

## SUPPORTING STATEMENT

The following mandatory safety standards address firefighting, emergency evacuation and training:

30 CFR 75.1100-3: Condition and examination of fire fighting equipment.

30 CFR 75.1103-8: Automatic fire sensor and warning device systems; inspection and test requirements.

30 CFR 75.1103-11: Tests of fire hydrants and fire hose; record of tests.

30 CFR subpart P, section 75.1501 - Emergency Evacuations

30 CFR subpart P, section 75.1502 - Mine Emergency Evacuation and Fire-fighting Program of Instruction

### 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.**

Section 311(a) of The Mine Act states each that coal mine shall be provided with suitable fire-fighting equipment adapted for the size and conditions of the mine.

30 CFR 75.1100-3, chemical fire extinguishers must be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher.

30 CFR 75.1103-8, a qualified person must examine the automatic fire sensor and warning device systems on a weekly basis, and must conduct a functional test of the complete system at least once a year. The mine operator is required to maintain the records of the annual functional tests, and a record card of the weekly examination must be kept at each belt drive.

30 CFR 75.1103-11, each fire hydrant and hose must be tested at least once a year, and the records of those tests shall be kept in an appropriate location.

30 CFR 75.1501(c) requires the mine operator to train all miners about the requirements of this section and the identity of the responsible person(s) designated by the operator for the work-shift. The operator also is required to instruct miners of any change in the identity of the responsible person before the start of their work-shift and any change during the shift.

30 CFR 75.1502 includes all mine emergencies created as a result of a fire, an explosion, or a gas or water inundation in the program of instruction. This section required revisions to existing fire-fighting and evacuations plans to address these emergencies, required training of miners regarding the mine

emergency evacuation fire-fighting plan, and requires that mine operators train miners in any revisions to the plan after its submission to MSHA for approval. NOTE: 30 CFR 75.1502 has been revised in an emergency temporary standard (ETS) that was issued on March 9, 2006 [Federal Register, v 71, n 46, pp 12252-12271]. MSHA is not taking the burden for this section in this ICR. This burden is covered under 1219-AB46.

**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.**

Fire suppression equipment tests are conducted on a regular basis to ensure that all equipment, i.e. §75.1100-3 (fire extinguishers); §75.1103-8 (sensor and warning devices); and §75.1100-3 (hydrants and their hoses), is in working order and ready for use. MSHA uses the programs, the fire drill and fire fighting equipment certifications to determine whether a mine operator has adequate procedures and equipment to protect miners in the event of a fire.

Notification of the responsible person under §75.1501(c) is necessary to inform the miners of the individual who is in charge of any emergency mine evacuation.

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

No improved information technology has been identified that would reduce the burden, however in order to comply with the Government Paperwork Elimination Act, miner operators may retain the records in whatever method they choose, which may include utilizing computer technology.

**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.**

Programs are individual and are specific according to the needs of each mine. If programs or records are required by States or other organizations, their application as a means of satisfying MSHA's requirements would be acceptable.

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

This information collection does not have a significant impact on a substantial number of small businesses or other small entities. However, MSHA makes available various sources of information to assist our stakeholders. Our web-site has various links such as Accident Prevention or Technical Support to name two. Searches can be conducted based on category, e.g. "fire" or mine type e.g. "coal" to find information on fire extinguishers, suppression systems, evacuations, and detection systems.

**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.**

Regular examinations of fire suppression equipment ensure that the equipment is operational and ready for use should a fire occur. Records of these examinations are necessary to ensure that this fire suppression equipment is adequately maintained and available for use in an emergency.

MSHA believes that the information collection requirements are the minimum necessary to ensure that miners understand who is in charge of an emergency mine evacuation. Reduction in these requirements may result in miners being subjected to unsafe conditions in the mine, thus jeopardizing their lives during a mine emergency.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* requiring respondents to report information to the agency more often than quarterly;**
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- \* requiring respondents to submit more than an original and two copies of any document;**
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- \* requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

While there is no specific retention requirement for fire suppression examination records, underground coal mine operators are required to have such records during the time their mines are actively operating. No records have to be maintained for over three years. This collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5, and does not contain any requirements for respondents to report more than quarterly.

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

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

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

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

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

MSHA has made a decision not to provide payments 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.**

There is no personal information requiring 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.**

Under 30 CFR 75.1100-3, chemical fire extinguishers shall be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher. MSHA records show that in 2006, there were approximately 886 mechanized mining units (MMU's) in operation, each requiring approximately 20 fire extinguishers. Based on data from the U.S. Coal Mine Salaries, Wages & Benefits – 2004 Survey Results, MSHA estimates that it takes a miner earning \$26.55 per hour, approximately 2 minutes (0.033 hour) to check each fire extinguisher and record the results on the tag.

Hour Burden:

$$35,440 \text{ (886 MMUs} \times 20 \text{ fire extinguishers/MMU} \times 2 \text{ exams/yr)} \\ \times 0.033 \text{ hour/exam} = 1,170 \text{ hours}$$

Hour Burden Cost:

$$1,170 \text{ hours} \times \$26.55 = \$ 31,064$$

Under 30 CFR 75.1103-8, automatic fire sensor and warning device systems must be inspected weekly, and a functional test of the complete system must be made annually. Records of the inspections and tests must be made by qualified persons and maintained by the mine operator. MSHA estimates that there are approximately 423 underground coal mines equipped with an average of 4 automatic fire sensor and warning device systems per mine (2/3 of 634 underground mines). MSHA estimates that it takes a mine supervisor, who is paid \$57.82 per hour, approximately 15 minutes (0.25 hours) to examine each system, and approximately 10 minutes (0.17 hour) to certify the weekly examination records.

Hour Burden:

(Weekly Examinations):

$$87,984 \text{ (423 mines} \times 4 \text{ systems/mine} \times 52 \text{ weekly} \\ \text{inspections)} \times 0.25 \text{ hour/inspection} = 21,996 \text{ hours}$$

(Weekly Certification):

$$87,984 \text{ (423 mines} \times 4 \text{ systems/mine} \times 52 \text{ weekly} \\ \text{certifications)} \times 0.17 \text{ hour/certification} = 14,957 \text{ hours}$$

Hour Burden Cost:

$$36,953 \text{ hours} \times \$57.82/\text{hour} = \$2,136,622$$

MSHA estimates that it takes a mine supervisor approximately 15 minutes to conduct the annual functional test of the automated fire sensor system.

Hour Burden (Annual Test):  
 $1,692 (423 \text{ mines} \times 4 \text{ systems/mine}) \times 0.25 \text{ hour/test} = 423 \text{ hours}$

Hour burden Cost:  
 $423 \text{ hours} \times \$57.82/\text{hour} = \$ 24,458$

Under 30 CFR 75.1103-11, each fire hydrant must be tested by opening, and each hose must also be tested. Both tests are to be conducted annually and a record made of each test. MSHA estimates that there are approximately 423 underground coal mines that have an average of 30 fire hydrants per mine, and that it would take a mine supervisor approximately 30 minutes (0.5 hour) to conduct the tests and make a record of the results.

Hour Burden:  
 $25,380 (423 \text{ mines} \times 30 \text{ hydrants/per mine} \times 2 \text{ tests}) \times 0.5 \text{ hour} = 12,690 \text{ hours}$

Hour Burden Cost:  
 $12,690 \text{ hours} \times \$57.82/\text{hour} = \$ 733,736$

§75.1501(c) Burden Hours and Costs for Operators to Notify Miners of Change in Identity of the responsible Person

At times throughout the year the person at the mine who is identified to be the responsible person will change. For purposes of this collection, we assume that the mine supervisor would notify miners of the change by writing the name of the new responsible person on a chalkboard. On average, MSHA estimates that it would take 0.004 hours (15 seconds) to write the change on the mine chalkboard. On average, MSHA estimates that annually changes per shift would occur: 25 times in mines employing fewer than 20 workers, and 100 times in mines employing 20 or more workers. On average, the number of shifts per mine is estimated to be: 1 shift at mines employing fewer than 20 workers, 2 shifts at mines employing 20 to 500 workers, and 3 shifts at mines employing more than 500 workers.

The following table shows underground coal operators' annual burden hours and related costs to notify miners of changes in the person identified to be the responsible person at the mine.

**§75.1501(c), Annual Burden Hours and Costs to Notify Miners of Change in responsible Person**

Mine Size by # of emps.	Total # of Mines	Annual # of changes per shift	# of shifts	# of responses	Time to make change in hrs.	Annual Burden hours	Superv. Wage Rate per hour	Annual Burden Costs
<20	237	25	1	5,925	0.004	24	\$57.82	\$1,388
20 - 500	390	100	2	78,000	0.004	312	\$57.82	\$18,040
>500	7	100	3	2,100	0.004	8	\$57.82	\$463
Total	634			86,025		344		\$19,891

30 CFR 75.1502 - Mine Emergency Evacuation and Fire-fighting Program of Instruction

This includes all mine emergencies created as a result of a fire, an explosion, or a gas or water inundation in the program of instruction. This section required revisions to existing fire-fighting and evacuations plans to address these emergencies, required training of miners regarding the mine emergency evacuation fire-fighting plan, and requires that mine operators train miners in any revisions to the plan after its submission to MSHA for approval. Since this has been revised in the Emergency Temporary Standard (ETS) that was issued on March 9, 2006 [Federal Register, v 71, n 46, pp 12252-12271], MSHA is not taking the burden for this section in this ICR. This burden is covered under 1219-AB46.

<b>TOTAL BURDEN HOURS:</b>	<b>=</b>	<b>51,580</b>
<b>TOTAL BURDEN COSTS:</b>	<b>=</b>	<b>\$2,925,880</b>

**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.**

There is no additional cost to respondents or record keepers associated with the burden hours provided in question 12.

**14. Provide estimates of annualized cost to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have**

**been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

There is no additional cost to the Federal government associated with the burden hours provided in question 12.

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

A decrease in the number of coal mines has resulted in a reduction in the number of responses, respondents and burden hours. The burden cost under §75.1502 has been transferred to the ETS, 1219-AB46 .

**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 from the information gathered from this collection will not be published.

**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 95-164**

**FIRE PROTECTION**

SEC. 311. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality, and quantity of such equipment, and the interpretations of the Secretary or the Director of the Bureau of Mines relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary. After every blasting operation, an examination shall be made to determine whether fires have been started.

Code of Federal Regulations]  
[Title 30, Volume 1]  
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TITLE 30--MINERAL RESOURCES

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

PART 75\_MANDATORY SAFETY STANDARDS\_UNDERGROUND COAL MINES--Table of  
Contents

Subpart L\_Fire Protection

Sec. 75.1100-3 Condition and examination of firefighting equipment.

All firefighting equipment shall be maintained in a usable and operative condition. Chemical extinguishers shall be examined every 6 months and the date of the examination shall be written on a permanent tag attached to the extinguisher.

[Code of Federal Regulations]  
[Title 30, Volume 1]  
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TITLE 30--MINERAL RESOURCES

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

PART 75\_MANDATORY SAFETY STANDARDS\_UNDERGROUND COAL MINES--Table of Contents

Subpart L\_Fire Protection

Sec. 75.1103-8 Automatic fire sensor and warning device systems; inspection and test requirements.

(a) Automatic fire sensor and warning device systems shall be inspected weekly, and a functional test of the complete system shall be made at least once annually. Inspection and maintenance of such systems shall be by a qualified person.

(b) A record of the annual functional test conducted in accordance with paragraph (a) of this section shall be maintained by the operator. A record card of the weekly inspection shall be kept at each belt drive.

[Code of Federal Regulations]  
[Title 30, Volume 1]  
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TITLE 30--MINERAL RESOURCES

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

PART 75\_MANDATORY SAFETY STANDARDS\_UNDERGROUND COAL MINES--Table of  
Contents

Subpart L\_Fire Protection

Sec. 75.1103-11 Tests of fire hydrants and fire hose; record of tests.

Each fire hydrant shall be tested by opening to insure that it is in operating condition, and each fire hose shall be tested, at intervals not exceeding 1 year. A record of these tests shall be maintained at an appropriate location.

[Code of Federal Regulations]  
[Title 30, Volume 1]  
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TITLE 30--MINERAL RESOURCES

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

PART 75 MANDATORY SAFETY STANDARDS UNDERGROUND COAL MINES--Table of Contents

Subpart P\_Mine Emergencies

Sec. 75.1501 Emergency evacuations.

(a) For each shift that miners work underground, there shall be in attendance a responsible person designated by the mine operator to take charge during mine emergencies involving a fire, explosion or gas or water inundations. The responsible person shall have current knowledge of the assigned location and expected movements of miners underground, the operation of the mine ventilation system, the location of the mine escapeways, the mine communications system, any mine monitoring system if used, and the mine emergency evacuation and firefighting program of instruction.

(b) The responsible person shall initiate and conduct an immediate mine evacuation when there is a mine emergency which presents an imminent danger to miners due to fire or explosion or gas or water inundation. Only properly trained and equipped persons

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essential to respond to the mine emergency may remain underground.

(c) The mine operator shall instruct all miners of the identity of the responsible person designated by the operator for their workshift. The mine operator shall instruct miners of any change in the identity of the responsible person before the start of their workshift.

(d) Nothing in this section shall be construed to restrict the ability of other persons in the mine to warn of an imminent danger which warrants evacuation.