

## SUPPORTING STATEMENT

PART 46 – TRAINING AND RETRAINING OF MINERS ENGAGED IN SHELL DREDGING OR EMPLOYED AT SAND, GRAVEL, SURFACE STONE, SURFACE CLAY, COLLOIDAL PHOSPHATE, OR SURFACE LIMESTONE MINES.

Sections 46.3, 46.5, 46.6, 46.7, 46.8, 46.9, and 46.11. Training plans; New miner training; Newly hired experienced miner training; New task training; Annual refresher training; Records of training; and Site-specific hazard awareness training.

### 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.**

This rule enforces MSHA's existing health and safety training requirements in 30 CFR part 46 for shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mines. MSHA's objective in these requirements is to ensure that all miners receive the required training, which would result in a decrease in accidents, injuries, and fatalities. This rule enforces training requirements at approximately 12,775 surface nonmetal mines and contractors employing 127,394 workers.

Section 46.3 Training plans. Paragraph (a) § 46.3 requires operators to develop and implement a written training plan approved by MSHA that contains effective programs for training new miners and experienced miners, training miners for new tasks, annual refresher training, and site specific hazard training.

Paragraph (b) requires the following information, at a minimum, to be included in a training plan:

- (1) The company name, mine name, and MSHA mine identification number;
- (2) The name and position of the person designated by the operator who is responsible for the health and safety training at the mine. This person may be the operator;
- (3) A general description of the teaching methods and the course materials that are to be used in providing the training, including the subject areas to be covered and the approximate time to be spent on each subject area;
- (4) A list of the persons who will provide the training, and the subject areas in which each person is competent to instruct; and
- (5) The evaluation procedures used to determine the effectiveness of training.

Paragraph (c) requires a training plan that does not include the minimum information specified in paragraph (b) must be submitted to and approved by MSHA.

Paragraph (d) requires operators to provide miners' representatives with a copy of the training plan. At

mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner.

Paragraph (e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to operators, or to the Regional Manager, as appropriate.

Paragraph (g) requires that the miners' representative be provided with a copy of the approved training plan within 1 week after approval. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner.

Paragraph (h) allows operators, miners, and miners' representatives to appeal a decision of the Regional Manager in writing to the Director for Educational Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal.

Paragraph (i) requires operators to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, mine operators must have the capability to provide the plan within 1 day upon request by MSHA, miners, or their representatives.

Section 46.5 New miner training. Paragraph (a) of § 46.5 requires operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe manner.

Section 46.6 Newly hired experienced miner training. Paragraph (a) of § 46.6 requires operators to provide each newly hired experienced miner with certain training before beginning work.

Section 46.7 New task training. Paragraph (a) of § 46.7 requires that before a miner performs a task for which he or she has no experience, the operator must train the miners in the safety and health aspects, and safe work procedures specific to that task. Paragraph (b) requires that if changes have occurred in a miner's regularly assigned task, the operator must provide the miner with training that addresses the changes.

Section 46.8 Annual refresher training. Paragraph (a) of § 46.8 requires that the operator provide each miner with no less than 8 hours of refresher training, at least every 12 months.

Section 46.9 Records of training. Paragraph (a) of § 46.9 requires operators to record and certify on MSHA Form 5000-23, or on a form that contains the required information, that the miner has completed the training required under part 46.

Section 46.11 Site-specific hazard awareness training. Paragraph (a) of § 46.11 requires operators to provide site-specific hazard training to any person who is exposed to mine hazards. This training is provided to any person who is not a miner, including: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers who do not work at the mine site on a continuing basis, or manufacturers' representatives; and outside vendors, visitors, office or staff personnel. The training is also provided to miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor.

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

The records allow operators to show that miners have received the required training. MSHA inspectors use the records to determine that training required by the regulations is being provided.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The training plans required by § 46.3 may include narratives, descriptions, lists and tables. The plans can be prepared using personal computers and word processing programs and submitted via e-mail or facsimile, and may be followed by a signed hard copy.

MSHA has developed and implemented an electronic on-line system (the MSHA Training Plan Advisor) for operators to prepare and submit training plans through the Internet. This system has been available for Part 46 mining operations since September 2000. This is an optional method for the mining industry to prepare and file required training plans. The design of this system increases the likelihood that the plan will be complete, along with the potential to decrease the paperwork burden. This system is maintained on Department of Labor servers, and is accessed through MSHA's Homepage at <http://www.msha.gov>, Forms and Online Filings.

Paragraph (a) of § 46.9 allows mine operators to record and certify training on MSHA Form 5000-23, or on a form that contains the required information. Form 5000-23 is the mandatory approved form under OMB collection 1219-0070, Certificate of Training (30 CFR 48.9 and 48.29). The burden for recording training under Part 46, whether on Form 5000-23 or a separate form, is shown here and kept separate from the requirement under Part 48 and 1219-0070.

The form 5000-23 and other sample records are accessible for downloading on the MSHA Homepage <http://www.msha.gov>, Forms and Online Filings.

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

No similar or duplicate information exists.

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

This information does not have a significant impact on small businesses or other small entities. MSHA has made available on our web-site various sources of information, such as "Technical Assistance," "Best Practices," and "Accident Prevention." 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 these information collection requirements are the minimum necessary to ensure that miners receive the required training. Reduction in these requirements may result in miners being subjected to unsafe conditions in the mine and, thus, jeopardizing their lives.

**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;**

Not applicable.

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

Not applicable.

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

Although there is no explicit requirement that a mine operator retain records for more than 3 years, the operator must maintain a current, approved training plan during the entire time the mine is in operation. This collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5.

- **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;**

Not applicable.

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

Not applicable.

- **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**

The Agency neither makes nor requires a pledge of confidentiality.

- **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 data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

MSHA has decided not to provide payments or gifts to respondents.

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

The records are covered by a Privacy Act notice published in the Federal Register. Training plans are part of MSHA's two Management Information Systems: (1) Labor/MSHA-3, Metal and Nonmetal Mine Safety and Health Management Information System, and (2) Labor/MSHA-18, Coal Mine Safety and Health Management Information System. Computerized and manual records are indexed by mine identification number. Computer safeguards are as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974." Manual records are stored in locked files and are accessible only to authorized personnel during working hours.

**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:**

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- ! **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.**

Although there are about 12,775 mines and contractors covered by this rule, many were in compliance prior to promulgation of the final rule and, therefore, do not incur a burden. As a result, the calculations below apply to a percentage of the total entities. MSHA estimates that 6,344 mines and contractors are affected by this information collection package. Also, in the following calculations, the numbers are based on estimates from MSHA technical personnel who manage the Agency's training program requirements. In question 12, mines refer to mine operators and contractors, unless otherwise indicated.

**Section 46.3(a) - develop training plans**

Paragraph (a) of § 46.3 requires mines to develop a training plan that contains effective programs. MSHA estimates that, of the 6,344 affected mines covered by this information collection package, 30% (or 1,903 mines) will develop or revise training plans annually. Of these 1,903 mines there are: 1,345 plans for mines employing 1 to 5 workers, 480 plans for mines employing 6 to 19 workers, and 78 plans for mines employing 20 or more workers. Of the number of training plans in each mine size category that will be developed or revised, we estimate that 50% will be done electronically (on-line plans).

MSHA estimates that a supervisor, earning \$45.63 per hour, takes 2 hours to develop or revise a plan for mines employing fewer than 20 persons, and 4 hours for mines employing 20 or more persons. MSHA further estimates that the time to develop or revise a plan will be reduced by 50% if done electronically.

Annual burden hours

Mines (1-5) (673 plans x 2 hours) + (672 electronic plans x 1 hour) =	2,018 hours
Mines (6-19) (240 plans x 2 hours) + (240 electronic plans x 1 hour) =	720 hours
Mines (≥20) (39 plans x 4 hours) + ( 39 electronic plans x 2 hours) =	<u>234 hours</u>
	2,972 hours

Annual burden costs

Mines (1-5) 2,018 hours x \$45.63 =	\$ 92,081
Mines (6-19) 720 hours x \$45.63 =	\$ 32,854
Mines (≥20) 234 hours x \$45.63 =	<u>\$ 10,677</u>
	\$135,612

**46.3(c) - provide plans to MSHA and notify miners or miners' representative**

Paragraph (c) requires a plan that does not include the minimum information specified in paragraph (b) to be submitted to MSHA for approval. On average, 350 mines submitted plans to MSHA annually. Approximately half of these (176) submitted plans by mail, while the remaining half submitted plans electronically. Of the 176 mines that submitted plans, 123 mines employ 1 to 5 workers; 44 mines employ 6 to 19 workers; and 9 mines employ 20 or more workers. MSHA estimates that a clerical worker, earning \$20.99 per hour, takes about 0.2 hours to copy and mail a training plan to the Agency and to notify miners or miners' representative.

Annual burden hours

Mines (1-5): 123 plans x 0.2 hours =	25 hours
Mines (6-19) 44 plans x 0.2 hours =	9 hours
Mines ( $\geq$ 20) 9 plans x 0.2 hours =	<u>2 hours</u>
	36 hours

Annual burden costs

Mines (1-5) 25 hours x \$20.99 =	\$525
Mines (6-19) 9 hours x \$20.99 =	\$189
Mines ( $\geq$ 20) 2 hours x \$20.99 =	<u>\$ 42</u>
	\$756

**46.3(d) - provide training plan to miners' representative or post plan**

Paragraph (d) requires operators to provide miners' representatives with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. The mines affected by this provision in each size category are: 1,345 mines that employ 1 to 5; 480 mines that employ 6 to 19 workers; and 78 mines that employ 20 or more workers. MSHA estimates that a clerical worker, earning \$20.99 per hour, takes 0.1 hours to photocopy the plan and either deliver or post the plan.

Annual burden hours

Mines (1-5) 1,345 plans x 0.1 hours =	135 hours
Mines (6-19) 480 plans x 0.1 hours =	48 hours
Mines ( $\geq$ 20) 78 plans x 0.1 hours =	<u>8 hours</u>
	191 hours

Annual burden costs

Mines (1-5) 135 hours x \$20.99 =	\$2,834
Mines (6-19) 48 hours x \$20.99 =	\$1,008
Mines ( $\geq$ 20) 8 hours x \$20.99 =	<u>\$ 168</u>
	\$4,010

**46.3(e) - miners or their representatives submission of written comments on training plan**

This provision is not borne by the mine operator, but by miners or miners' representatives. Paragraph (e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators, or to the Regional Manager, as appropriate.

Over the last 3 years, MSHA has not received any written comments. In order to recognize that this may occur in the future, MSHA estimates that we could receive one written comment for each size category. MSHA estimates that a miner or miners' representatives, earning \$19.81 per hour, would take 2 hours per affected mine to prepare written comments.

Annual burden hours

Mines (1-5) (1 mine x 2 hours)	= 2 hours
Mines (6-19) (1 mine x 2 hours)	= 2 hours
Mines ( $\geq 20$ ) (1 mine x 2 hours)	= <u>2 hours</u>
	= 6 hours

Annual burden costs

Mines (1-5) 2 hours x \$21.83 =	\$ 44
Mines (6-19) 2 hours x \$21.83 =	\$ 44
Mines ( $\geq 20$ ) 2 hours x \$21.83 =	<u>\$ 44</u>
	\$132

**46.3(g) - provide miners or representative with copy of approved training plan or post plan**

This provision requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within 1 week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner.

The mines affected by this provision in each size category are: 1,345 mines that employ 1 to 5 workers; 480 mines that employ 6 to 19 workers; and 78 mines that employ 20 or more workers. On average, a clerical worker, earning \$20.99 per hour, is estimated to take 0.1 hour to photocopy and either post or deliver the approved training plan.

Annual burden hours

Mines (1-5) 1,345 mines x 0.1 hours =	135 hours
Mines (6-19) 480 mines x 0.1 hours =	48 hours
Mines ( $\geq 20$ ) 78 mines x 0.1 hours =	<u>8 hours</u>
	191 hours

Annual burden costs

Mines (1-5) 135 hours x \$20.99 =	\$2,834
Mines (6-19) 48 hours x \$20.99 =	\$1,008
Mines ( $\geq 20$ ) 8 hours x \$20.99 =	<u>\$ 168</u>
	\$4,010

**46.3(h) - write an appeal**

Paragraph (h) allows mine operators, contractors, miners, and miners' representatives to appeal a decision of the Regional Manager in writing to MSHA's Director for Educational Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal.

Over the last 3 years, MSHA has not received any appeals. In order to recognize that this may occur in the future, MSHA estimates that we could receive one appeal for each size category. MSHA estimates

that a mine supervisor, earning \$45.63 per hour, would take 4 hours to write the appeal.

Annual burden hours

Mines (1-5) 1 appeal x 4 hours =	4 hours
Mines (6-19) 1 appeal x 4 hours =	4 hours
Mines ( $\geq$ 20) 1 appeal x 4 hours =	<u>4 hours</u>
	12 hours

Annual burden costs

Mines (1-5) 4 hours x \$45.63 =	\$183
Mines (6-19) 4 hours x \$45.63 =	\$183
Mines ( $\geq$ 20) 4 hours x \$45.63 =	<u>\$183</u>
	\$549

**46.3(i) - make plans available for inspection**

Paragraph (i) requires mine operators and contractors to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, operators must have the capability to provide the plan upon request to MSHA, miners, or their representatives.

The mines affected by this provision in each size category are: 1,345 mines that employ 1 to 5 workers; 480 mines that employ 6 to 19 workers; and 78 mines that employ 20 or more workers. MSHA estimates that a clerical worker, earning \$20.99 per hour, would take 0.1 hours to photocopy and file the training plan.

Annual burden hours

Mines (1-5) 1,345 mines x 0.1 hours =	135 hours
Mines (6-19) 480 mines x 0.1 hours =	48 hours
Mines ( $\geq$ 20) 78 mines x 0.1 hours =	<u>8 hours</u>
	191 hours

Annual burden costs

Mines (1-5) 135 hours x \$20.99 =	\$2,834
Mines (6-19) 48 hours x \$20.99 =	\$1,008
Mines ( $\geq$ 20) 8 hours x \$20.99 =	<u>\$ 168</u>
	\$4,010

**Section 46.5(a) New miner training - prepare for training**

Paragraph (a) of § 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe manner.

The mines affected by this provision in each size category are: 799 mines that employ 1 to 5 workers; 286 mines that employ 6 to 19 workers; and 57 mines that employ 20 or more workers. MSHA estimates that for each mine, a mine supervisor, earning \$45.63 per hour, would take 6 hours annually to prepare for the new miner training.

Annual burden hours

Mines (1-5) 799 mines x 6 hours =	4,794 hours
Mines (6-19) 286 mines x 6 hours =	1,716 hours
Mines (≥20) 57 mines x 6 hours =	<u>342 hours</u>
	6,852 hours

Annual burden costs

Mines (1-5) 4,794 hours x \$45.63 =	\$218,750
Mines (6-19) 1,716 hours x \$45.63 =	\$ 78,301
Mines (≥20) 342 hours x \$45.63 =	<u>\$ 15,605</u>
	\$312,656

**46.5(a) New miner training - continued - mine supervisor giving training**

Every new miner must receive 24 hours of new miner training. However, new miners are permitted to substitute equivalent training received by other federal or state agencies to meet part 46 requirements, where appropriate. On average, we estimate that 4 hours has been credited toward the part 46 new miner training requirement.

MSHA estimates, for each size category, that the average number of training sessions the mine supervisor would provide annually per mine are: 1 session for mines that employ 1 to 5 workers; 1 session for mines that employ 6 to 19 workers; and 3 sessions for mines that employ 20 or more workers. The mines affected, in each size category, are: 799 mines that employ 1 to 5 workers; 286 mines that employ 6 to 19 workers; and 57 mines that employ 20 or more workers.

Annual burden hours

Mines (1-5) 799 mines x 1 session x 20 hours =	15,980 hours
Mines (6-19) 286 mines x 1 session x 20 hours =	5,720 hours
Mines (≥20) 57 mines x 3 sessions x 20 hours =	<u>3,420 hours</u>
	25,120 hours

Annual burden costs

Mines (1-5) 15,980 hours x \$45.63 =	\$ 729,167
Mines (6-19) 5,720 hours x \$45.63 =	\$ 261,004
Mines (≥20) 3,420 hours x \$45.63 =	<u>\$ 156,055</u>
	\$1,146,226

**New miner training - continued - offsite training**

Additionally, the Agency estimates that part of new miner training would be provided off-site by a third party. Operators would pay the third party for providing this part of the new miner training; thus mine operators would incur burden costs but no burden hours. See question 13 for these costs.

**Section 46.6(a) Newly hired experienced miner training - prepare for training**

Paragraph (a) of § 46.6 requires operators to provide each newly hired experienced miner with certain training before the miner begins work. The mines affected by this provision in each size category are: 2,486 mines that employ 1 to 5 workers; 888 mines that employ 6 to 19 workers; and 178 mines that employ 20 or more workers. MSHA estimates that it takes a mine supervisor, earning \$45.63 per hour,

1 hour annually to prepare for the experienced miner training.

Annual burden hours

Mines (1-5)	2,486 mines x 1 hour =	2,486 hours
Mines (6-19)	888 mines x 1 hour =	888 hours
Mines ( $\geq$ 20)	178 mines x 1 hour =	<u>178 hours</u>
		3,552 hours

Annual burden costs

Mines (1-5)	2,486 hours x \$45.63 =	\$113,436
Mines (6-19)	888 hours x \$45.63 =	\$ 40,519
Mines ( $\geq$ 20)	178 hours x \$45.63 =	<u>\$ 8,122</u>
		\$162,077

**46.6(a) Newly hired experienced miner training - continued - mine supervisor giving training**

MSHA estimates, for each size category, that the average number of training sessions the mine supervisor would provide annually per mine are: 1 session for mines that employ 1 to 5 workers; 2 sessions for mines that employ 6 to 19 workers; and 4 sessions for mines that employ 20 or more workers. The mines affected by this provision in each size category are: 2,486 mines that employ 1 to 5 workers; 888 mines that employ 6 to 19 workers; and 178 mines that employ 20 or more workers. On average, each training session is estimated to last 4 hours.

Annual burden hours

Mines (1-5)	2,486 mines x 1 session x 4 hours =	9,944 hours
Mines (6-19)	888 mines x 2 sessions x 4 hours =	7,104 hours
Mines ( $\geq$ 20)	178 mines x 4 sessions x 4 hours =	<u>2,848 hours</u>
		19,896 hours

Annual burden costs

Mines (1-5)	9,944 hours x \$45.63 =	\$453,745
Mines (6-19)	7,104 hours x \$45.63 =	\$324,156
Mines ( $\geq$ 20)	2,848 hours x \$45.63 =	<u>\$129,954</u>
		\$907,855

**Section 46.7(a) New task training - prepare for training**

Section 46.7(a) requires that before performing a new task for which the miner has no experience, the operator must train the miner in the safety and health aspects and safe work procedures specific to that task. The mines affected by this provision in each size category are: 4,219 mines that employ 1 to 5 workers; 1,507 mines that employ 6 to 19 workers; and 301 mines that employ 20 or more workers. MSHA estimates that for each mine, a mine supervisor, earning \$45.63 per hour, would take 0.25 hours annually to prepare for the task training.

Annual burden hours

Mines (1-5)	4,219 mines x 0.25 hours =	1,055 hours
Mines (6-19)	1,507 mines x 0.25 hours =	377 hours
Mines ( $\geq$ 20)	301 mines x 0.25 hours =	<u>75 hours</u>
		1,507 hours

Annual burden costs

Mines (1-5)	1,055 hours x \$45.63 =	\$48,140
Mines (6-19)	377 hours x \$45.63 =	\$17,203
Mines (≥20)	75 hours x \$45.63 =	<u>\$ 3,422</u>
		\$68,765

**46.7(a) New task training - continued - mine supervisor giving training**

For each size category, the average number of training sessions that the mine supervisor will give annually per mine are: 5 sessions for mines that employ 1 to 5 workers; 10 sessions for mines that employ 6 to 19 workers; and 20 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 0.25 hours. The mines affected by this provision in each size category are: 4,219 mines that employ 1 to 5 workers; 1,507 mines that employ 6 to 19 workers; and 301 mines that employ 20 or more workers.

Annual burden hours

Mines (1-5)	4,219 mines x 5 sessions x 0.5 hours =	10,548 hours
Mines (6-19)	1,507 mines x 10 sessions x 0.5 hours =	7,535 hours
Mines (≥20)	301 mines x 20 sessions x 0.5 hours =	<u>3,010 hours</u>
		21,093 hours

Annual burden costs

Mines (1-5)	10,548 hours x \$45.63 =	\$481,305
Mines (6-19)	7,535 hours x \$45.63 =	\$343,822
Mines (≥20)	3,010 hours x \$45.63 =	<u>\$137,346</u>
		\$962,473

**Section 46.7(b) Regularly-assigned task training - prepare for training**

Section 46.7(b) requires that if changes have occurred in a miner's regularly assigned task, the operator must provide the miner with training that addresses the changes. The mines affected by this provision in each size category are: 4,219 mines that employ 1 to 5 workers; 1,507 mines that employ 6 to 19 workers; and 301 mines that employ 20 or more workers. For each mine, a mine supervisor, earning \$45.63 per hour, would take 0.1 hours annually to prepare for this task training.

Annual burden hours

Mines (1-5)	4,219 mines x 0.1 hours =	422 hours
Mines (6-19)	1,507 mines x 0.1 hours =	151 hours
Mines (≥20)	301 mines x 0.1 hours =	<u>30 hours</u>
		603 hours

Annual burden costs

Mines (1-5)	422 hours x \$45.63 =	\$19,256
Mines (6-19)	151 hours x \$45.63 =	\$ 6,890
Mines (≥20)	30 hours x \$45.63 =	<u>\$ 1,369</u>
		\$27,515

**46.7(b) Regularly-assigned task training - continued - mine supervisor giving training**

For each size category, the average number of training sessions that the mine supervisor will give annually per mine are: 5 sessions for mines that employ 1 to 5 workers; 10 sessions for mines that employ 6 to 19 workers; and 20 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 0.25 hours. The mines affected by this provision in each size category are: 4,219 mines that employ 1 to 5 workers; 1,507 mines that employ 6 to 19 workers; and 301 mines that employ 20 or more workers.

Annual burden hours

Mines (1-5) 4,219 mines x 5 sessions x 0.25 hours =	5,273 hours
Mines (6-19) 1,507 mines x 10 sessions x 0.25 hours =	3,768 hours
Mines (≥20) 301 mines x 20 sessions x 0.25 hours =	<u>1,505 hours</u>
	10,546 hours

Annual burden costs

Mines (1-5) 5,273 hours x \$45.63 =	\$240,607
Mines (6-19) 3,768 hours x \$45.63 =	\$171,934
Mines (≥20) 1,505 hours x \$45.63 =	<u>\$ 68,673</u>
	\$481,214

**Section 46.8(a) Annual refresher training - prepare for training**

Paragraph (a) of § 46.8 requires that the operator provide each miner with no less than 8 hours of refresher training, at least every 12 months. The mines affected by this provision in each size category are: 4,483 mines that employ 1 to 5 workers; 1,601 mines that employ 6 to 19 workers; and 260 mines that employ 20 or more workers. MSHA estimates that for each mine, a mine supervisor, earning \$45.63 per hour, would take 3 hours to prepare for the refresher training.

Annual burden hours

Mines (1-5) 4,483 mines x 3 hours =	13,449 hours
Mines (6-19) 1,601 mines x 3 hours =	4,803 hours
Mines (≥20) 260 mines x 3 hours =	<u>780 hours</u>
	19,032 hours

Annual burden costs

Mines (1-5) 13,449 hours x \$45.63 =	\$613,678
Mines (6-19) 4,803 hours x \$45.63 =	\$219,161
Mines (≥20) 780 hours x \$45.63 =	<u>\$ 35,591</u>
	\$868,430

**46.8(a) Annual refresher training - continued - mine supervisor giving training**

MSHA estimates, for each size category, that the average number of training sessions the mine supervisor would provide annually per mine are: 1 session for mines that employ 1 to 5 workers; 1 session for mines that employ 6 to 19 workers; and 2 sessions for mines that employ 20 or more workers. On average, each training session is estimated to last 8 hours. The mines affected by this provision in each size category are: 4,483 mines that employ 1 to 5 workers; 1,601 mines that employ 6 to 19 workers; and 260 mines that employ 20 or more workers.

Annual burden hours

Mines (1-5) 4,483 mines x 1 session x 8 hours =	35,864 hours
Mines (6-19) 1,601 mines x 1 session x 8 hours =	12,808 hours
Mines ( $\geq$ 20) 260 mines x 2 sessions x 8 hours =	<u>4,160 hours</u>
	52,832 hours

Annual burden costs

Mines (1-5) 35,864 hours x \$45.63 =	\$1,636,474
Mines (6-19) 12,808 hours x \$45.63 =	\$ 584,429
Mines ( $\geq$ 20) 4,160 hours x \$45.63 =	<u>\$ 189,821</u>
	\$2,410,724

**Section 46.11 Site-specific hazard awareness training - miner giving training**

Paragraph (a) of §46.11 requires operators to provide site-specific hazard training to any person who is not a “miner.” These persons include: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers who do not work at the mine site on a continuing basis, or manufacturers’ representatives; and outside vendors, visitors, office or staff personnel. This training is also for miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor. There is little or no preparation for this type of training because the miner giving the training is only explaining or showing potential mine hazards to the person(s) being trained.

MSHA estimates, for each size category, that the average number of training sessions the miner would provide annually per mine are: 50 sessions for mines that employ 1 to 5 workers; 100 sessions for mines that employ 6 to 19 workers; and 200 sessions for mines that employ 20 or more workers. On average, MSHA estimates that annually a miner, earning \$21.83 per hour, takes 0.15 hours per worker to provide hazard training. The mines affected by this provision in each size category are: 4,483 mines that employ 1 to 5 workers; 1,601 mines that employ 6 to 19 workers; and 260 mines that employ 20 or more workers.

Annual burden hours

Mines (1-5) 4,483 mines x 50 sessions x 0.15 hours =	33,623 hours
Mines (6-19) 1,601 mines x 100 sessions x 0.15 hours =	24,015 hours
Mines ( $>$ 20) 260 mines x 200 sessions x 0.15 hours =	<u>7,800 hours</u>
	65,438 hours

Annual burden costs

Mines (1-5) 33,623 hours x \$21.83 =	\$ 733,990
Mines (6-19) 24,015 hours x \$21.83 =	\$ 524,248
Mines ( $\geq$ 20) 7,800 hours x \$21.83 =	<u>\$ 170,274</u>
	\$1,428,512

**Section 46.9 Records of training**

Section 46.9 requires operators, upon completion of each training program, to record and certify on MSHA Form 5000-23, or on a form that contains the required information, that the miner has completed the training. For all records required to be kept in §§ 46.5, 46.6, 46.7, 46.8, and 46.11, MSHA estimates that, for each mine, a mine supervisor, earning \$45.63 per hour, takes 0.08 hours to record and certify training records for each session. In addition, it is estimated to take a clerical worker, earning \$20.99 per

hour, 0.05 hours to copy and distribute the certificates.

The numbers in the calculations below comes from the number of mines and sessions in each of the sections for training (§§ 46.5, 46.6, 46.7, 46.8, and 46.11) specified above in question 12.

Annual burden hours

Mines (1-5)

[(799 mines x 1 session for §46.5) + (2,486 mines x 1 session for §46.6)  
+ (4,219 mines x 5 sessions for §46.7(a)) + (4,219 mines x 5 sessions for §46.7(b))  
+ (4,483 mines x 1 session for §46.8) + (4,483 mines x 50 sessions for §46.11)]  
x 0.08 hours of supervisor time = 21,929 hours

[(799 mines x 1 session for §46.5) + (2,486 mines x 1 session for §46.6)  
+ (4,219 mines x 5 sessions for §46.7(a)) + (4,219 mines x 5 sessions for §46.7(b))  
+ (4,483 mines x 1 session for §46.8) + (4,483 mines x 50 sessions for §46.11)]  
x 0.05 hours of clerical time = 13,705 hours

Mines (6-19)

[(286 mines x 1 session for §46.5) + (888 mines x 2 sessions for §46.6)  
+ (1,507 mines x 10 sessions for §46.7(a)) + (1,507 mines x 10 sessions for §46.7(b))  
+ (1,601 mines x 1 session for §46.8) + (1,601 mines x 100 sessions for §46.11)]  
x 0.08 hours of supervisor time = 15,512 hours

[(286 mines x 1 session for §46.5) + (888 mines x 2 sessions for §46.6)  
+ (1,507 mines x 10 sessions for §46.7(a)) + (1,507 mines x 10 sessions for §46.7(b))  
+ (1,601 mines x 1 session for §46.8) + (1,601 mines x 100 sessions for §46.11)]  
x 0.05 hours of clerical time = 9,695 hours

Mines (20 or more)

[(57 mines x 3 sessions for §46.5) + (178 mines x 4 sessions for §46.6)  
+ (301 mines x 20 sessions for §46.7(a)) + (301 mines x 20 sessions for §46.7(b))  
+ (260 mines x 2 sessions for §46.8) + (260 mines x 200 sessions for §46.11)]  
x 0.08 hours of supervisor time = 3,155 hours

[(57 mines x 3 sessions for §46.5) + (178 mines x 4 sessions for §46.6)  
+ (301 mines x 20 sessions for §46.7(a)) + (301 mines x 20 sessions for §46.7(b))  
+ (260 mines x 2 sessions for §46.8) + (260 mines x 200 sessions for §46.11)]  
x 0.05 hours of clerical workers' time = 1,972 hours

Total §46.9 Burden Hours 65,968 hours

Annual burden Costs

Mines (1-5)	21,929 hours x \$45.63 (superv) =	\$1,000,620
Mines (1-5)	13,705 hours x \$20.99 (clerical) =	\$ 287,668
Mines (6-19)	15,512 hours x \$45.63 (superv) =	\$ 707,813
Mines (6-19)	9,695 hours x \$20.99 (clerical) =	\$ 203,498

Mines ( $\geq 20$ ) 3,155 hours x \$45.63 (superv) =	\$ 143,963
Mines ( $\geq 20$ ) 1,972 hours x \$20.99 (clerical) =	\$ <u>41,392</u>
 Total §46.9 Burden Costs	 \$2,384,954

**Summary of Question 12**

Section	Annual Responses	Annual Burden Hours	Annual Burden Costs
46.3(a)	1,903	2,972	\$135,612
46.3(c)	176	36	\$756
46.3(d)	1,903	191	\$4,010
46.3(e)	3	6	\$132
46.3(g)	1,903	191	\$4,010
46.3(h)	3	12	\$549
46.3(i)	1,903	191	\$4,010
46.5(a) prepare	1,142	6,852	\$312,656
46.5(a) train	1,256	25,120	\$1,146,226
46.6(a) prepare	3,552	3,552	\$162,077
46.6(a) train	4,974	19,896	\$907,855
46.7(a) Prepare	6,027	1,507	\$68,765
46.7(a). Train	6,027	21,093	\$962,473
46.7(b) Prepare	6,027	603	\$27,515
46.7(b) Train	42,185	10,546	\$481,214
46.8(a) Prepare	6,344	19,032	\$868,430
46.8(a) Train	6,604	52,832	\$2,410,724
46.11(a) Train	436,250	65,438	\$1,428,512
46.9 Records	507,454	65,968	\$2,384,954
<hr/>			
Total	1,035,636	296,038	\$11,310,480

**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.

Capital and Start-up Costs: N/A

Operating and Maintenance Costs:

**Section 46.3(c) - provide training plan to MSHA**

A plan that does not include the minimum information specified in § 46.3(b) must be submitted to and approved by MSHA. The plan must be sent to MSHA. Approximately, half of the 350 plans are submitted by mail. MSHA estimates that the mines affected in each size category are: 123 mines that employ 1 to 5 workers; 44 mines that employ 6 to 19 persons; and 9 mines that employ 20 or more workers. MSHA estimates that a plan is 6 pages, copy costs are \$0.15 per page, and postage is \$1.00.

Annual Costs

Mines (1-5)	123 training plans x ((6 pgs. x \$0.15) + \$1.00) =	\$234
Mines (6-19)	44 training plans x ((6 pgs. x \$0.15) + \$1.00) =	\$ 84
Mines (≥20)	9 training plans x ((6 pgs. x \$0.15) + \$1.00) =	<u>\$ 17</u>
		\$335

**46.3(d) - provide training plans to miners' representative or post plan**

The operator must provide the miners' representative with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy

must be provided to each miner. The mines affected by this provision are: 1,345 mines that employ 1 to 5 workers; 480 mines that employ 6 to 19 workers; and 78 mines that employ 20 or more workers. A plan is estimated to have 6 pages and copy costs are \$0.15 per page.

Annual Costs

Mines (1-5)	1,345 training plans x (6 pgs. x \$0.15) =	\$1,211
Mines (6-19)	480 training plans x (6 pgs. x \$0.15) =	\$ 432
Mines (≥20)	78 training plans x (6 pgs. x \$0.15) =	<u>\$ 70</u>
		\$1,713

**46.3(e) - miners or their representatives submission of written comments on plans**

Within 2 weeks following the receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to the operator, or to MSHA, and they may also ask that the plan be reviewed. Over the last 3 years, MSHA has not received any written comments. In order to recognize that this may occur in the future, MSHA estimates that we could receive one written comment for each size category. Postage costs to deliver written comments are estimated at \$1.00.

Annual Costs

Mines (1-5)	1 mine x \$1.00 =	\$1
Mines (6-19)	1 mine x \$1.00 =	\$1
Mines (≥20)	1 mine x \$1.00 =	<u>\$1</u>
		\$3

**46.3(g) - provide miners or representative with copy of approved training plan or post plan**

This provision requires the operator to provide the miners' representative, if any, with a copy of the approved training plan within 1 week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within 1 week of approval. MSHA estimates that the affected mines are: 1,345 mines that employ 1 to 5 workers; 480 mines that employ 6 to 19 workers; and 78 mines that employ 20 or more workers. On average, a plan is estimated to be 6 pages, copying costs are \$0.15 per page, and postage is \$1.00.

Annual Costs

Mines (1-5)	1,345 mines x (6 pgs. x \$0.15) + \$1.00) =	\$2,556
Mines (6-19)	480 mines x (6 pgs. x \$0.15) + \$1.00) =	\$ 912
Mines (≥20)	78 mines x (6 pgs. x \$0.15) + \$1.00) =	<u>\$ 148</u>
		\$3,616

**46.3(h) - write an appeal**

An operator may appeal an MSHA decision concerning an approved training plan. Over the last 3 years, MSHA has not received any appeals. In order to recognize that this may occur in the future, MSHA estimates that we could receive one appeal for each size category. The costs for postage to send in the written appeal are estimated to be \$1.00.

Annual Costs

Mines (1-5)	1 mine x \$1.00 =	\$1
Mines (6-19)	1 mine x \$1.00 =	\$1

Mines ( $\geq 20$ ) 1 mine x \$1.00 = \$1  
\$3

**46.3(i) - make available training plan for inspection**

The operator must make available a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. The mines affected by this provision for each employment size category are: 1,345 mines that employ 1 to 5 workers; 480 mines that employ 6 to 19 workers; and 78 mines that employ 20 or more persons. The copying costs are \$0.15 per page and 6 pages are copied.

Annual Costs

Mines (1-5) 1,345 mines x (6 pgs. x \$0.15) =	\$1,211
Mines (6-19) 480 mines x (6 pgs. x \$0.15) =	\$ 432
Mines ( $\geq 20$ ) 78 mines x (6 pgs. x \$0.15) =	<u>\$ 70</u>
	\$1,713

**Section 46.5 New miner training**

Part of new miner training for miners with no experience will be provided off the mine site by a third party. The operator will pay the third party for providing this part of the new miner training.

The number of miners receiving off-site training in each category are: 1,867 miners in mines that employ 1 to 5 workers; 667 miners in mines that employ 6 to 19 workers; and 133 miners in mines that employ 20 or more workers. MSHA estimates a \$50 training fee per miner.

Annual Costs for Third Party to Conduct New Miner Training

Mines (1-5) 1,867 miners x \$50 =	\$ 93,350
Mines (6-19) 667 miners x \$50 =	\$ 33,350
Mines ( $\geq 20$ ) 133 miners x \$50 =	<u>\$ 6,650</u>
	\$133,350

In addition, each miner will incur approximately \$35 for transportation to off site training, \$35 per diem for food, and 5% of the miners receiving off site training are estimated to require one overnight lodging at \$70 per night.

Annual Costs for Expenses Related to Third Party New Miner Training

Mines (1-5) (1,867 x (35 + 35)) + ((1,867 x .05) x 70) =	\$137,225
Mines (6-19) ( 667 x (35 + 35)) + (( 667 x .05) x 70) =	\$ 49,025
Mines ( $\geq 20$ ) ( 133 x (35 + 35)) + (( 133 x .05) x 70) =	<u>\$ 9,776</u>
	\$196,026

Total for §46.5 \$329,376

**Section 46.9 Recordkeeping**

Under each training provision (§§ 46.5, 46.6, 46.7, 46.8, and 46.11), a clerical person makes 2 copies for each training record. Copies are \$0.15 per page and the record is one page. The number of records affected by each mine size are listed below.

Annual Costs

Mines (1-5)

[(799 mines x 1 session for §46.5) + (2,486 mines x 1 session for §46.6)  
+ (4,219 mines x 5 sessions for §46.7(a)) + (4,219 mines x 5 sessions for §46.7(b))  
+ (4,483 mines x 1 session for §46.8) + (4,483 mines x 50 sessions for §46.11)]  
x \$0.15 x 1 page x 2 copies = \$82,232

Mines (6-19)

[(286 mines x 1 session for §46.5) + (888 mines x 2 sessions for §46.6)  
+ (1,507 mines x 10 sessions for §46.7(a)) + (1,507 mines x 10 sessions for §46.7(b))  
+ (1,601 mines x 1 session for §46.8) + (1,601 mines x 100 sessions for §46.11)]  
x \$0.15 x 1 page x 2 copies = \$58,171

Mines (≥20)

[(57 mines x 3 sessions for §46.5) + (178 mines x 4 sessions for §46.6)  
+ (301 mines x 20 sessions for §46.7(a)) + (301 mines x 20 sessions for §46.7(b))  
+ (260 mines x 2 sessions for §46.8) + (260 mines x 200 sessions for §46.11)]  
x \$0.15 x 1 page x 2 copies = \$11,833

Total of §46.9 \$152,236

Summation of Question 13 Costs

Section	Annual
46.3(c)	\$335
46.3(d)	\$1,713
46.3(e)	\$3
46.3(g)	\$3,616
46.3(h)	\$3
46.3(i)	\$1,713
46.5	\$329,376
46.9	\$152,236
Total Cost	\$488,995

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

MSHA training specialists review and approve any training plans submitted under the part 46 rule. On average, 350 plans were submitted annually. Of these, 244 operations employ 1 to 5 workers, 88 operations employ 6 to 19 workers, and 18 operations employ 20 or more workers. Also, MSHA estimates that a training specialist averages 2 hours for operations employing 1 to 5 workers, 2 hours for operations employing 6 to 19 workers, and 4 hours for operations employing 20 or more workers. For 2004, the average grade and salary of a training specialist is GS 12/5, at \$66,486 per annum or \$31.96 per

hour.

Mines (1-5):	244 plans x 2 hours x \$31.96 =	\$15,596
Mines (6-19):	88 plans x 2 hours x \$31.96 =	\$ 5,625
Mines (≥20):	18 plans x 4 hours x \$31.96 =	<u>\$ 2,301</u>
		\$23,522

Additionally, MSHA compliance specialists (inspectors) spend time at the mine site checking training records and plans. Of the number of affected mines: 4,441 operations employ 1 to 5 workers; 1,586 operations employ 6 to 19 workers; and 317 operations employ 20 or more workers. On average, MSHA estimates that the time an inspector spends annually per mine visit is 15 minutes (0.25 hour) at operations employing 1 to 5 workers, 30 minutes (0.5 hour) at operations employing 6 to 19 workers, and 1 hour at operations employing 20 or more workers. For 2004, the average grade and salary of an inspector is GS 12/1, at \$58,665 per annum or \$28.20 per hour.

Mines (1-5):	4,483 mines x 0.25 hour x \$28.20 =	\$31,605
Mines (6-19):	1,601 mines x 0.5 hour x \$28.20 =	\$22,574
Mines (≥20):	260 mines x 1 hour x \$28.29 =	<u>\$ 7,332</u>
		\$61,511

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

Please note that some of the methods in which Respondents, Responses, Hours, and Costs were calculated on the last report versus this report have changed, therefore, accounting for the major part of the differences are explained below.

**Respondents:** Although there are about 12,775 mines and contractors covered by this rule (an increase of 2,470 over the 10,305 reported last time), many were in compliance prior to promulgation of the final rule and, therefore, do not incur a burden. As a result, for this package, MSHA estimates are based on 6,344 respondents (mines and contractors) which are affected by this information collection package. The 6,344 is approximately 50% of 12,775 mines and contractors. The last package incorrectly reported the number of respondents as 10,305, even though the package stated that the burden hour calculations applied only to a percentage of these mines and contractors. In the burden hour calculations the number used was approximately 50% of the 10,305 which is 5,477 respondents. Thus, this package shows an increase of 867 respondents (6,344 - 5,477).

**Responses:** Total responses now are 1,035,636. The last package showed 167,340 responses. The major reason for the large increase in responses from the last package is that the number of responses for §46.11 (site-specific hazard training) and the records for §46.11 that appear in §46.9 (records) were determined incorrectly in that they did not factor in the number of workers per mine in their calculations.

**Hours:** Total hours are 296,038. The last package showed 263,274 hours. The reason for this difference is that we have estimated: more mines are performing annual refresher and site-specific training, and also there are more records issued for these types of training. Hours have increased even though we have also estimated that there are fewer mines: revising training plans; sending them to MSHA; and hiring new miners and conducting new miner training.

**Costs:** Total costs are \$488,995. The last package showed costs of \$520,683. This package shows a

decrease in the number of: mines and contractors that are estimated to revise training plans under §46.3; and new miners being trained by third parties under §46.5. At the same time, this package shows increase dollars for §46.9 (records) because the last package understated such costs because it did not correctly calculate them. The combined decrease amounts under §46.3 and §46.5 are slightly greater than the increased amount under §46.9, thus the reason for the slight decrease in dollars of \$31,688

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

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

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

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

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

There are no certification exceptions identified with this information collection.

## B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.
2. Describe the procedures for the collection of information including:
  - Statistical methodology for stratification and sample selection,
  - Estimation procedure,
  - Degree of accuracy needed for the purpose described in the justification,
  - Unusual problems requiring specialized sampling procedures, and
  - Any use of periodic (less frequent than annual) data collection cycles to reduce burden.
3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.
4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.
5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other persons(s) who will actually collect and/or analyze the information for the agency.

The collection of this information does not employ statistical methods.