 62.175, 62.180, and 62.190 - Noise exposure assessment; audiometric testing, evaluation, and records and training in all mines, establishes uniform requirements and recordkeeping for the mining industry.

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.

Records of miner exposures are necessary so that mine operators and MSHA can ensure that engineering controls, administrative controls, and personal protective equipment are used to protect miners from harmful levels of exposure. Notification of exposure information to miners assists them in becoming more active participants in hearing conservation efforts.

Hearing tests of miners are offered and if a miner takes the test, mine operators are required to compile and maintain a record of each audiometric test. Detection of a hearing loss can trigger certain protective action. The record will be used by mine operators and MSHA to verify that the testing was done and the required actions implemented.

Mine operators must provide training to overexposed miners about the hazards of noise exposure, hearing protector selection and use, the hearing test program, and the operator's noise controls. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts. Training records are required under other MSHA regulations and are used for similar purposes.

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.

Electronic storage of information and accessing it through computers is a common business practice. Recognizing this trend, the Part 62 rule provided that records are not required to be maintained at the mine site, and therefore can be electronically filed in a central location. The records have to be made available to the authorized representative of the Secretary upon request within a reasonable time, in most cases one day. Although the Part 62 rule did not require backing up the data, some means are necessary to ensure that electronically stored information is not compromised or lost.

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 duplicative 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 does not have a significant impact on small businesses or other small entities. However, MSHA has made available on our web-site various sources of information, such as "Technical Assistance," "Best Practices," and an "Accident Prevention" site. To assist with compliance, these provide tips and general information on a number of various topics.

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 believes that the recordkeeping requirements for noise are the minimum necessary to ensure that miners are adequately protected against the harm of excessive noise levels. Reduction in these requirements would result in the development of unhealthy and unsafe conditions in the mine. Section 101(a)(6) of the Mine Act provides that in setting standards to protect workers from the risks of harmful physical agents, the Secretary "shall set standards which most adequately assure on the basis of the best available evidence that no miner will suffer material impairment of health or functional capacity even if such miner has regular exposure to the hazards dealt with by such standard for the period of his working life."

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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;**

Not applicable.

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

Section 62.110(d) requires the operator to inform a miner in writing of the exposure determination that is equal to or above the action level, exceed the permissible exposure level, or exceed the dual hearing protection level and the corrective action being taken within 15 calendar days of the exposure determination.

Section 62.175(a) requires operators to inform miner in writing of the results of the audiometric test within 10 working days of receiving the results.

The Agency believes that these time periods are the maximum allowable to ensure that the miner is informed and precautions are taken to protect the miner as soon as reasonably practical.

- * 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.**

Not applicable.

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.

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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 remuneration of contractors or grantees.

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

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

30 CFR § 62.172(a)(3) assures confidentiality.

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.

NOTE: Burden hour costs are figured using the following hourly wage:

Coal Supervisor:	\$59.13	2003 # of mines (total Respondents)	
M/NM Supervisor:	\$45.73	Coal Surface	1,332
Coal Secretary:	\$22.04	Coal Underground	640
M/NM Secretary:	\$21.15	MNM Surface	12,179
		MNM Underground	<u>240</u>
			14,391

Section 62.110(a) requires operators to establish a system of monitoring that evaluates each miner’s noise exposure sufficiently to determine if such exposure exceeds the action level, permissible exposure level, dual hearing protection level, or ceiling level. To perform the dose determination mine operators will need to purchase or rent noise dosimeters. In addition, mine operators could also use contract services to monitor noise doses.

MSHA estimates that 484 small coal mines, 381 large coal mines, 4,383 small M/NM mines, and 760 large M/NM mines will be affected by this provision. It is estimated to take 2 hours to perform dose determination in a small mine and 5 hours in a large mine. The testing is done by a supervisor.

COAL

Annual burden hours to monitor noise exposure

484 mines (SM) x 2 hours (supv.)	=	968.00 hours
381 mines (LG) x 5 hours (supv.)	=	1,905.00 hours
		2,873.00 hours

Annual burden hour costs to monitor noise exposure

968 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 57,237.84
1,905 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 112,642.65
		\$ 169,880.49

METAL/NONMETAL

Annual burden hours to monitor noise exposure

4383 mines (SM) x 2 hours (supv.)	=	8,766.00 hours
760 mines (LG) x 5 hours (supv.)	=	<u>3,800.00 hours</u>
		12,566.00 hours

Annual burden costs to monitor noise exposure

8,766 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 400,869.18
3,800 hours (LG) x \$45.73 (supv.) wage rate	=	\$ <u>173,774.00</u>
		\$ 574,643.18

Costs of dosimeters are shown in Item 13.

Section 62.110(c) requires mine operators to provide affected miners and their representatives with an opportunity to observe noise exposure monitoring required by this section and to give prior notice of the date and time of intended exposure monitoring to the affected miners and their representatives. Mine operators can choose to give oral notification, distribute a written notice to each miner to be monitored, or post a notice.

ORAL NOTIFICATION

MSHA estimates that 675 small coal mines, 381 large coal mines, 6,308 small M/NM mines, and 795 large M/NM mines will inform miners and their representatives orally. It is estimated to take 0.033 hours to notify miners orally.

COAL

Annual burden hours to notify miners orally

675 mines (SM) X 0.033 hrs. (supv.)	=	22.27 hours
381 mines (LG) X 0.033 hrs. (supv.)	=	<u>12.57 hours</u>
		34.84 hours

Annual burden costs to notify miners orally

22.27 hours (SM) X \$59.13 (supv.) wage rate	=	\$ 1,316.83
12.57 hours (LG) X \$59.13 (supv.) wage rate	=	\$ <u>743.26</u>
		\$ 2,060.09

METAL/NONMETAL

Annual burden hours to notify miners orally

6,308 mines (SM) X 0.033 hrs. (supv.)	=	208.16 hours
795 mines (LG) X 0.033 hrs. (supv.)	=	<u>26.23 hours</u>
		234.39 hours

Annual burden costs to notify miners orally

208.16 hours (SM) X \$45.73 (supv.) wage rate	=	\$ 9,519.16
26.23 hours (LG) X \$45.73 (supv.) wage rate	=	\$ <u>1,199.50</u>
		\$ 10,718.66

POSTING

MSHA estimates that 507 small coal mines, 280 large coal mines, 4,598 small M/NM mines, and 623 large M/NM mines will post a written notice. On the average, 3 notices will be posted per small mine, and 6 notices per large mine. It is estimated to take 0.1 hours for a supervisor to instruct a clerical worker about the posting, and another 0.08 hours for a clerical person to prepare and post the notice.

COAL

Annual burden hours to notify miners by posting

507 mines (SM) X 0.1 hours (supv.)	=	50.70 hours
507 mines (SM) X 0.08 hours (clerical) X 3 notices	=	121.68 hours
280 mines (LG) X 0.1 hours (supv.)	=	28.00 hours

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280 mines (LG) X 0.08 hours (clerical) X 6 notices	=	<u>134.40 hours</u>
		334.78 hours

Annual burden cost to notify miners by posting

50.70 hours (SM) X \$59.13 (supv.) wage rate	=	\$ 2,997.89
121.68 hours (SM) X \$22.04 (clerical) wage rate	=	\$ 2,681.83
28.00 hours (LG) X \$59.13 (supv.) wage rate	=	\$ 1,655.64
134.40 hours (LG) X \$22.04 (clerical) wage rate	=	\$ <u>2,962.18</u>
		\$ 10,297.54

METAL/NONMETALAnnual burden hours to notify miners by posting

4,598 mines (SM) X 0.1 hours (supv.)	=	459.80 hours
4,598 mines (SM) X 3 notices X 0.08 hours (clerical)	=	1,103.52 hours
623 mines (LG) X 0.1 hours (supv.)	=	62.30 hours
623 mines (LG) X 6 notices X 0.08 hours (clerical)	=	<u>299.04 hours</u>
		1,924.66 hours

Annual burden costs to notify miners by posting

459.80 hours (SM) X \$45.73 (supv.) wage rate	=	\$ 21,026.65
1,103.52 ours (SM) X \$21.15 (clerical) wage rate	=	\$ 23,339.45
62.30 hours (LG) X \$45.73 (supv.) wage rate	=	\$ 2,848.98
299.04 hours (LG) X \$21.15 (clerical) wage rate	=	\$ <u>6,324.70</u>
		\$ 53,539.78

WRITTEN NOTIFICATION

In each mine, MSHA estimates that it will take 0.1 hours for a supervisor to give instructions to a clerical worker concerning the written notification. In addition, it will take an additional 0.08 hours for a clerical worker to prepare and distribute a written notice to each miner.

MSHA estimates that 327 small coal mines will distribute 1,962 notices, 170 large coal mines will distribute 10,030 notices, 2,994 small M/NM mines will distribute 17,964 notices, and 363 large M/NM mines will distribute 26,862 notices.

COALAnnual burden hours to notify miners in writing

327 mines (SM) X 0.1 hours (supv.)	=	32.70 hours
1,962 miners X 0.08 hours (clerical)	=	156.96 hours
170 mines (LG) X 0.1 hours (supv.)	=	17.00 hours
10,030 miners X 0.08 hours (clerical)	=	<u>802.40 hours</u>
		1,009.06 hours

Annual burden costs to notify miners in writing

32.70 hours (SM) X \$59.13 (supv.) wage rate	=	\$ 1,933.55
156.96 hours (SM) X \$22.04 (clerical) wage rate	=	\$ 3,459.40

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17.00 hours (LG) X \$59.13 (supv.) wage rate	=	\$ 1,005.21
802.40 hours (LG) X \$22.04 (clerical) wage rate	=	\$ <u>17,684.90</u>
		\$ 24,083.06

METAL/NONMETAL

Annual burden hours to notify miners in writing

2,994 mines (SM) x 0.1 hours (supv.)	=	299.40 hours
17,964 miners x 0.08 hours (clerical)	=	1,437.12 hours
363 mines (LG) x 0.1 hours (supv.)	=	36.30 hours
26,862 miners x 0.08 hours (clerical)	=	<u>2,148.96 hours</u>
		3,921.78 hours

Annual burden costs to notify miners in writing

299.40 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 13,691.56
1,437.12 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 30,395.09
36.30 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 1,660.00
2,148.96 hours (LG) x \$21.15 (clerical) wage rate	=	\$ <u>45,450.50</u>
		\$ 91,197.15

Costs for photocopying are shown in Item 13.

Section 62.110(d) requires that a miner be notified whenever the miner's exposure equals or exceeds the action level, exceed the permissible exposure level, or exceed the dual hearing protection level, and the miner has not received notification by the mine operator of exposure at such level within the prior 12 months. The mine operator is required to use an exposure evaluation conducted either by the mine operator or by an authorized representative of the Secretary of Labor as a basis for the notification. The operator must notify the miner in writing within 15 calendar days of (1) the exposure determination; and (2) the corrective action being taken.

In each mine, MSHA estimates that it will take 0.1 hours for a supervisor to give instructions to a clerical worker concerning the notification of the exposure determination and the corrective action being taken. In addition, it will take an additional 0.08 hours for a clerical worker to prepare and distribute the notification to each miner. MSHA estimates that 912 small coal mines will distribute 6,384 notices, 746 large coal mines will distribute 53,712 notices, 8,339 small M/NM mines will distribute 50,034 notices, and 1,573 large M/NM mines will distribute 116,402 notices.

COAL

One-time burden hours to notify miners in writing

912 mines (SM) x 0.1 hours (supv.)	=	91.20 hours
6,384 miners x 0.08 hours (clerical)	=	510.72 hours
746 mines (LG) x 0.1 hours (supv.)	=	74.60 hours
53,712 miners x 0.08 hours (clerical)	=	<u>4,296.96 hours</u>
		4,973.48 hours

Annualized costs to notify miners in writing

91.20 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 5,392.66
510.72 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 11,256.27

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74.60 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 4,411.10
4,296.96 hours (LG) x \$22.04 (clerical) wage rate	=	\$ 94,705.00
		\$ 115,765.03

METAL/NONMETAL

One-time burden hours to notify miners in writing

8,339 mines (SM) x 0.1 hours (supv.)	=	833.90 hours
50,034 miners x 0.08 hours (clerical)	=	4,002.72 hours
1,573 mines (LG) x 0.1 hours (supv.)	=	157.30 hours
116,402 miners x 0.08 hours (clerical)	=	9,312.16 hours
		14,306.08 hours

Annualized costs to notify miners in writing

833.90 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 38,134.25
4,002.72 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 84,657.53
157.30 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 7,193.33
9,312.16 hours (LG) x \$21.15 (clerical) wage rate	=	\$ 196,952.18
		\$ 326,937.29

Costs for photocopying are shown in Item 13.

Section 62.130 states that no miner shall be exposed during any work shift to noise that exceeds a Time-Weighted Average-8hrs (TWA₈) of 90 dBA permissible exposure level (PEL), or equivalently a dose of 100% of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA. If during any work shift a miner's noise exposure exceeds the PEL, the mine operator is required to use all feasible engineering and administrative controls to reduce the miner's noise exposure to the PEL, and enroll the miners in a hearing conservation program. When administrative controls are used to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miner.

In each mine, MSHA estimates that it will take a mine supervisor .75 hours to write, approve the administrative controls/final procedures in small mines, (including negligible amount of time to instruct the clerical) and 1.5 hours for large mines. In addition, it will take 0.75 hours for a clerical worker to type, edit, and post controls concerning the notification of the exposure determination and the corrective action being taken; and it will take an additional 0.08 hours for a clerical worker to prepare and distribute the notification to each miner.

MSHA estimates that 102 small coal mines will distribute 918 notices, 144 large coal mines will distribute 9,360 notices, 107 small M/NM mines will distribute 642 notices, and 214 large M/NM mines will distribute 15,836 notices.

COAL

Time to write administrative controls/approve final procedures

102 mines (SM) x 0.75 hours (supv.)	=	76.50 hours
144 mines (LG) x 1.5 hours (supv.)	=	216.00 hours

Time to type, edit, and post controls

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102 mines (SM) x 0.75 hours (clerical)	=	76.50 hours
144 mines (LG) x 0.75 hours (clerical)	=	108.00 hours

Time to distribute copy of controls

918 miners (SM) x 0.08 hours (clerical)	=	73.44 hours
9,360 miners (LG) x 0.08 hours (clerical)	=	<u>748.80 hours</u>
		1,299.24 hours

One-time costs to write, post, and distribute administrative controls

76.50 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 4,523.44
216.00 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 12,772.08
76.50 hours (SM) X \$22.04 (clerical) wage rate	=	\$ 1,686.06
108.00 hours (LG) X \$22.04 (clerical) wage rate	=	\$ 2,380.32
73.44 hours (SM) X \$22.04 (clerical) wage rate	=	\$ 1,618.62
748.80 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>16,503.55</u>
		\$ 39,484.07

METAL/NONMETAL

Time to write administrative controls & approve final procedures

107 mines (SM) x 0.75 hours (supv.)	=	80.25 hours
214 mines (LG) x 1.5 hours (supv.)	=	321.00 hours

Time to type, edit, and post controls

107 mines (SM) x 0.75 hours (clerical)	=	80.25 hours
214 mines (LG) x 0.75 hours (clerical)	=	160.50 hours

Time to prepare and distribute copy of controls

642 miners x 0.08 hours (clerical)	=	51.36 hours
15,836 miners x 0.08 hours (clerical)	=	<u>1,266.88 hours</u>
		1,960.24 hours

One-time burden costs to write, post, and distribute administrative controls

80.25 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 3,669.83
321.00 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 14,679.33
80.25 hours (SM) X \$21.15 (clerical) wage rate	=	\$ 1,697.29
160.50 hours (LG) X \$21.15 (clerical) wage rate	=	\$ 3,394.57
51.36 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 1,086.26
1,266.88 hours (LG) x \$21.15 (clerical) wage rate	=	\$ <u>26,794.51</u>
		\$ 51,321.79

Costs of engineering controls/photocopying are shown in Item 13.

Section 62.170(a)(1) states that the audiometric testing which results in a valid baseline audiogram must be offered within 6 months of enrolling a miner in a hearing conservation program. Where mobile test vans are used to meet the audiometric test requirements, the operator must offer and provide audiometric

testing within 12 months of enrolling a miner in an HCP. Audiograms are required to be performed annually as long as the miner is enrolled in an HCP.

Costs for the audiograms are shown in Item 13.

Section 62.170(b) states that after the baseline audiogram is established, the mine operator must continue to offer subsequent audiometric tests at intervals not exceeding 12 months for as long as the miner remains in the hearing conservation program.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the audiometric testing notification. In addition, it will take a clerical worker 0.08 hours to prepare and distribute a written notification about the audiometric testing to each miner.

MSHA estimates that 6,461 miners working at 923 small coal mines, 45,240 miners working at 754 large coal mines, 39,290 miners working at 7,858 small M/NM mines, and 78,540 miners working at 1,428 large M/NM mines would need to be notified.

(The paperwork burden and cost of 62.170(a) concerning notifying miners of the baseline audiogram are included in this section.)

COAL

Annual burden hours to write, prepare, and distribute written notification

923 mines (SM) x 0.1 hours (supv.)	=	92.30 hours
6,461 miners x 0.08 hours (clerical)	=	516.88 hours
754 mines (LG) x 0.1 hours (supv.)	=	75.40 hours
45,240 miners x 0.08 hours (clerical)	=	<u>3,619.20 hours</u>
		4,303.78 hours

Annual burden costs to write, prepare, and distribute written notification

92.30 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 5,457.70
516.88 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 11,392.03
75.40 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 4,458.40
3,619.20 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>79,767.17</u>
		\$ 101,075.30

METAL/NONMETAL

Annual burden hours to write, prepare, and distribute written notification

7,858 mines (SM) x 0.1 hours (supv.)	=	785.80 hours
39,290 miners x 0.08 hours (clerical)	=	3,143.20 hours
1,428 mines (LG) x 0.1 hours (supv.)	=	142.80 hours
78,540 miners x 0.08 hours (clerical)	=	<u>6,283.20 hours</u>
		10,355.00 hours

Annual burden costs to write, prepare, and distribute written notification

785.80 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 35,934.63
3,143.20 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 66,478.68
142.80 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 6,530.24

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6,283.20 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>132,889.68</u>
		\$	241,833.23

Costs for photocopying are shown in Item 13.

Section 62.171 (b) requires operators to compile an audiometric test record including: 1) name and job classification of the miner who has undergone the audiometric test; 2) a copy of all of the miner's audiograms required under this part; 3) evidence that the audiograms were conducted in accordance with paragraph (a) of this section; 4) any exposure determination for the miner; and 5) the results of any follow-up examination.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the audiometric test records. In addition, it will take a clerical worker 0.08 hours to maintain each miner's audiometric test record.

MSHA estimates that 2,639 miners working at 377 small coal mines, 12,000 miners working at 400 large coal mines, 9,240 miners working at 2,310 small M/NM mines, and 13,209 miners working at 357 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to give instructions and maintain audiometric test records

377 mines (SM) x 0.1 hours (supv.)	=	37.70 hours
2,639 miners x 0.08 hours (clerical)	=	210.88 hours
400 mines (LG) x 0.1 hours (supv.)	=	40.00 hours
12,000 miners x 0.08 hours (clerical)	=	<u>960.00 hours</u>
		1,248.58 hours

Annual burden costs to give instructions and maintain audiometric test records

37.70 hours (SM) x \$59.13 (supv.) wage rate	=	\$	2,229.20
210.88 hours (SM) x \$22.04 (clerical) wage rate	=	\$	4,647.80
40.00 hours (LG) x \$59.13 (supv.) wage rate	=	\$	2,365.20
960.00 hours (LG) x \$22.04 (clerical) wage rate =		\$	<u>21,158.40</u>
		\$	30,400.60

METAL/NONMETAL

Annual burden hours to give instructions and maintain audiometric test records

2,310 mines (SM) x 0.1 hours (supv.)	=	231.00 hours
9,240 miners x 0.08 hours (clerical)	=	739.20 hours
357 mines (LG) x 0.1 hours (supv.)	=	35.70 hours
13,209 miners x 0.08 hours (clerical)	=	<u>1,056.72 hours</u>
		2,062.62 hours

Annual burden costs to give instructions and maintain audiometric test records

231.00 hours (SM) x \$45.73 (supv.) wage rate	=	\$	10,563.63
739.20 hours (SM) x \$21.15 (clerical) wage rate	=	\$	15,634.08
35.70 hours (LG) x \$45.73 (supv.) wage rate	=	\$	1,632.56
1,056.72 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>22,349.63</u>

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Costs for photocopying are shown in Item 13.

Section 62.172(a)(1) states that audiograms must be evaluated by a physician, an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist. This section requires the operator to inform persons evaluating audiograms of the requirements of this part and to provide them with a copy of the miner's audiometric test records.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the audiometric test records. In addition, it will take a clerical worker 0.08 hours to provide a skilled medical professional with a copy of each miner's audiometric test record.

MSHA estimates that 2,249 miners working at 361 small coal mines, 11,802 miners working at 393 large coal mines, 7,311 miners working in 714 small M/NM mines, and 12,841 miners working in 354 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to provide audiometric test records to physicians, or audiologists or qualified technicians

377 mines (SM) x 0.1 hours (supv.)	=	37.70 hours
2,639 miners x 0.08 hours (clerical)	=	211.12 hours
400 mines (LG) x 0.1 hours (supv.)	=	40.00 hours
12,000 miners x 0.08 hours (clerical)	=	<u>960.00 hours</u>
		1,248.82 hours

Annual burden costs to provide audiometric test records to physicians, or audiologists, or qualified technicians

37.70 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 2,229.20
211.12 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 4,653.08
40.00 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 2,365.20
960.00 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>21,158.40</u>
		\$ 30,405.88

METAL/NONMETAL

Annual burden hours to provide audiometric test records to physicians, or audiologists, or qualified technicians

770 mines (SM) x 0.1 hours (supv.)	=	77.00 hours
8,470 miners x 0.08 hours (clerical)	=	677.60 hours
358 mines (LG) x 0.1 hours (supv.)	=	35.80 hours
13,246 miners x 0.08 hours (clerical)	=	<u>1,059.68 hours</u>
		1,850.08 hours

Annual burden costs to provide audiometric test records to physicians, or audiologists, or qualified technicians

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77.00 hours (SM) x \$45.73 (supv.) wage rate	= \$ 3,521.21
677.60 hours (SM) x \$21.15 (clerical) wage rate	= \$ 14,331.24
35.80 hours (LG) x \$45.73 (supv.) wage rate	= \$ 1,637.13
1,059.68 hours (LG) x \$21.15 (clerical) wage rate	= \$ <u>22,412.23</u>
	\$ 41,901.81

Actual costs for photocopying are shown in Item 13.

Section 62.172(a)(3) requires the mine operator to instruct the physician, audiologist, or a qualified technician not to reveal to the mine operator any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing protectors without the written consent of the miner.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about instructing skilled professionals not to reveal to the mine operator any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing protectors without the written consent of the miner. In addition, it will take a clerical worker 0.2 hours per mine to instruct the skilled professional and to provide a copy of each miner's audiometric test record.

MSHA estimates that 377 small coal mines, 400 large coal mines, 770 small M/NM mines and 358 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to instruct physicians, or audiologists, or qualified technicians

377 mines (SM) x 0.1 hours (supv.)	=	37.70 hours
377 mines x 0.2 hours (clerical)	=	75.40 hours
400 mines (LG) x 0.1 hours (supv.)	=	40.00 hours
400 mines x 0.2 hours (clerical)	=	<u>80.00 hours</u>
		233.10 hours

Annual burden costs to instruct physicians, or audiologists, or qualified technicians

37.70 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 2,229.20
75.40 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 1,661.82
40.00 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 2,365.20
80.00 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>1,763.20</u>
		\$ 8,019.42

METAL/NONMETAL

Annual burden hours to instruct physicians, or audiologists, or qualified technicians

770 mines (SM) x 0.1 hours (supv.)	=	77.00 hours
770 mines (SM) x 0.2 hours (clerical)	=	154.00 hours
358 mines (LG) x 0.1 hours (supv.)	=	35.80 hours
358 mines (LG) x 0.2 hours (clerical)	=	<u>71.60 hours</u>
		338.40 hours

Annual burden costs to instruct physicians, or audiologists, or qualified technicians

77.00 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 3,521.21
154.00 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 3,257.10

08/01/2005

	1219-0120
	Public Comment Version
35.80 hours (LG) x \$45.73 (supv.) wage rate	= \$ 1,637.13
71.60 hours (LG) x \$21.15 (clerical) wage rate	= \$ <u>1,514.34</u>
	\$ 9,929.78

Actual costs for photocopying are shown in Item 13.

Section 62.172(b)(1) requires an audiometric test within 30 calendar days of receiving a determination that an audiogram is invalid and that any medical pathology has improved to the point that a valid audiogram may be obtained.

Actual costs for audiometric retests are shown in Item 13.

Section 62.173(a) requires the operator to refer a miner for a clinical-audiological evaluation or an otological examination if a valid audiogram cannot be obtained due to a suspected medical pathology of the ear which the physician or audiologist believes was caused or aggravated by the miner's occupational exposure to noise or the wearing of hearing protectors at not cost to the miner.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about preparing notification to inform the miner of the examination. In addition, it will take a clerical worker 0.08 hours to type the notification.

MSHA estimates that 8 miners in 1 small coal mine, 48 miners in 1 large coal mine, 64 miners in 11 small M/NM mines and 120 miners in 2 large M/NM mine will be affected by this provision.

COAL

Annual burden hour to notify miners of testing

1 mine (SM) x 0.1 hour (supv.)	=	0.10 hours
8 miners x 0.08 hour (clerical)	=	0.64 hours
1 mine (LG) x 0.1 hour (supv.)	=	0.10 hours
48 miners x 0.08 hours (clerical)	=	<u>3.84</u> hours
		4.68 hours

Annual burden costs to notify miners of testing

0.10 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 5.91
0.64 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 14.11
0.10 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 5.91
3.84 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>84.63</u>
		\$ 110.56

METAL/NONMETAL

Annual burden hours to notify miners of testing

11 mines (SM) x 0.1 hour (supv.)	=	1.10 hours
64 miners x 0.08 hours (clerical)	=	5.12 hours
2 mine (LG) x 0.1 hour (supv.)	=	0.20 hours
120 miners x 0.08 hours (clerical)	=	<u>9.60</u> hours
		16.02 hours

Annual burden costs to notify miners of testing

1.10 hours (SM) x \$45.73 (supv.) wage rate	=	\$	50.30
5.12 hours (SM) x \$21.15 (clerical) wage rate	=	\$	108.29
0.20 hours (LG) x \$45.73 (supv.) wage rate	=	\$	9.15
9.60 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>203.04</u>
		\$	370.78

Actual costs for photocopying/otological examinations are shown in Item 13.

Section 62.173(b) requires the operator to instruct the physician, or audiologist to inform the miner of the need for an otological examination if a valid audiogram cannot be obtained due to a medical pathology of the ear which is unrelated to the miner's exposure to noise or the wearing of hearing protectors.

In each mine, it will take a supervisor 0.05 hours to give instructions to a clerical worker about instructing skilled professionals to inform the miner of the need for an otological examination. In addition, it will take a clerical worker 0.1 hours per mine to instruct the skilled professional.

MSHA estimates that 11 miners in 11 small coal mines, 41 miners in 41 large coal mines, 72 miners in 12 small M/NM mines and 120 miners in 2 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to instruct physician or audiologist

11 mines (SM) x 0.05 hours (supv.)	=	0.55 hours
11 mines x 0.1 hours (clerical)	=	1.10 hours
41 mines (LG) x 0.05 hours (supv.)	=	2.05 hours
41 mines x 0.1 hours (clerical)	=	<u>4.10 hours</u>
		7.80 hours

Annual burden costs to instruct physician or audiologist

0.55 hours (SM) x \$59.13 (supv.) wage rate	=	\$	32.52
1.10 hours (SM) x \$22.04 (clerical) wage rate	=	\$	24.24
2.05 hours (LG) x \$59.13 (supv.) wage rate	=	\$	121.22
4.10 hours (LG) x \$22.04 (clerical) wage rate	=	\$	<u>90.36</u>
		\$	268.34

METAL/NONMETAL

Annual burden hours to instruct physician or audiologist

12 mines (SM) x 0.05 hours (supv.)	=	0.60 hours
12 mines x 0.1 hours (clerical)	=	1.20 hours
2 mine (LG) x 0.05 hours (supv.)	=	0.10 hours
2 mine x 0.1 hours (clerical)	=	<u>0.20 hours</u>
		2.1 hours

Annual burden costs to instruct physician or audiologist after First Year

0.60 hours (SM) x \$45.73 (supv.) wage rate	=	\$	27.44
1.20 hours (SM) x \$21.15 (clerical) wage rate	=	\$	25.38
0.10 hours (LG) x \$45.73 (supv.) wage rate	=	\$	4.57

0.20 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>4.23</u>
		\$	61.62

Actual costs for photocopying are shown in Item 13.

Section 62.173(c) requires the operator to instruct the physician, audiologist, or qualified technician not to reveal to the operator any specific findings or diagnoses unrelated to the miner's exposure to noise or the wearing of hearing protectors without the written consent of the miner.

In each mine, it will take a supervisor 0.05 hours to give instructions to a clerical worker about instructing skilled professionals to not reveal findings to the mine operator without the written consent of the miner. In addition, it will take a clerical worker 0.1 hours per mine to instruct the skilled professional.

MSHA estimates that 11 miners in 11 small coal mines, 41 miners in 41 large coal mines, 72 miners in 12 small M/NM mines and 120 miners in 2 large M/NM mine will be affected by this provision.

COAL

Annual burden to instruct physician, audiologist, or qualified technician

11 mines (SM) x 0.05 hours (supv.)	=		0.55 hours
11 mines x 0.1 hours (clerical)	=		1.10 hours
41 mines (LG) x 0.05 hours (supv.)	=		2.05 hours
41 mines x 0.1 hours (clerical)	=		<u>4.10 hours</u>
			7.80 hours

Annual costs to instruct physician, audiologist, or qualified technician after First Year

0.55 hours (SM) x \$59.13 (supv.) wage rate	=	\$	32.52
1.10 hours (SM) x \$22.04 (clerical) wage rate	=	\$	24.24
2.05 hours (LG) x \$59.13 (supv.) wage rate	=	\$	121.22
4.10 hours (LG) x \$22.04 (clerical) wage rate	=	\$	<u>90.36</u>
		\$	268.34

METAL/NONMETAL

Annual burden hours to instruct physician, audiologist, or qualified technician

12 mines (SM) x 0.05 hours (supv.)	=		0.60 hours
12 mines x 0.1 hours (clerical)	=		1.20 hours
2 mine (LG) x 0.05 hours (supv.)	=		0.10 hours
2 mine x 0.1 hours (clerical)	=		<u>0.20 hours</u>
			2.10 hours

Annual burden costs to instruct physician or audiologist

0.60 hours (SM) x \$45.73 (supv.) wage rate	=	\$	27.44
1.20 hours (SM) x \$21.15 (clerical) wage rate	=	\$	25.38
0.10 hours (LG) x \$45.73 (supv.) wage rate	=	\$	4.49
0.20 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>3.69</u>
		\$	61.00

Actual costs for photocopying are shown in Item 13.

Section 62.174(a) requires that the operator retrain a miner within 30 calendar days of receiving evidence of a Standard Threshold Shift (STS) or receiving the results of a retest confirming an STS, unless a physician or audiologist determines that an STS is neither work-related nor aggravated by occupational noise exposure.

In each mine it will take a supervisor 0.35 hours to retrain miners. MSHA estimates that a supervisor can train all the miners in a small mine in one session, and all the miners in a large mine in three sessions.

MSHA estimates that 33 small coal mines, 51 large coal mines, 225 small M/NM mines, and 33 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to retrain miners after First Year

33 mines (SM) x 0.35 hours (supv.) x 1 session	=	11.55 hours
51 mines (LG) x 0.35 hours (supv.) x 3 sessions	=	<u>53.55 hours</u>
		65.10 hours

Annual burden costs to retrain miners after First Year

11.55 hours x \$59.13 (supv.) wage rate	=	\$ 682.95
53.55 hours x \$59.13 (supv.) wage rate	=	\$ <u>3,166.41</u>
		\$ 3,849.36

METAL/NONMETAL

Annual burden hours to retrain miners after First Year

225 mines (SM) x 0.35 hours (supv.) x 1 session	=	78.75 hours
33 mines (LG) x 0.35 hours (supv.) x 3 sessions	=	<u>34.65 hours</u>
		113.40 hours

Annual burden costs to retrain miners after First Year

78.75 hours x \$45.73 (supv.) wage rate	=	\$ 3,601.24
34.65 hours x \$45.73 (supv.) wage rate	=	\$ <u>1,584.54</u>
		\$ 5,185.78

Section 62.174(a) requires that retraining be provided in accordance with 62.180. Section 62.180(b) requires the operator to certify the date and type of training given each miner and to retain the most recent certification for as long as the miner is enrolled in the hearing conservation program, and for at least six months thereafter.

In each mine it will take a clerical worker 0.05 hours, per miner, to certify the date and type of training and to maintain the certification.

MSHA estimates that 250 miners in small coal mines, 970 miners in large coal mines, 995 miners in small M/NM mines, and 1,895 miners in large M/NM mines are affected by this provision.

COAL

Annual burden hours to certify date and type of training

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250 miners (SM) x 0.05 hours (clerical)	=	12.50 hours
970 miners (LG) x 0.05 hours (clerical)	=	<u>48.50 hours</u>
		61.00 hours

Annual burden costs to certify date and type of training

12.50 hours (SM) x \$22.04 (clerical) wage rate	=	\$	275.50
48.50 hours (LG) x \$22.04 (clerical) wage rate	=	\$	<u>1,068.94</u>
		\$	1,344.44

METAL/NONMETALAnnual burden hours to certify date and type of training

995 miners (SM) x 0.05 hours (clerical)	=	49.75 hours
1,895 miners (LG) x 0.05 hours (clerical)	=	<u>94.75 hours</u>
		144.50 hours

Annual burden costs to certify date and type of training

49.75 hours (SM) x \$21.15 (clerical) wage rate	=	\$	1,052.21
94.75 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>2,003.96</u>
		\$	3,056.17

Actual costs for photocopying are shown in Item 13.

Section 62.175(a)(1) requires the mine operator, within 10 working days of receiving the results of an audiogram or follow-up evaluation, to notify the miner of the results in writing.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about audiometric testing notification. In addition it will take a clerical worker 0.08 hours to prepare and distribute a written notification about the testing to each miner.

MSHA estimates 2,598 miners working at 390 small coal mines, 8,745 miners working at 306 large coal mines, 12,877 miners working at 3,277 small M/NM mines, and 15,131 miners working at 585 large M/NM mines will be affected by this provision.

COALAnnual burden hours to notify miners of audiometric test results

408 mines (SM) x 0.1 hours (supv.)	=	40.80 hours
2,856 miners x 0.08 hours (clerical)	=	228.48 hours
311 mines (LG) x 0.1 hours (supv.)	=	31.10 hours
9,019 miners x 0.08 hours (clerical)	=	<u>721.52 hours</u>
		1,021.90 hours

Annual burden hour costs to notify miners of audiometric test results

40.80 hours (SM) x \$59.13 (supv.) wage rate	=	\$	2,412.50
228.48 hours (SM) x \$22.04 (clerical) wage rate	=	\$	5,035.70
31.10 hours (LG) x \$59.13 (supv.) wage rate	=	\$	1,838.94
721.52 hours (LG) x \$22.04 (clerical) wage rate	=	\$	<u>15,902.30</u>
		\$	25,189.44

METAL/NONMETAL

Annual burden hours to notify miners of audiometric test results

3,528 mines (SM) x 0.1 hours (supv.)	=	352.80 hours
14,112 miners x 0.08 hours (clerical)	=	1,128.96 hours
591 mines (LG) x 0.1 hours (supv.)	=	59.10 hours
15,366 miners x 0.08 hours (clerical)	=	<u>1,229.28 hours</u>
		2,770.14 hours

Annual burden costs to notify miners of audiometric test results

352.80 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 16,133.54
1,128.96 hours(SM) x \$21.15 (clerical)wage rate	=	\$ 23,877.50
59.10 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 2,702.64
1,229.28 hours (LG) x \$21.15 (clerical)wage rate	=	<u>\$ 25,999.27</u>
		\$ 68,712.95

Section 62.175(a)(1) requires the operator to notify the miner within 10 working days of the results and interpretation of a follow-up evaluation (otological examination).

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the results of the follow-up evaluation. In addition it will take a clerical worker 0.08 hours to prepare and distribute a written notification about the results to each miner.

MSHA estimates 8 miners working at 8 small coal mines, 40 miners working at 40 large coal mines, 64 miners working at 11 small M/NM mines, and 120 miners working at 2 large M/NM mine will be affected by this provision.

COAL

Annual burden hours to notify miners of testing

8 mines (SM) x 0.1 hour (supv.)	=	0.80 hours
8 miners x 0.08 hour (clerical)	=	0.64 hours
40 mines (LG) x 0.1 hour (supv.)	=	4.00 hours
40 miners x 0.08 hours (clerical)	=	<u>3.20 hours</u>
		8.64 hours

Annual burden costs to notify miners of testing

0.80 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 43.94
0.64 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 12.53
4.00 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 219.68
3.20 hours (LG) x \$22.04 (clerical) wage rate	=	<u>\$ 62.66</u>
		\$ 338.81

METAL/NONMETAL

Annual burden hours to notify miners of testing

11 mines (SM) x 0.1 hour (supv.)	=	1.10 hours
64 miners x 0.08 hours (clerical)	=	5.12 hours

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2 mine (LG) x 0.1 hour (supv.)	=	0.20 hours
120 miners x 0.08 hours (clerical)	=	<u>9.60 hours</u>
		16.02 hours

Annual burden costs to notify miners of testing

1.10 hours (SM) x \$45.73 (supv.) wage rate	=	\$	50.30
5.12 hours (SM) x \$21.15 (clerical) wage rate	=	\$	108.29
0.20 hours (LG) x \$45.73 (supv.) wage rate	=	\$	9.15
9.60 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>203.04</u>
		\$	370.78

Section 62.175(a)(2) requires operators to notify miners of the need and reasons for any further testing or evaluation, if applicable.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about the need and reasons for any further testing. In addition it will take a clerical worker 0.08 hours to prepare and distribute a written notification to each miner.

MSHA estimates that 226 miners working at 205 small coal mines, 1,417 miners working at 545 large coal mines, 1,260 miners working at 225 small M/NM mines, and 2,250 miners working at 30 large M/NM mines will be affected by this provision.

COALAnnual burden hours to notify miners of need for further testing

205 mines (SM) x 0.1 hours (supv.)	=	20.50 hours
226 miners x 0.08 hours (clerical)	=	18.08 hours
545 mines (LG) x 0.1 hours (supv.)	=	54.50 hours
1,417 miners x 0.08 hours (clerical)	=	<u>113.36 hours</u>
		206.44 hours

Annual burden costs to notify miners of need for further testing

20.50 hours (SM) x \$59.13 (supv.) wage rate	=	\$	1,212.16
18.08 hours (SM) x \$22.04 (clerical) wage rate	=	\$	398.48
54.50 hours (LG) x \$59.13 (supv.) wage rate	=	\$	3,222.58
113.36 hours (LG) x \$22.04 (clerical) wage rate	=	\$	<u>2,498.45</u>
		\$	7,331.67

METAL/NONMETALAnnual burden hours to notify miners of need for further testing

225 mines (SM) x 0.1 hours (supv.)	=	22.50 hours
1,260 miners x 0.08 hours (clerical)	=	100.80 hours
30 mines (LG) x 0.1 hours (supv.)	=	3.00 hours
2,250 miners x 0.08 hours (clerical)	=	<u>180.00 hours</u>
		306.30 hours

Annual burden costs to notify miners of need for further testing

22.50 hours (SM) x \$45.73 (supv.) wage rate	=	\$	1,028.92
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		Public Comment Version
100.80 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 2,131.92
3.00 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 137.19
180.00 hours (LG) x \$21.15 (clerical) wage rate	=	\$ <u>3,807.00</u>
		\$ 7,105.03

Section 62.175(b) requires the operator to report to MSHA a work related/or aggravated hearing loss by occupational noise exposure of 25 dB or greater in accordance with part 50. The burden for reporting a hearing loss of 25 dB or greater would be included in the Part 50 paperwork burden hour estimates (1219-0007). The Agency does not expect a significant increase in the existing burden hours.

Section 62.180(a) requires that within no more than 30 days of a miner's enrollment into a hearing conservation program, the mine operator must provide the miner with training. The training must include: the effects of noise on hearing; the purpose and value of wearing hearing protectors; the advantages and disadvantages of the hearing protectors offered; the care, fitting, and use of the hearing protector worn by the miner and the various types of hearing protectors offered by the operator; the mine operator's and miner's respective tasks in maintaining the noise controls; and the purpose and value of audiometric testing and a summary of the procedures.

In each mine, it will take a supervisor 0.35 hours to train affected miners. MSHA estimates that 970 small coal mines, 756 large coal mines, 7,869 small M/NM mines, and 1,427 large M/NM mines will be affected by this provision. MSHA further estimates that a supervisor can train all the miners in a small mine in one session, and all the miners in a large mine in three sessions.

COAL

Annual burden hours to train miners

970 mines (SM) x 0.35 hours (supv.) x 1 session	=	339.50 hours
756 mines (LG) x 0.35 hours (supv.) x 3 sessions	=	<u>793.80 hours</u>
		1,133.30 hours

Annual burden hour costs to train miners

339.50 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 20,074.64
793.80 hours (LG) x \$59.13 (supv.) wage rate	=	\$ <u>46,937.39</u>
		\$ 67,012.03

METAL/NONMETAL

Annual burden hours to train miners

7,869 mines (SM) x 0.35 hours (supv.) X 1 session	=	2,754.15 hours
1,427 mines (LG) x 0.35 hours (supv.) x 3 session	=	<u>1,498.35 hours</u>
		4,252.50 hours

Annual burden hour costs to train miners

2,754.15 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 125,947.27
1,498.35 hours (LG) x \$45.73 (supv.) wage rate	=	\$ <u>68,519.55</u>
		\$ 194,466.82

Section 62.180(b) requires mine operators to certify the date and type of training given each miner, and to maintain the miner's most recent certification for as long as the miner is enrolled in the HCP, and for at

least 6 months thereafter. The type of training may be initial noise training, annual retraining, or special retraining required for a miner as a result of an STS.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about preparing and filing a training certificate and .08 hours to certify the date and type of training. It will take a clerical worker 0.05 hours, per miner, to file the training certificate.

MSHA estimates that 9,700 miners working at 970 small coal mines, 56,700 miners working at 756 large coal mines, 39,345 miners working at 7,869 small M/NM mines, and 78,540 miners working at 1,428 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to prepare and file certificate

970 mines (SM) x 0.1 hours (supv.)	=	97.00 hours
9,700 miners x 0.05 hours (clerical)	=	485.00 hours
9,700 miners x 0.08 hours (clerical)	=	776.00 hours
756 mines (LG) x 0.1 hours (supv.)	=	75.60 hours
56,700 miners x 0.05 hours (clerical)	=	2,835.00 hours
56,700 miners x 0.08 hours (clerical)	=	<u>4,536.00 hours</u>
		8,804.60 hours

Annual burden costs to prepare and file certificate

97.00 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 5,735.61
485.00 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 10,689.40
776.00 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 17,103.04
75.60 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 4,470.23
2,835.00 hours (LG) x \$22.04 (clerical) wage rate	=	\$ 62,483.40
4,536.00 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>99,973.44</u>
		\$ 200,455.12

METAL/NONMETAL

Annual burden hours to prepare and file certificate

7,869 mines (SM) x 0.1 hours (supv.)	=	786.90 hours
39,345 miners x 0.05 hours (clerical)	=	1,967.25 hours
39,345 miners x 0.08 hours (clerical)	=	3,147.60 hours
1,428 mines (LG) x 0.1 hours (supv.)	=	142.80 hours
78,540 miners x 0.05 hours (clerical)	=	3,927.00 hours
78,540 miners x 0.08 hours (clerical)	=	<u>6,283.20 hours</u>
		16,254.75 hours

Annual burden costs to prepare and file certificate

786.90 hours (SM) x \$45.73 (supv.) wage rate	=	\$ 35,984.94
1,967.25 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 41,607.34
3,147.60 hours (SM) x \$21.15 (clerical) wage rate	=	\$ 66,571.74
142.80 hours (LG) x \$45.73 (supv.) wage rate	=	\$ 6,530.24

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3,927.00 hours (LG) x \$21.15(clerical)wage rate	=	\$ 83,056.05
6,283.20 hours (LG) x \$21.15(clerical)wage rate	=	\$ <u>132,889.68</u>
		\$ 366,639.99

Actual costs for photocopying are shown in number 13.

Section 62.190 Records. Operators are required to provide access to all records required under this part to the authorized representatives of the Secretaries of Labor and Health and Human Services. Upon written request, the mine operator must provide, within 15 calendar days, access to records to miners and the miner's designee, and training certifications and notices of exposure determinations to miners and their authorized representatives. The mine operator must also provide, to any former miner, records which indicate his or her own exposure.

Section 62.190(b) requires the operator to provide the first copy of a record to a person who has access, at no cost to that person, and additional copies requested by that person at reasonable cost.

In each mine, it will take a supervisor 0.1 hours to instruct a clerical worker about locating and photocopying miners' records. In addition it will take a clerical worker 0.15 hours to locate and photocopy each miner's records.

MSHA estimates that 403 miners working at 130 small coal mines, 3,872 miners working at 478 large coal mines, 10,775 miners working at 1,924 small M/NM mines, and 13,635 miners working at 185 large M/NM mines will be affected by this provision.

COAL

Annual burden hours to provide copy of files

130 mines (SM) x 0.1 hours (supv.)	=	13.00 hours
403 miners x 0.15 hours (clerical)	=	60.45 hours
478 mines (LG) x 0.1 hours (supv.)	=	47.80 hours
3,872 miners x 0.15 hours (clerical)	=	<u>580.80 hours</u>
		702.05 hours

Annual burden costs to provide copy of files

13.00 hours (SM) x \$59.13 (supv.) wage rate	=	\$ 768.69
60.45 hours (SM) x \$22.04 (clerical) wage rate	=	\$ 1,332.32
47.80 hours (LG) x \$59.13 (supv.) wage rate	=	\$ 2,826.41
580.80 hours (LG) x \$22.04 (clerical) wage rate	=	\$ <u>12,800.83</u>
		\$ 17,728.25

METAL/NONMETAL

Annual burden hours to provide copy of files

1,924 mines (SM) x 0.1 hours (supv.)	=	192.40 hours
10,775 miners x 0.15 hours (clerical)	=	1,616.25 hours
185 mines (LG) x 0.1 hours (supv.)	=	18.50 hours
13,635 miners x 0.15 hours (clerical)	=	<u>2,045.25 hours</u>
		3,872.40 hours

Annual burden costs to provide copy of files

192.40 hours (SM) x \$45.73 (supv.) wage rate	=	\$	8,798.45
1,616.25 hours (SM) x \$21.15 (clerical) wage rate	=	\$	34,183.69
18.50 hours (LG) x \$45.73 (supv.) wage rate	=	\$	846.01
2,045.25 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>43,257.04</u>
		\$	87,085.19

Actual costs for photocopying are shown in Item 13.

Section 62.190(c) Transfer of records requires the mine operator to transfer all records required to be maintained by this part to a successor operator whenever an operator ceases to do business.

In each mine, it will take a supervisor 0.1 hours to give instructions to a clerical worker about transferring records. In addition, a clerical worker will take 0.5 hours to compile the records at a small mine, and 1.0 hour to compile records at a large mine. MSHA estimates that 169 small coal mines, 72 large coal mines, 898 small M/NM mines, and 26 large M/NM mines will close annually.

COALAnnual burden hours to transfer records

169 mines (SM) x 0.1 hours (supv.)	=	16.90 hours
169 mines (SM) x 0.5 hours (clerical)	=	84.50 hours
72 mines (LG) x .1 hours (supv.)	=	7.20 hours
72 mines (LG) x 1.0 hour (clerical)	=	<u>72.00 hours</u>
		180.60 hours

Annual burden costs to transfer records

16.90 hours (SM) x \$59.13 (supv.) wage rate	=	\$	999.30
84.50 hours (SM) x \$22.04 (clerical) wage rate	=	\$	1,862.38
7.20 hours (LG) x \$59.13 (supv.) wage rate	=	\$	425.74
72.00 hours (LG) x \$22.04 (clerical) wage rate	=	\$	<u>1,586.88</u>
		\$	4,874.30

METAL/NONMETALAnnual burden hours to transfer records

898 mines (SM) x 0.1 hours (supv.)	=	89.80 hours
898 mines x 0.5 hours (clerical)	=	449.00 hours
26 mines (LG) x 0.1 hours (supv.)	=	2.60 hours
26 mines (LG) x 1.0 hours (clerical)	=	<u>26.00 hours</u>
		567.40 hours

Annual burden costs to transfer records

89.80 hours (SM) x \$45.73 (supv.) wage rate	=	\$	4,106.55
449.00 hours (SM) x \$21.15 (clerical) wage rate	=	\$	9,496.35
2.60 hours (LG) x \$45.73 (supv.) wage rate	=	\$	118.90
26.00 hours (LG) x \$21.15 (clerical) wage rate	=	\$	<u>549.90</u>
		\$	14,271.70

TOTAL BURDEN HOURS (ROUNDED)	=	107,600
TOTAL BURDEN COST (ROUNDED)	=	\$ 3,059,832

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.

Section 62.110(a) requires operators to establish a system of monitoring that evaluates each miner's noise exposure sufficiently to determine if such exposure exceeds the action level, permissible exposure level, dual hearing protection level, or ceiling level. To perform the dose determination mine operators will need to purchase or rent noise dosimeters. In addition, mine operators could also use contract services to monitor noise doses.

MSHA estimates that annual operating and maintenance costs related to the dosimeters will be 10% of equipment cost excluding calibration. The annual cost for calibration of equipment is \$170.00 for small mines and \$340.00 for large mines. Small mines will require one dosimeter and large mines will require two. The cost for a dosimeter is \$1,300. There are 678 small coal mines, 504 large coal mines, 6,319 small M/NM mines, and 1,072 large M/NM mines affected by this provision.

Annual Operating and Maintenance Costs for Coal Mines

678 mines (SM) X \$1,300 X 10% + (678 mine X \$170.00)	=	\$ 203,400.00
504 mines (LG) X \$1,300 X 2 X 10% + (504 mines X \$340)	=	\$ 302,400.00
		\$ 505,800.00

Annual Operating and Maintenance Costs for M/NM Mines

6,319 mines (SM) X \$1,300 X 10% + (6,319 mines x \$170.00)	=		\$ 1,895,700.00
1,072 mines (LG) X \$1,300 X 2 X 10% + (1,072 mines x \$340)	=		\$ <u>643,200.00</u>
			\$ 2,538,900.00

Total Annual Operating and Maintenance Costs = \$ 3,044,700.00

Section 62.110(c) requires mine operators to provide affected miners and their representatives with an opportunity to observe noise exposure monitoring required by this section and to give prior notice of the date and time of intended exposure monitoring to the affected miners and their representatives. Mine operators can choose to give oral notification, distribute a written notice to each miner to be monitored, or post a notice.

Written Notification

It costs \$0.30 per copy to provide 3,375 miners in small coal mines, 15,246 miners in large coal mines, 21,382 miners in small M/NM mines, and 27,648 miners in large M/NM mines with written notification of when noise monitoring will occur.

Annual Costs for Coal Mines

3,375 miners (SM) X \$0.30	=		\$ 1,012.50
15,246 miners (LG) X \$0.30	=		\$ <u>4,573.80</u>
			\$ 5,586.30

Annual Costs for M/NM Mines

21,382 miners (SM) X \$0.30	=		\$ 6,414.60
27,648 miners (LG) X \$0.30	=		\$ <u>8,294.40</u>
			\$ 14,709.00

TOTAL COSTS FOR WRITTEN NOTIFICATION = \$ 20,295.30

Posting Notification

It costs \$0.30 to copy a notice to post. Three copies will have to be posted in a small mine and six copies in a large mine to provide miners with notification of monitoring. There are 302 small coal mines, 512 large coal mines, 4,608 small M/NM mines and 624 large M/NM mines affected by this provision.

Annual Costs for Coal Mines

302 mines (SM) X \$0.30 X 3 copies	=		\$ 271.80
512 mines (LG) X \$0.30 X 6 copies	=		\$ <u>921.60</u>
			\$ 1,193.40

Annual Costs for M/NM Mines

4,608 mines (LG) X \$0.30 X 3 copies	=		\$ 4,147.20
624 mines (LG) X \$0.30 X 6 copies	=		\$ <u>1,123.20</u>
			\$ 5,270.40

TOTAL COSTS FOR POSTING NOTIFICATION = \$ 6,463.80

Section 62.110(d) requires that whenever a miner's exposure equals or exceeds the action level, exceeds the permissible exposure level, or exceeds the dual hearing protection level, and the miner has not received notification of exposure at such level within the prior 12 months, the operator must notify the miner in writing within 15 calendar days of: (1) the exposure determination; and (2) the corrective action being taken. The mine operator is required to use an exposure evaluation conducted either by the mine operator or by an authorized representative of the Secretary of Labor as a basis for the notification. It is estimated that the cost for photocopying the notification letter is \$0.30. The final rule required mine operators to notify all affected miners, therefore photocopying is needed for each miner. There are 9,000 miners in small coal mines, 44,044 miners in large coal mines, 47,041 miners in small M/NM mines and 115,431 miners in large M/NM mines affected by this provision.

Annual Costs for Coal Mines

9,000 miners (SM) X \$0.30	=	\$	2,700.00
44,044 miners (LG) X \$0.30	=	\$	<u>13,213.20</u>
		\$	15,913.20

Annual Costs for M/NM Mines

47,041 miners (SM) X \$0.30	=	\$	14,112.30
115,431 miners (LG) X \$0.30	=	\$	<u>34,629.30</u>
		\$	48,741.60

TOTAL COSTS FOR NOTIFICATION	=	\$	64,654.80
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Section 62.130 states that no miner shall be exposed during any work shift to noise that exceeds a TWA_s of 90 dBA permissible exposure level (PEL), or equivalently a dose of 100% of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA. If during any work shift a miner's noise exposure exceeds the PEL, the mine operator is required to use all feasible engineering and administrative controls to reduce the miner's noise exposure to the PEL, and enroll the miners in a hearing conservation program. When administrative controls are used to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miners.

Administrative Controls

The final rule requires mine operators to supply a copy, at \$0.30 per copy, of the written administrative control procedures to each of the 483 affected miners in small coal mines, 6,946 affected miners in large coal mines, 599 affected miners in small M/NM mines and 15,725 in large M/NM mines.

Annual Costs for Coal Mines

483 miners(SM) X \$0.30	=	\$	144.90
6,946 miners (LG) X \$0.30	=	\$	<u>2,083.80</u>
		\$	2,228.70

Annual Costs for M/NM Mines

599 miners (SM) X \$0.30	=	\$	179.70
15,725 miners (LG) X \$0.30	=	\$	<u>4,717.50</u>
		\$	4,897.20

TOTAL COSTS FOR ADMINISTRATIVE CONTROLS	=	\$	7,125.90
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Section 62.170(a)(1) states that the audiometric testing which results in a valid baseline audiogram must be offered within 6 months of enrolling a miner in a hearing conservation program. Where mobile test vans are used to meet the audiometric test requirements, the operator must offer and provide audiometric testing within 12 months of enrolling a miner in an HCP. Audiograms are required to be performed annually as long as the miner is enrolled in an HCP.

It costs the mine operator \$35 per miner, to have an audiometric test done by a third party. MSHA estimates 15% of the miners will be retested annually. The annual number of miners affected will be 1,462 from small coal mines, 7,115 from large coal mines, 5,880 from small M/NM mines and 9,850 from large M/NM mines.

Annual Costs for Coal Mines

1,462 miners (SM) X \$35	=	\$	51,170.00
7,115 miners (LG) X \$35	=	\$	<u>249,025.00</u>
		\$	300,195.00

Annual Costs for M/NM Mines

5,880 miners (SM) X \$35	=	\$	205,800.00
9,850 miners (LG) X \$35	=	\$	<u>344,750.00</u>
		\$	550,550.00

TOTAL ANNUAL COSTS	=	\$	850,745.00
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Section 62.170(b) states that after the baseline audiogram is established, the mine operator must continue to offer subsequent audiometric tests at intervals not exceeding 12 months for as long as the miner remains in the hearing conservation program.

It will cost a mine operator \$0.30 to photocopy the notice. MSHA estimates that 8,728 miners working at 970 small coal mines, 49,140 miners working at 756 large coal mines, 40,862 miners working at 7,858 small M/NM mines, and 77,344 miners working at 1,427 large M/NM mines will be affected by this provision. (The paperwork burden and cost of §62.170(a), concerning a baseline audiogram, are captured in the paperwork burden and cost for §62.170(b).)

Annual Costs for Coal Mines

8,728 miners (SM) X \$0.30	=	\$	2,618.40
49,140 miners (LG) X \$0.30	=	\$	<u>14,742.00</u>
		\$	17,360.40

Annual Costs for M/NM Mines

40,862 miners (SM) X \$0.30	=	\$	12,258.60
77,344 miners (LG) X \$0.30	=	\$	<u>23,203.20</u>
		\$	35,461.80

TOTAL ANNUAL COSTS	=	\$	52,822.20
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Section 62.171 (b) requires operators to compile an audiometric test record including: 1) name and job classification of the miner who has undergone the audiometric test; 2) a copy of all of the miner's audiograms required under this part; 3) evidence that the audiograms were conducted in accordance with

paragraph (a) of this section; 4) any exposure determination for the miner; and 5) the results of any follow-up examination.

It costs the mine operator \$0.30 to photocopy an audiometric test record for each miner.

MSHA estimates that records will be established for 1,463 small coal miners, 7,877 large coal miners, 6,522 small M/NM miners and 10,714 large M/NM miners.

Annual Costs for Coal Mines

1,463 miners (SM) X \$0.30	=	\$	438.90
7,877 miners (LG) X \$0.30	=	\$	<u>2,361.10</u>
		\$	2,800.00

Annual Costs for M/NM Mines

6,522 miners (SM) X \$0.30	=	\$	1,956.60
10,714 miners (LG) X \$0.30	=	\$	<u>3,214.20</u>
		\$	5,170.80

TOTAL ANNUAL COSTS	=	\$	7,970.80
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Section 62.172(a)(1) states that audiograms must be evaluated by a physician, an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist. This section requires the operator to inform persons evaluating audiograms of the requirements of this part and to provide them with a copy of the miner's audiometric test records.

It costs \$0.30 per miner for photocopying audiometric test records. In addition, MSHA estimates that it will cost approximately \$6 for a small mine and \$11 for a large mine to mail miners' records to physicians, audiologists, or qualified technicians.

MSHA estimates that approximately 1,426 miners in 324 small coal mines, 6,633 miners in 402 large coal mines, 7,854 miners in 770 small M/NM mines, and 12,995 miners in 358 large M/NM mines will be taking annual audiogram retests.

Annual Costs for Coal Mines

1,426 miners X \$0.30 + (324 mines (SM) X \$6)	=	\$	2,371.80
6,633 miners X \$0.30 + (402 mines (LG) X \$11)	=	\$	<u>6,411.90</u>
		\$	8,783.70

Annual Costs for M/NM Mines

7,854 miners X \$0.30 + (770 mines (SM) X \$6)	=	\$	6,976.20
12,995 miners X \$0.30 + (358 mines (LG) X \$11)	=	\$	<u>7,836.50</u>
		\$	14,812.70

TOTAL ANNUAL COSTS	=	\$	23,596.40
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Section 62.172(a)(3) requires the mine operator to instruct the physician, audiologist, or a qualified technician not to reveal to the mine operator any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing protectors without the written consent of the miner.

It will cost the mine operator \$0.30 to photocopy the written notice.

MSHA estimates that there will be 316 small coal mines, 214 large coal mines, 770 small M/NM mines, and 358 large M/NM mines affected annually.

Annual Costs for Coal Mines

316 mines (SM) X \$0.30	=	\$	94.80
214 mines (LG) X \$0.30	=	\$	<u>64.20</u>
		\$	159.00

Annual Costs for M/NM Mines

770 mines (SM) X \$0.30	=	\$	231.00
358 mines (LG) X \$0.30	=	\$	<u>107.40</u>
		\$	338.40

TOTAL ANNUAL COSTS	=	\$	493.40
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Section 62.172(b)(1) requires the mine operator to offer and provide an audiometric retest within 30 calendar days of receiving a determination that an audiogram is invalid, provided any medical pathology has improved to the point that a valid audiogram may be obtained.

MSHA estimates that it will cost \$60 for an audiometric retest. MSHA estimates that approximately 145 miners in small coal mines, 590 miners in large coal mines, 641 miners in small M/NM mines, and 1,109 miners in large M/NM mines will be taking audiogram retests.

Annual Costs for Coal Mines.

145 miners (SM) X \$60	=	\$	8,700.00
590 miners (LG) X \$60	=	\$	<u>35,400.00</u>
		\$	44,100.00

Annual Costs for M/NM Mines

641 miners (SM) X \$60	=	\$	36,460.00
1,109 miners (LG) X \$60	=	\$	<u>66,540.00</u>
		\$	103,000.00

TOTAL ANNUAL COSTS	=	\$	147,100.00
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Section 62.173(a) requires the operator to refer a miner for a clinical-audiological evaluation or an otological examination if a valid audiogram cannot be obtained due to a suspected medical pathology of the ear which the physician or audiologist believes was caused or aggravated by the miner's exposure to noise or the wearing of hearing protectors.

It will cost the mine operator \$0.30 to notify an affected miner. MSHA estimates there will be 9 miners in small coal mines, 37 miners in large coal mines, 64 miners in small M/NM mines, and 120 miners in large M/NM mines that will need a clinical audiological evaluation or otological examination.

Annual Costs for Coal Mines

9 miners (SM) X \$0.30	=	\$	2.70
37 miners (LG) X \$0.30	=	\$	<u>11.10</u>

Annual Costs for M/NM Mines

64 miners (SM) X \$0.30	=	\$	19.20
120 miners (LG) X \$0.30	=	\$	<u>36.00</u>
		\$	55.20

TOTAL ANNUAL COSTS = \$ **69.00**

Section 62.173(a) requires the operator to pay for the cost of the clinical audiological evaluation or otological examination. The cost associated with this type of testing is \$210 per miner. MSHA estimates there will be 9 miners in small coal mines, 37 miners in large coal mines, 64 miners in small M/NM miners, and 120 miners in large M/NM mines affected annually.

Annual Costs for Coal Mines

9 miners (SM) X \$210	=	\$	1,890.00
37 miners (LG) X \$210	=	\$	<u>7,770.00</u>
		\$	9,660.00

Annual Costs for M/NM Mines

64 miners (SM) X \$210	=	\$	13,440.00
120 miners (LG) X \$210	=	\$	<u>25,200.00</u>
		\$	38,640.00

TOTAL ANNUAL COSTS = \$ **48,300.00**

Section 62.173(c) requires the operator to instruct the physician, audiologist, or qualified technician not to reveal to the operator any specific findings or diagnoses unrelated to the miner's exposure to noise or the wearing of hearing protectors without the written consent of the miner.

It will cost the mine operator \$0.30 to photocopy the notice for each mine.

MSHA estimates that 240 small coal mines, 102 large coal mines, 11 small M/NM mines, and 2 large M/NM mines will be affected by this provision annually. (MSHA estimates that the mine operator will send one notice including instructions in both paragraphs (b) and (c)).

Annual Costs for Coal Mines

240 mines (SM) X \$0.30	=	\$	72.00
102 mines (LG) X \$0.30	=	\$	<u>30.60</u>
		\$	102.60

Annual Costs for M/NM Mines

11 mines (SM) X \$0.30	=	\$	3.30
2 mines (LG) X \$0.30	=	\$	<u>0.60</u>
		\$	3.90

TOTAL ANNUAL COSTS = \$ **106.50**

Section 62.174(a) requires that retraining be provided in accordance with 62.180. Section 62.180(b) requires the operator to certify the date and type of training given each miner and to retain the most recent certification for as long as the miner is enrolled in the hearing conservation program, and for at least six months thereafter.

The cost of photocopying associated with this task is estimated to be \$0.30 per miner.

MSHA estimates that 135 miners in small coal mines, 780 miners in large coal mines, 1,186 miners in small M/NM mines, and 2,108 miners in large M/NM mines will be affected by this provision annually.

Annual Costs for Coal Mines

135 miners (SM) X \$0.30	=	\$	40.50
780 miners (LG) X \$0.30	=	\$	<u>234.00</u>
		\$	274.50

Annual Costs for M/NM Mines

1,186 miners (SM) X \$0.30	=	\$	355.80
2,108 miners (LG) X \$0.30	=	\$	<u>632.40</u>
		\$	988.20

TOTAL ANNUAL COSTS	=	\$	1,262.70
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Section 62.175(a)(1) requires the mine operator, within 10 working days of receiving the results of an audiogram, to notify the miner of the results in writing.

It will cost mine operators \$0.30 to photocopy the notice for each miner.

MSHA estimates that there will be 1,339 miners in small coal mines, 6,971 miners in large coal mines, 13,898 miners in small M/NM mines, and 15,258 miners in large M/NM mines who need to be notified annually.

Annual Costs for Coal Mines

1,339 miners (SM) X \$0.30	=	\$	401.70
6,971 miners (LG) X \$0.30	=	\$	<u>2,091.30</u>
		\$	2,493.00

Annual Costs for M/NM Mines

13,898 miners (SM) X \$0.30	=	\$	4,169.40
15,258 miners (LG) X \$0.30	=	\$	<u>4,577.40</u>
		\$	8,746.80

TOTAL ANNUAL COSTS	=	\$	11,239.80
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Section 62.175(a)(1) requires the operator to notify the miner of the results and interpretation of a follow-up evaluation (otological examination).

It will cost the mine operator \$0.30 to photocopy the notice for each miner.

MSHA estimates that 9 miners in small coal mines, 37 miners in large coal mines, 64 miners in small M/NM mines, and 120 miners in large M/NM mines will be affected by this provision annually.

Annual Costs for Coal Mines

9 miners (SM) X \$0.30	=	\$	2.70
37 miners (LG) X \$0.30	=	\$	<u>11.10</u>
		\$	13.80

Annual Costs for M/NM Mines

64 miners (SM) X \$0.30	=	\$	19.20
120 miners (LG) X \$0.30	=	\$	<u>36.00</u>
		\$	55.20

TOTAL ANNUAL COSTS = \$ 69.00

Section 62.175(a)(2) requires operators to notify miners of the need and reasons for any further testing or evaluation, if applicable.

It will cost the mine operator \$0.30 to photocopy the notice for each miner.

MSHA estimates that there will be 138 miners in small coal mines, 694 miners in large coal mines, 1,251 miners in small M/NM mines, and 2,177 miners in large M/NM mines affected by this provision annually.

Annual Costs for Coal Mines

138 miners (SM) X \$0.30	=	\$	41.40
694 miners (LG) X \$0.30	=	\$	<u>208.20</u>
		\$	249.60

Annual Costs for M/NM Mines

1,251 miners (SM) X \$0.30	=	\$	375.30
2,177 miners (LG) X \$0.30	=	\$	<u>653.10</u>
		\$	1028.40

TOTAL ANNUAL COSTS = \$ 1,278.00

Section 62.180(a) requires that within no more than 30 days of a miner's enrollment into a hearing conservation program, the mine operator must provide the miner with training. The training must include: the effects of noise on hearing; the purpose and value of wearing hearing protectors; the advantages and disadvantages of the hearing protectors offered; the care, fitting, and use of the hearing protector worn by the miner and the various types of hearing protectors offered by the operator; the mine operator's and miner's respective tasks in maintaining the noise controls; and the purpose and value of audiometric testing and a summary of the procedures.

It will cost the mine operator \$0.30 to photocopy training certificates for each miner. There are 9,483 miners in small coal mines, 57,062 miners in large coal mines, 41,053 miners in small M/NM mines, and 88,473 miners in large M/NM mines that will be affected by this provision.

Annual Costs for Coal Mines

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			1219-0120
			Public Comment Version
9,483 miners (SM) X \$0.30	=	\$	2,844.90
57,062 miners (LG) X \$0.30	=	\$	<u>17,118.60</u>
		\$	19,963.50
<u>Annual Costs for M/NM Mines</u>			
41,053 miners (SM) X \$0.30	=	\$	12,315.90
88,473 miners (LG) X \$0.30	=	\$	<u>26,541.90</u>
		\$	38,857.80
TOTAL ANNUAL COSTS	=	\$	57,321.90

Section 62.190(b) requires the operator to provide the first copy of a record to a person who has access, at no cost to that person, and additional copies requested by that person at reasonable cost.

It will cost the mine operator \$0.30 to photocopy a record for each miner. MSHA estimates that there are 595 miners in small coal mines, 1,652 miners in large coal mines, 10,798 miners in small M/NM mines, and 13,599 miners in large M/NM mines that will be affected by this provision annually.

<u>Annual Costs for Coal Mines</u>			
595 miners (SM) X \$0.30	=	\$	178.50
1,652 miners (LG) X \$0.30	=	\$	<u>495.60</u>
		\$	674.10
<u>Annual Costs for M/NM Mines</u>			
10,798 miners (SM) X \$0.30	=	\$	3,239.40
13,599 miners (LG) X \$0.30	=	\$	<u>4,079.70</u>
		\$	7,319.10
TOTAL COSTS	=	\$	7,993.20
TOTAL COST (ROUNDED)	=	\$	4,355,111

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.

The monitoring of miners noise dose is just one aspect of the annual inspection. Complete inspections are required under Section 103(a) of the Mine Act and are required four times per year for underground mines and twice per year for surface operations. The average time required to finish a complete inspection for coal mines is 66.25 hours, and for metal and nonmetal mines is 17.9 hours. The average grade and salary of an inspector is GS 12/5, at \$29.44 per hour (base).

The recurring cost to the Federal Government each year is as follows: There are 1,125 small coal mines, 847 large coal mines, 10,691 small M/NM mines and 1,728 large M/NM mines. It is estimated that mine inspectors would monitor 4 miners at small metal and nonmetal underground mines; and 10 miners at large metal and nonmetal underground mines 4 times a year. Mine inspectors would monitor 4 miners at small metal and nonmetal surface mines; and 10 miners at large metal and nonmetal surface mines 2 times a year. Based on Agency experience, it is estimated that it would take the inspector 0.50 hours to put the dosimeter on the miner, take the dosimeter off, and to calibrate the instrument.

It is further estimated that mine inspectors would monitor 4 miners at small underground coal mines; and 10 miners at large underground coal mines 4 times a year. Mine inspectors would also monitor 4 miners at small surface coal mines; and 10 miners at large surface coal mines 2 times a year. The recurring/ongoing cost to the Federal Government is estimated as follows:

METAL/NONMETAL

4 miners (SM underground) X 4 X .50 X \$29.44	=	\$235.52
10 miners (LG underground) X 4 X .50 X \$29.44	=	\$588.80
4 miners (SM surface) X 2 X .50 X \$29.44	=	\$117.76
10 miners (LG surface) X 2 X .50 X \$29.44	=	<u>\$294.40</u>
		\$1,236.48

COAL

4 miners (SM underground) X 4 X .50 X \$29.44	=	\$235.52
10 miners (LG underground) X 4 X .50 X \$29.44	=	\$588.80
4 miners (SM surface) X 2 X .50 X \$29.44	=	\$117.76
10 miners (LG surface) X 2 X .50 X \$29.44	=	<u>\$294.40</u>
		\$1,236.48

TOTAL COSTS = **\$ 2,472.96**

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

Due to an increase in the number of mines and subsequently the number of miners, there is an increase in the number of respondents, responses, hours and costs as follows:

- Respondents:** Increase of 839 (from 13,552 to 14,391)
- Responses:** Increase of 26,238 (from 821,843 to 848,081)
- Hours:** Increase of 5,748 (from 101,852 to 107,600)
- Costs:** Increase of \$203,623 (from \$4,151,488 to \$4,355,111)

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.

The results of this information collection are not scheduled for publication.

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.

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

Federal Mine Safety & Health Act of 1977,

Public Law 91-173,
as amended by Public Law 95-
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An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 103.

(h) In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

TITLE I--GENERAL
MANDATORY SAFETY AND HEALTH STANDARDS

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

(6)(A) The Secretary, in promulgating mandatory standards dealing with toxic materials or harmful physical agents under this subsection, shall set standards which most adequately assure on the basis of the best available evidence that no miner will suffer material impairment of health or functional capacity even if such miner has regular exposure to the hazards dealt with by such standard for the period of his working life. Development of mandatory standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the mandatory health or safety standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(B) The Secretary of Health, Education, and Welfare, as soon as possible after the date of enactment of the Federal Mine Safety and Health Amendments Act of 1977 but in no event later than 18 months after such date and on a continuing basis thereafter, shall, for each toxic material or harmful physical agent which is used or found in a mine, determine whether such material or agent is potentially toxic at the concentrations in which it is used or found in a mine. The Secretary of Health, Education, and Welfare shall submit such determinations with respect to such toxic substances or harmful physical agents to the Secretary. Thereafter, the Secretary of Health, Education, and Welfare shall submit to the Secretary all pertinent criteria regarding any such substances determined to be toxic or any such harmful agents as such criteria are developed. Within 60 days after receiving any criteria in accordance with the preceding sentence relating to a toxic material or harmful physical agent which is not adequately covered by a mandatory health or safety standard promulgated under this section, the Secretary shall either appoint an advisory committee to make recommendations with respect to a mandatory health or safety standard covering such material or agent in accordance with paragraph (1), or publish a proposed rule promulgating such a mandatory health or safety standard in accordance with paragraph (2), or shall publish his determination not to do so.

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

PART 62_OCCUPATIONAL NOISE EXPOSURE--Table of Contents

Sec. 62.110 Noise exposure assessment.

(a) The mine operator must establish a system of monitoring that evaluates each miner's noise exposure sufficiently to determine continuing compliance with this part.

(b) The mine operator must determine a miner's noise dose (D, in percent) by using a noise dosimeter or by computing the formula:

$D=100(C_1/T_1+C_2/T_2+$

$+C_n/T_n)$, where C_n is the total time the miner is exposed at a specified sound level, and T_n is the reference duration of exposure at that sound level shown in Table 62-1.

(1) The mine operator must use Table 62-2 when converting from dose readings to equivalent TWA8 readings.

(2) A miner's noise dose determination must:

- (i) Be made without adjustment for the use of any hearing protector;
- (ii) Integrate all sound levels over the appropriate range;
- (iii) Reflect the miner's full work shift;
- (iv) Use a 90-dB criterion level and a 5-dB exchange rate; and
- (v) Use the A-weighting and slow response instrument settings.

(c) Observation of monitoring. The mine operator must provide affected miners and their representatives with an opportunity to observe noise exposure monitoring required by this section and must give prior notice of the date and time of intended exposure monitoring to affected miners and their representatives.

(d) Miner notification. The mine operator must notify a miner of his or her exposure when the miner's exposure is determined to equal or exceed the action level, exceed the permissible exposure level, or exceed the dual hearing protection level, provided the mine operator has not notified the miner of an exposure at such level within the prior 12 months. The mine operator must base the notification on an exposure evaluation conducted either by the mine operator or by an authorized representative of the Secretary of Labor. The mine operator must notify the miner in writing within 15 calendar days of:

(1) The exposure determination; and (2) the corrective action being taken.

(e) The mine operator must maintain a copy of any such miner notification, or a list on which the relevant information about that miner's notice is recorded, for the duration of the affected miner's exposure at or above the action level and for at least 6 months thereafter.

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Sec. 62.130 Permissible exposure level.

(a) The mine operator must assure that no miner is exposed during any work shift to noise that exceeds the permissible exposure level. If during any work shift a miner's noise exposure exceeds the permissible exposure level, the mine operator must use all feasible engineering and administrative controls to reduce the miner's noise exposure to the permissible exposure level, and enroll the miner in a hearing conservation program that complies with Sec. 62.150 of this part. When a mine operator uses administrative controls to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miner.

(b) If a miner's noise exposure continues to exceed the permissible exposure level despite the use of all feasible engineering and administrative controls, the mine operator must continue to use the engineering and administrative controls to reduce the miner's noise exposure to as low a level as is feasible.

(c) The mine operator must assure that no miner is exposed at any time to sound levels exceeding 115 dBA, as determined without adjustment for the use of any hearing protector.

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

PART 62_OCCUPATIONAL NOISE EXPOSURE--Table of Contents

Sec. 62.170 Audiometric testing.

The mine operator must provide audiometric tests to satisfy the requirements of this part at no cost to the miner. A physician or an audiologist, or a qualified technician under the direction or

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supervision of a physician or an audiologist must conduct the tests.

(a) Baseline audiogram. The mine operator must offer miners the opportunity for audiometric testing of the miner's hearing sensitivity for the purpose of establishing a valid baseline audiogram to compare with subsequent annual audiograms. The mine operator may use an existing audiogram of the miner's hearing sensitivity as the baseline audiogram if it meets the audiometric testing requirements of Sec. 62.171 of this part.

(1) The mine operator must offer and provide within 6 months of enrolling the miner in a hearing conservation program, audiometric testing which results in a valid baseline audiogram, or offer and provide the testing within 12 months where the operator uses mobile test vans to do the testing.

(2) The mine operator must notify the miner to avoid high levels of noise for at least 14 hours immediately preceding the baseline audiogram. The mine operator must not expose the miner to workplace noise for the 14-hour quiet period before conducting the audiometric testing to determine a baseline audiogram. The operator may substitute the use of hearing protectors for this quiet period.

(3) The mine operator must not establish a new baseline audiogram or a new revised baseline audiogram, where one has been established, due to changes in enrollment status in the hearing conservation program. The mine operator may establish a new baseline or revised baseline audiogram for a miner who is away from the mine for more than 6 consecutive months.

(b) Annual audiogram. After the baseline audiogram is established, the mine operator must continue to offer subsequent audiometric tests at intervals not exceeding 12 months for as long as the miner remains in the hearing conservation program.

(c) Revised baseline audiogram. An annual audiogram must be deemed to be a revised baseline audiogram when, in the judgment of the physician or audiologist:

(1) A standard threshold shift revealed by the audiogram is permanent; or (2) The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

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Sec. 62.171 Audiometric test procedures.

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(a) All audiometric testing under this part must be conducted in accordance with scientifically validated procedures. Audiometric tests must be pure tone, air conduction, hearing threshold examinations, with test frequencies including 500, 1000, 2000, 3000, 4000, and 6000 Hz. Each ear must be tested separately.

(b) The mine operator must compile an audiometric test record for each miner tested. The record must include:

- (1) Name and job classification of the miner tested;
- (2) A copy of all of the miner's audiograms conducted under this part;

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(3) Evidence that the audiograms were conducted in accordance with paragraph (a) of this section;

(4) Any exposure determination for the miner conducted in accordance with Sec. 62.110 of this part; and

(5) The results of follow-up examination(s), if any.

(c) The operator must maintain audiometric test records for the duration of the affected miner's employment, plus at least 6 months, and make the records available for inspection by an authorized representative of the Secretary of Labor.

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Sec. 62.172 Evaluation of audiograms.

(a) The mine operator must:

(1) Inform persons evaluating audiograms of the requirements of this part and provide those persons with a copy of the miner's audiometric test records;

(2) Have a physician or an audiologist, or a qualified technician who is under the direction or supervision of a physician or audiologist:

- (i) Determine if the audiogram is valid; and
- (ii) Determine if a standard threshold shift or a reportable hearing loss, as defined in this part, has occurred.

(3) Instruct the physician, audiologist, or qualified technician not to reveal to the mine operator, without the written consent of the miner, any specific findings or diagnoses unrelated to the miner's hearing loss due to occupational noise or the wearing of hearing

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protectors; and

(4) Obtain the results and the interpretation of the results of audiograms conducted under this part within 30 calendar days of conducting the audiogram.

(b)(1) The mine operator must provide an audiometric retest within 30 calendar days of receiving a determination that an audiogram is invalid, provided any medical pathology has improved to the point that a valid audiogram may be obtained.

(2) If an annual audiogram demonstrates that the miner has incurred a standard threshold shift or reportable hearing loss, the mine operator may provide one retest within 30 calendar days of receiving the results of the audiogram and may use the results of the retest as the annual audiogram.

(c) In determining whether a standard threshold shift or reportable hearing loss has occurred, allowance may be made for the contribution of aging (presbycusis) to the change in hearing level. The baseline, or the revised baseline as appropriate, and the annual audiograms used in making the determination should be adjusted according to the following procedure:

(1) Determine from Tables 62-3 or 62-4 the age correction values for the miner by:

(i) Finding the age at which the baseline audiogram or revised baseline audiogram, as appropriate, was taken, and recording the corresponding values of age corrections at 2000, 3000, and 4000 Hz;

(ii) Finding the age at which the most recent annual audiogram was obtained and recording the corresponding values of age corrections at 2000, 3000, and 4000 Hz; and

(iii) Subtracting the values determined in paragraph (c)(1)(i) of this section from the values determined in paragraph (c)(1)(ii) of this section. The differences calculated represent that portion of the change in hearing that may be due to aging.

(2) Subtract the values determined in paragraph (c)(1)(iii) of this section from the hearing threshold levels found in the annual audiogram to obtain the adjusted annual audiogram hearing threshold levels.

(3) Subtract the hearing threshold levels in the baseline audiogram or revised baseline audiogram from the adjusted annual audiogram hearing threshold levels determined in paragraph (c)(2) of this section to obtain the age-corrected threshold shifts.

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Sec. 62.173 Follow-up evaluation when an audiogram is invalid.

(a) If a valid audiogram cannot be obtained due to a suspected medical pathology of the ear that the physician or audiologist believes was caused or aggravated by the miner's occupational exposure to noise or the wearing of hearing protectors, the mine operator must refer the miner for a clinical-audiological evaluation or an

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otological examination, as appropriate, at no cost to the miner.

(b) If a valid audiogram cannot be obtained due to a suspected medical pathology of the ear that the physician or audiologist concludes is unrelated to the miner's occupational exposure to noise or the wearing of hearing protectors, the mine operator must instruct the physician or audiologist to inform the miner of the need for an otological examination.

(c) The mine operator must instruct the physician, audiologist, or qualified technician not to reveal to the mine operator, without the written consent of the miner, any specific findings or diagnoses unrelated to the miner's occupational exposure to noise or the wearing of hearing protectors.

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Sec. 62.174 Follow-up corrective measures when a standard threshold shift is detected.

The mine operator must, within 30 calendar days of receiving evidence or confirmation of a standard threshold shift, unless a physician or audiologist determines the standard threshold shift is neither work-related nor aggravated by occupational noise exposure:

(a) Retrain the miner, including the instruction required by Sec. 62.180 of this part;

(b) Provide the miner with the opportunity to select a hearing protector, or a different hearing protector if the miner has previously selected a hearing protector, from among those offered by the mine operator in accordance with Sec. 62.160 of this part; and

(c) Review the effectiveness of any engineering and administrative

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controls to identify and correct any deficiencies.

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Sec. 62.175 Notification of results; reporting requirements.

(a) The mine operator must, within 10 working days of receiving the results of an audiogram, or receiving the results of a follow-up evaluation required under Sec. 62.173 of this part, notify the miner in writing of:

(1) The results and interpretation of the audiometric test, including any finding of a standard threshold shift or reportable hearing loss; and

(2) The need and reasons for any further testing or evaluation, if applicable.

(b) When evaluation of the audiogram shows that a miner has incurred a reportable hearing loss as defined in this part, the mine operator must report such loss to MSHA as a noise-induced hearing loss in accordance with part 50 of this title, unless a physician or audiologist has determined that the loss is neither work-related nor aggravated by occupational noise exposure.

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Sec. 62.180 Training.

(a) The mine operator must, within 30 days of a miner's enrollment into a hearing conservation program, provide the miner with training. The mine operator must give training every 12 months thereafter if the miner's noise exposure continues to equal or exceed the action level. Training must include:

- (1) The effects of noise on hearing;
- (2) The purpose and value of wearing hearing protectors;
- (3) The advantages and disadvantages of the hearing protectors to be offered;
- (4) The various types of hearing protectors offered by the mine operator and the care, fitting, and use of each type;
- (5) The general requirements of this part;
- (6) The mine operator's and miner's respective tasks in maintaining mine noise controls; and
- (7) The purpose and value of audiometric testing and a summary of the procedures.

(b) The mine operator must certify the date and type of training given each miner, and maintain the miner's most recent certification for as long as the miner is enrolled in the hearing conservation program and for at least 6 months thereafter.

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Sec. 62.190 Records.

(a) The authorized representatives of the Secretaries of Labor and Health and Human Services must have access to all records required under this part. Upon written request, the mine operator must provide, within 15 calendar days of the request, access to records to:

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(1) The miner, or with the miner's written consent, the miner's designee, for all records that the mine operator must maintain for that individual miner under this part;

(2) Any representative of miners designated under part 40 of this title, to training certifications compiled under Sec. 62.180(b) of this
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part and to any notice of exposure determination under Sec. 62.110(d) of this part, for the miners whom he or she represents; and

(3) Any former miner, for records which indicate his or her own exposure.

(b) When a person with access to records under paragraphs (a)(1), (a)(2), or (a)(3) of this section requests a copy of a record, the mine operator must provide the first copy of such record at no cost to that person, and any additional copies requested by that person at reasonable cost.

(c) Transfer of records. (1) The mine operator must transfer all records required to be maintained by this part, or a copy thereof, to a successor mine operator who must maintain the records for the time period required by this part.

(2) The successor mine operator must use the baseline audiogram, or revised baseline audiogram, as appropriate, obtained by the original mine operator to determine the existence of a standard threshold shift or reportable hearing loss.

Appendix to Part 62

Table 62-1--Reference Duration

dBA	T (hours)
80.....	32.0
85.....	16.0
86.....	13.9
87.....	12.1
88.....	10.6
89.....	9.2
90.....	8.0
91.....	7.0
92.....	6.1
93.....	5.3
94.....	4.6
95.....	4.0
96.....	3.5
97.....	3.0
98.....	2.6
99.....	2.3
100.....	2.0
101.....	1.7
102.....	1.5
103.....	1.3
104.....	1.1
105.....	1.0
106.....	0.87
107.....	0.76
108.....	0.66
109.....	0.57
110.....	0.50
111.....	0.44
112.....	0.38
113.....	0.33
114.....	0.29
115.....	0.25

At no time shall any excursion exceed 115 dBA. For any value, the reference duration (T) in hours is computed by: $T = 8/2(L-90)/5$ where L is the measured A-weighted, slow-response sound pressure level.

Table 62-2--`Dose''TWA 8 Equivalent

Dose	TWA\8\ (percent)
25.....	80
29.....	81
33.....	82
38.....	83
44.....	84
50.....	85
57.....	86
66.....	87
76.....	88
87.....	89
100.....	90
115.....	91
132.....	92
152.....	93
174.....	94
200.....	95
230.....	96
264.....	97
303.....	98
350.....	99
400.....	100
460.....	101
530.....	102
610.....	103
700.....	104
800.....	105
920.....	106
1056.....	107
1213.....	108
1393.....	109
1600.....	110
1838.....	111
2111.....	112
2425.....	113
2786.....	114
3200.....	115

Interpolate between the values found in this Table, or extend the Table, by using the formula: $TWA8 = 16.61 \log_{10} (D/100) + 90$.

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Table 62-3--Age Correction Value in Decibels for Males (Selected Frequencies)

Age (years)	kHz		
	2	3	4
20 or less.....	3	4	5
21.....	3	4	5
22.....	3	4	5
23.....	3	4	6
24.....	3	5	6
25.....	3	5	7
26.....	4	5	7
27.....	4	6	7
28.....	4	6	8
29.....	4	6	8
30.....	4	6	9
31.....	4	7	9
32.....	5	7	10
33.....	5	7	10
34.....	5	8	11
35.....	5	8	11
36.....	5	9	12
37.....	6	9	12
38.....	6	9	13
39.....	6	10	14
40.....	6	10	14
41.....	6	10	14
42.....	7	11	16
43.....	7	12	16
44.....	7	12	17
45.....	7	13	18
46.....	8	13	19
47.....	8	14	19
48.....	8	14	20
49.....	9	15	21
50.....	9	16	22
51.....	9	16	23
52.....	10	17	24
53.....	10	18	25
54.....	10	18	26
55.....	11	19	27
56.....	11	20	28
57.....	11	21	29
58.....	12	22	31
59.....	12	22	32
60 or more.....	13	23	33

Table 62-4--Age Correction Value in Decibels for Females (Selected Frequencies)

Age (years)	kHz		
	2	3	4
20 or less.....	4	3	3
21.....	4	4	3

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22.....	4	4	4
23.....	5	4	4
24.....	5	4	4
25.....	5	4	4
26.....	5	5	4
27.....	5	5	5
28.....	5	5	5
29.....	5	5	5
30.....	6	5	5
31.....	6	6	5
32.....	6	6	6
33.....	6	6	6
34.....	6	6	6
35.....	6	7	7
36.....	7	7	7
37.....	7	7	7
38.....	7	7	7
39.....	7	8	8
40.....	7	8	8
41.....	8	8	8
42.....	8	9	9
43.....	8	9	9
44.....	8	9	9
45.....	8	10	10
46.....	9	10	10
47.....	9	10	11
48.....	9	11	11
49.....	9	11	11
50.....	10	11	12
51.....	10	11	12
52.....	10	12	13
53.....	10	13	13
54.....	11	13	14
55.....	11	14	14
56.....	11	14	15
57.....	11	15	15
58.....	12	15	16
59.....	12	16	16
60 or more.....	12	16	17

[64 FR 49630, Sept. 13, 1999, as amended at 65 FR 66929, Nov. 8, 2000]