

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW Washington, DC 20503.**

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-----------|---------------------------|------------|---|------------|---------------------------------|------------|--------------------------|----------|---------------|------------|------------------------------|--|-------------------|------------|---------------|--|--|---|------------|-----------------------------|----------|------------------------------------|------------|--------------------------|----------|---------------|------------|------------------------------|--|-------------------|------------|---------------|--|
| <p>1. Agency/Subagency originating request U. S. Department of Labor Mine Safety and Health Administration</p> | <p>2. OMB control number b. <input type="checkbox"/> None a. <u>1219</u> - _____</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input checked="" type="checkbox"/> New collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control</p> <p><i>For b-f, note Item A2 of Supporting Statement instructions</i></p> | <p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input checked="" type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>7. Title Requirements for the Approval of Flame-Resistant Conveyor Belts (30 CFR 14.4(c) and (d), 14.5, 14.7(d) and 14.8(d))</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>8. Agency form number(s) (<i>if applicable</i>) NONE</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>9. Keywords Mine safety; safety regulations</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>10. Abstract This proposed rule would provide specifications for approval of flame-resistant conveyor belts used extensively in underground coal mines. It also would require that mine operators, after one year, purchase only belts which have passed the new proposed flame test.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>11. Affected public (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. _____ Individuals or households d. _____ Farms</p> <p>b. <u>P</u> Business or other for-profit e. _____ Federal Government</p> <p>c. _____ Not-for-profit institutions f. _____ State, Local or Tribal Government</p> | <p>12. Obligation to respond (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <u>P</u> Required to obtain or retain benefits</p> <p>c. <input checked="" type="checkbox"/> Mandatory</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>13. Annual reporting and recordkeeping hour burden</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>a. Number of respondents</td><td style="text-align: right;"><u>10</u></td></tr> <tr><td>b. Total annual responses</td><td style="text-align: right;"><u>162</u></td></tr> <tr><td> 1. Percentage of these responses collected electronically</td><td style="text-align: right;"><u>0</u> %</td></tr> <tr><td>c. Total annual hours requested</td><td style="text-align: right;"><u>663</u></td></tr> <tr><td>d. Current OMB inventory</td><td style="text-align: right;"><u>0</u></td></tr> <tr><td>e. Difference</td><td style="text-align: right;"><u>663</u></td></tr> <tr><td>f. Explanation of difference</td><td></td></tr> <tr><td> 1. Program change</td><td style="text-align: right;"><u>663</u></td></tr> <tr><td> 2. Adjustment</td><td></td></tr> </table> | a. Number of respondents | <u>10</u> | b. Total annual responses | <u>162</u> | 1. Percentage of these responses collected electronically | <u>0</u> % | c. Total annual hours requested | <u>663</u> | d. Current OMB inventory | <u>0</u> | e. Difference | <u>663</u> | f. Explanation of difference | | 1. Program change | <u>663</u> | 2. Adjustment | | <p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>a. Total annualized capital/startup costs</td><td style="text-align: right;"><u>588</u></td></tr> <tr><td>b. Total annual costs (O&M)</td><td style="text-align: right;"><u>2</u></td></tr> <tr><td>c. Total annualized cost requested</td><td style="text-align: right;"><u>590</u></td></tr> <tr><td>d. Current OMB inventory</td><td style="text-align: right;"><u>0</u></td></tr> <tr><td>e. Difference</td><td style="text-align: right;"><u>590</u></td></tr> <tr><td>f. Explanation of difference</td><td></td></tr> <tr><td> 1. Program change</td><td style="text-align: right;"><u>590</u></td></tr> <tr><td> 2. Adjustment</td><td></td></tr> </table> | a. Total annualized capital/startup costs | <u>588</u> | b. Total annual costs (O&M) | <u>2</u> | c. Total annualized cost requested | <u>590</u> | d. Current OMB inventory | <u>0</u> | e. Difference | <u>590</u> | f. Explanation of difference | | 1. Program change | <u>590</u> | 2. Adjustment | |
| a. Number of respondents | <u>10</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. Total annual responses | <u>162</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Percentage of these responses collected electronically | <u>0</u> % | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Total annual hours requested | <u>663</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. Current OMB inventory | <u>0</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| e. Difference | <u>663</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| f. Explanation of difference | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Program change | <u>663</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Adjustment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a. Total annualized capital/startup costs | <u>588</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. Total annual costs (O&M) | <u>2</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Total annualized cost requested | <u>590</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. Current OMB inventory | <u>0</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| e. Difference | <u>590</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| f. Explanation of difference | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Program change | <u>590</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Adjustment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <u>P</u> Application for benefits e. _____ Program planning or management</p> <p>b. _____ Program evaluation f. _____ Research</p> <p>c. _____ General purpose statistics g. <u>X</u> Regulatory or compliance</p> <p>d. _____ Audit</p> | <p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input checked="" type="checkbox"/> Reporting</p> <p>1. <input checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p>4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p>7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>17. Statistical methods Does this information collection employ statistical methods?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>18. Agency contact (<i>person who can best answer questions regarding the content of this submission</i>)</p> <p>Name: <u>Geroge M. Fesak</u></p> <p>Phone: <u>(703)235-8378</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b) (3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b) (3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number.
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
 - (i) It uses effective and efficient statistical survey methodology; and
 - (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

George M. Fesak

12/08/1999

Signature of Senior Official or designee

Date

Jim Mills

12/14/99

SUPPORTING STATEMENT

Proposed Rule - 30 CFR Part 14.4(c)(d); 14.5, 4.7(d); 14.8(d);, and 30 CFR Part 75.1108 and 75.1108-1 - Requirements for the Approval of Flame-Resistant Conveyor Belts.

A. Justification

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

Under the Federal Mine Safety and Health Act of 1977 (Mine Act), the Mine Safety and Health Administration (MSHA) is required to approve certain products and equipment for use in underground coal mines. This approval indicates that MSHA's specifications and tests, designed to ensure that a product will not present a fire, explosion, or other specific safety hazard related to use, have been met. Section 311(h) of the Mine Act requires that all conveyor belts acquired for use underground meet the requirements established by the Secretary for flame-resistant conveyor belts. Section 508 authorizes the Secretary of Labor to issue regulations deemed appropriate to carry out any provision of the Mine Act. Conveyor belt systems are used extensively in underground mines to transport mined material. Because of the fire hazards in underground coal mines, MSHA safety standard 30 CFR 75.1108 requires the use of flame-resistant conveyor belts.

MSHA published a proposed rule (RIN 1219-AA65) in the Federal Register on December 24, 1992 (57 FR 61524). Note: The regulation for conveyor belts was removed from the regulatory agenda for a period of time. When the project was placed back on the agenda it was assigned RIN 1219-AA92.) The comment period was extended until March 26, 1993. On May 2, 1995 MSHA held a public hearing. The post-hearing comment period was closed on June 5, 1995. The Agency reopened the public record for comments on October 31, 1995 through February 5, 1996 (60 FR 65609).

The proposed rule would implement new procedures and requirements for the approval of flame-resistant conveyor belts used in underground coal mines. When requesting approval, the applicant would be required to submit certain product information and samples of belt for any required testing. See proposed sections 14.4(c) and (d) and 14.5. MSHA estimates that there would be 150 belt construction applications submitted for approval during the first year (120 would be for first-time approval and the remaining 30 would be for belts similar to already approved belts

or for extensions of approval); 100 during the second year (60 original approvals and 40 extensions); and 40 (20 original approvals and 20 extensions) during the third and each succeeding years.

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

The respondents for the paperwork provisions of this proposed rule would be conveyor belt manufacturers. Applications for belt approval would have to be submitted by manufacturers who desired to market their belts as approved for use in underground coal mines. Applications would consist of specifications describing the belt or proposed changes to the belt and formulation information about on the compounds in the conveyor belt. This information would be evaluated by MSHA technical experts to determine if the conveyor belt meets the requirements and an approval should be granted. The MSHA approval marking on a product indicates that the product meets the specified technical requirements. The information required under this proposed rule would be essentially the same information currently required by manufacturers seeking "acceptance" of conveyor belts under Part 18.

Any product not in compliance with these requirements may need to be traced and replaced or withdrawn from use if it presents a hazard to miners. Proposed Section 14.7(d) would require approval-holders to maintain records on the distribution of all conveyor belts bearing an approval marking. The proposed rule would not specify a set number of years for retention of records on the distribution of approved belts, or the type of record to be maintained. Instead, the proposed rule would require that records be retained for at least the projected service life of the belt, as determined by the applicant. This approach would recognize that the life of a belt varies depending on factors such as its physical characteristics, use as a main line or section belt, the type of material being transported and belt maintenance. MSHA assumes that most manufacturers will use existing record systems to fulfill this requirement, and therefore assigns no cost to maintaining these records.

Proposed section 14.8(d) would requires applicants granted approval to notify MSHA immediately when they become aware that approved belts may have been distributed that do not meet the requirements for flame resistance upon which the approval is based. It is important that MSHA be notified promptly in such circumstances so MSHA can work with the manufacturer on appropriate corrective action to protect miners from the hazards of fire which noncompliant conveyor belting could affect.

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 proposed rule would not specify how records required by proposed §14.7(d) must be kept. They could be kept in the traditional manner or stored electronically, provided they are secure and not susceptible to loss or alteration. MSHA encourages manufacturers who store records electronically to provide a mechanism which would allow the continued storage and retrieval of records in the year 2000 and beyond.

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

MSHA knows of no other Federal or State reporting requirements that would duplicate the reporting requirements contained in this proposed rule. Approvals are granted on individual conveyor belts and are unique to that belt. However proposed §14.4(a) would provide that the same information or documentation which has been submitted for a prior approval application would not have to be resubmitted with another application, but just noted in the application.

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

The provisions of the Mine Act and MSHA regulations and standards apply to all operations, both large and small, because accidents, injuries, and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations within its jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. (See Rep. No. 181, 95th Cong., 1st Sess. 28 (1977)). However, Congress did recognize that small operations may face problems in complying with some Mine Act provisions. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses when obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and different requirements for small and large mines exist when appropriate and consistent with ensuring the health and safety of miners. Similarly, MSHA approval regulations apply equally to all manufacturers regardless of size. Thus, all conveyor belt manufacturers would have to meet MSHA's requirements for flame resistance to be approved.

Under the proposal, a manufacturer would be permitted to apply for approval of a "family" of belts (i.e., belts that are identical in construction except in certain aspects, such as the number of plies). By allowing "families" of belts under one application, MSHA expects that the time required to process and test belts would be minimized.

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.

Because of the fire hazards in underground mines, conveyor belt manufacturers must submit an application to MSHA for approval of flame-resistant conveyor belts prior to their use underground. Further reduction of these requirements could result in the use of less safe conveyor belts which do not protect as well against the hazard of flame ignition and flame propagation, jeopardizing the safety of miners. Section 311 (h) of the Mine Act requires that all conveyor belts acquired for use underground meet the requirements established by the Secretary for flame-resistant conveyor belts.

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.

MSHA intends to continue its current practice of treating information on product specifications and performance as

proprietary information and would protect its disclosure to the fullest extent possible under the law, in accordance with the Freedom of Information Act (5 U.S.C. 522). Collection of information under this proposed rule is consistent with the guidelines in 5 CFR § 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 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.

These proposed rule information collection requirements will be published in the FEDERAL REGISTER in a notice reopening the record for the limited purpose of providing interested parties an opportunity to comment on an updated Preliminary Regulatory Impact Analysis (PRIA) and on this updated Paperwork Reduction Act (PRA) submission using the 1995 revised SF 83-I. The notice will advise the public that these proposed information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and give interested parties 60 days to submit comments. A copy of the notice to reopen the proposed rule for limited comment is attached to this document.

Informal comments were first sought by MSHA on the proposed test on January 19, 1989 at a public meeting held in Triadelphia, West Virginia [54 FR 1802].

On December 24, 1992, MSHA published a notice of proposed rulemaking [54 FR 61524]. On page 61524 of the notice, MSHA solicited comments regarding burden estimates and other aspects of the proposed collection of information, including suggestions for reducing this burden. On May 5, 1995 MSHA solicited comments at a public hearing held in Washington, Pennsylvania in which testimony was given by the mining community. The post-hearing comment period remained open until June 5, 1995. On October 31, 1995 MSHA reopened the record for an additional 45 days, again soliciting comments [60 FR 55353 and 60 FR 65609].

Comments to the proposed rule were received from all segments of the mining community, including conveyor belt manufacturers, mine

operators, trade associations, and representatives of miners. This updated paperwork submission was developed in response to comments on the proposed rule and proposed information collection requirements and OMB guidance regarding the paperwork burden hours.

With respect to the application fees in proposed §14.4(c), one manufacturer stated that it would require a minimum of 200 to 300 constructions tested the first year, thereby greatly increasing the amount MSHA has estimated. MSHA believes that "families" of constructions with nearly identical characteristics but for one feature (such as the number of plies), may be submitted together requiring only a single approval. Another commenter argued that in estimating the increased cost of conveyor belting to underground coal mine operators, MSHA forgot to include the labor costs for installation. Only additional costs incurred as a result of the proposed rule are properly attributable to the proposal. Identical labor costs exists for installation of belt passing the current flame-resistant test specified in 30 CFR 18.65.

With regard to proposed §14.7, a commenter suggested that distribution records be kept for a period of seven 7 years. Because it could become necessary to trace products presenting a hazard to miners for corrective action, it is necessary to have records of the belts as long as they are in use rather than for a fixed period of time. The proposed rule would require that distribution records be kept for the life of the belt.

The reopening notice advises the public that proposed information collection requirements have been submitted to OMB for review as required by the Paperwork Reduction Act of 1995.

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

No payments or gifts are provided to respondents by the proposed rule.

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

MSHA maintains manufacturers' applications, drawings and specifications in a restricted record storage area that is accessible only to those MSHA employees responsible for handling the records. This is a secured area in which proprietary information is safeguarded against violations of 18 U.S.C. 1905 and 5 U.S.C. 552(b)(4).

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.

MSHA estimates that there would be approximately 10 respondents made up of conveyor belt manufacturers under the proposed rule. The annual hour burden and the annual and annualized calculation of costs associated with that burden is detailed in the following sections.

HOUR BURDEN:

Preparation of Application: MSHA estimates that an application for approval would take a manufacturer 5 hours to prepare a first time (new) application and 2 hours for an extension of approval.

First year:

| | | |
|---------------------------------------|---|-----------|
| 120 first-time applications x 5 hours | = | 600 |
| 30 extensions x 2 hours | = | <u>60</u> |
| | | 660 |

Second year:

| | | |
|--------------------------------------|---|-----------|
| 60 first time applications x 5 hours | = | 300 |
| 40 extensions x 2 hours | = | <u>80</u> |
| | | 380 |

Third and each succeeding year:

| | | |
|--------------------------------------|---|-----------|
| 20 first time applications x 5 hours | = | 100 |
| 20 extensions x 2 hours | = | <u>40</u> |
| | | 140 |

Note: Under the proposed rule, the above applications would be filed under part 14, instead of part 18. Thus, there would be a decrease in part 18 burden hours which is discussed in the question 15 response.

MSHA Notification of Distribution: MSHA would have to be notified of the distribution of belts that do not meet approval specifications. It is estimated that 12 belts per year not meeting specifications would be distributed. MSHA estimates that it would take about 15 minutes (0.25 hours) for a professional person to notify MSHA.

Each year:

| | | |
|-----------------------|---|---|
| 12 belts x 0.25 hours | = | 3 |
|-----------------------|---|---|

| YEAR | TOTAL HOUR BURDEN |
|-----------------------|-------------------|
| 1 | 663 |
| 2 | 383 |
| 3 and each thereafter | 143 |

COST BURDEN

Preparation of Application: MSHA estimates that an application for approval would take a manufacturer 5 hours to prepare a first time application and 2 hours for an extension of approval. Labor costs would be \$43 per hour (an engineers salary). The costs to prepare an original application would be \$215 while the costs to prepare a request for a similar application or an extension of approval would be \$86. In addition, each application for approval that needs MSHA testing would require three 5-foot by 9-inch samples for testing at a material cost of \$100 and a shipping cost of \$35.

First year:

| | | |
|--|---|-----------------|
| 120 first-time applications x 5 hours x \$43 | = | \$25,800 |
| 30 extensions x 2 hours x \$43 | = | \$ 2,580 |
| 135 applications requiring testing x \$135 | = | <u>\$18,225</u> |
| | | \$46,605 |

Second year:

| | | |
|---|---|----------|
| 60 first time applications x 5 hours x \$43 | = | \$12,900 |
| 40 extensions x 2 hours x \$43 | = | \$ 3,440 |

80 applications requiring testing x \$135 = \$10,800
 \$27,140

Third and each succeeding year:

20 first time applications x 5 hours x \$43 = \$ 4,300
 20 extensions x 2 hours x \$43 = \$ 1,720
 30 applications requiring testing x \$135 = \$ 4,050
 \$10,070

MSHA Notification of Distribution: MSHA would have to be notified of the distribution of belts that do not meet approval specifications. It is estimated that 12 belts per year not meeting specifications would be distributed. MSHA estimates that it would take about 15 minutes (0.25 hours) for a professional person earning \$43 per hour to notify MSHA.

Each year:

12 belts x 0.25 x \$43 = \$129

| YEAR | TOTAL COST BURDEN |
|-----------------------|-------------------|
| 1 | \$46,734 |
| 2 | \$27,269 |
| 3 and each thereafter | \$10,199 |

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.

Research and Development: Research and development costs would be incurred by the manufacturers as they attempt to formulate constructions that would pass the proposed revised test. Based on comments submitted by conveyor belt manufacturers in response to the proposed rule, research and development costs could vary from no cost for belts that already pass the revised flame test to several thousands of dollars for belts that require only minor reformulations to pass the revised flame test to more than \$100,000 for belts that must undergo major reformulations to pass the proposed test. On average, MSHA estimates that there would be an initial \$50,000 cost per manufacturer to conduct the research and development to formulate a belt that would pass the proposed test and be commercially acceptable to the mining industry. This amount reflects the salaries and benefits to professional and technical personnel who will determine the new formulation, the raw materials to manufacture a sufficient sample for the manufacturer's own testing, and the costs, including labor, of producing that sample. It also includes the costs of formulating some belts that will be deemed unacceptable by the manufacturer.

After the first year, belt manufacturers are assumed to have become sufficiently familiar with the formulations that would be necessary to pass the proposed test. Several manufacturers have, in fact, already reformulated belts that can pass the proposed flame test. MSHA estimates there would be about 10 belt manufacturers who would submit approval applications under the proposed rule. The research and development costs are, therefore, estimated to be:

First year:

\$50,000 per applicant x 10 applicants = \$500,000

Testing and Evaluation: MSHA's testing and evaluation fees are \$59 per hour. MSHA's Approval and Certification Center estimates that the proposed conveyor belt flame test would take 3 hours, and the evaluation of the application documentation will take 4 hours at a cost of \$624 per application (\$59 per hour for testing and \$59 per hour for evaluation multiplied by a support factor of 1.895 for overhead costs). An application for extension of approval may not require testing but it would have to be evaluated; therefore, the cost of the evaluation would be \$335 (\$59 per hour x 1.895 support factor x 3 hours).

First year:

| | | |
|--|---|-----------------|
| 120 initial approval x \$624 | = | \$74,880 |
| 15 extensions x \$335 per evaluation + \$177 per testing | = | \$ 7,680 |
| 15 extensions for evaluation only x \$354 | = | <u>\$ 5,025</u> |
| TOTAL | | \$87,585 |

Second year:

| | | |
|--|---|-----------------|
| 60 initial approvals x \$624 | = | \$37,440 |
| 20 extensions x \$335 per evaluation + \$177 per testing | = | \$10,240 |
| 20 extension for evaluation only x \$335 | = | <u>\$ 6,700</u> |
| TOTAL | | \$54,380 |

Third year:

| | | |
|--|---|-----------------|
| 20 new applications x \$624 | = | \$12,480 |
| 10 extensions x \$335 per evaluation + \$177 per testing | = | \$ 5,120 |
| 10 extensions for evaluation only x \$335 | = | <u>\$ 3,350</u> |
| TOTAL | | \$20,950 |

Post-Approval Product Audit: Under the proposal, an approval-holder, at MSHA's request, would have to make three samples of an approved conveyor belt available for audit at no cost to MSHA no more than once per year. In addition, MSHA would require belts to be submitted to the Agency for cause at any time; submissions of belts for cause, however, would be expected to be infrequent. MSHA estimates that approximately 12 belts will be submitted for audit each year, starting with the second year (12 months after the issuance of the approval), consisting of 5 feet of belt divided into three 9-inch wide pieces at an estimated cost of \$20 per foot. The shipping cost per belt would be estimated to be \$35.

Second and each succeeding year

| | | |
|--|---|---------------|
| 12 audits x 5 feet x \$20 per foot | = | \$1,200 |
| 12 audits x 1 belt per audit x \$35 per belt | = | <u>\$ 420</u> |
| x \$35 per belt | = | \$1,620 |

| YEAR | TOTAL COST BURDEN (net of cost burden in Items 12 and 14) |
|-----------------------|--|
| 1 | \$587,585 |
| 2 | \$ 56,000 |
| 3 and each thereafter | \$ 22,570 |

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 anticipates that there would be no annualized cost to the Federal Government. Under the proposal, the cost of using MSHA's Approval and Certification Center to process applications for approval of conveyor belt would be covered fully by applicant testing and evaluation fees. (Note also that MSHA presently operates an approval program under the existing rule in part 18 that is similar to that specified under the proposed rule.)

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

The proposed rule would establish new approval requirements for conveyor belts used in underground coal mines under part 14. The hour burden and cost burden reported in Items 12 and 13 of OMB Form 83-I would represent a program increase. However, the total burden hours associated with this proposed rule would be offset by a reduction in burden hours associated with existing approval requirements for conveyor belt contained in part 18.

Reduction in Part 18 Burden Hours. The proposed rule would require conveyor belt manufacturers to file new applications for approval under part 14 instead of part 18. Promulgation of the final rule would result in the deletion of 98 paperwork burden hours from §18.6 and 18.65(f) for conveyor belt new approvals and extensions of approval under OMB control number 1219-0066. The entire control number would not be deleted because part 18 contains approval regulations for electrical motor driven mine equipment and other accessories besides conveyor belt requirements.

(Note: In the December 1998 ICB submission for the renewal of OMB control number 1219-0066 for all part 18 approval actions, 18 of the 66 approval applications and 4 of the 80 approval extensions were for conveyor belts. This was based on FY 1997 figures. In estimating burden hours in the December 1998 submission, 40 hours was inadvertently used for all approval applications and extensions, including conveyor belts. Instead, for the 18 new conveyor belt and 4 extension applications, the time should have been 5 and 2 hours, respectively, which is what is used in the updated PRIA (Chapter VII, Paperwork Burden discussion) and in question 12 of this Supporting Statement. Thus, the total burden hours for conveyor belt applications should have been 98 instead of the 880 hours (18 applications x 40 hours + 4 extensions x 40 hours) calculated into the estimated burden hours for part 18 in the December 1998 renewal

justification statement. MSHA is submitting a Paperwork Reduction Act Change Worksheet, OMB Form 83-C, for the December 1998 renewal justification of 1219-0066 to separately list the burden hours for conveyor belts as 98 hours.)

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 would not publish the results of this information collection.

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

There would be no forms associated with this information collection; therefore, MSHA is not seeking OMB approval to omit the display of the expiration date on any information collection form.

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

There would be no certification exceptions identified with information collection requirements included in the proposed rule.

B. Collection of Information Employment Statistical Methods

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

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

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

! Statistical methodology for stratification and sample selection,

- ! Estimation procedure,
- ! Degree of accuracy needed for the purpose described in the justification,
- ! Unusual problems requiring specialized sampling procedures, and
- ! Any use of periodic (less frequently than annual) data collection cycles to reduce burden.

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

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

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

This collection of information would not employ statistical methods.

Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164

TITLE III--INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND
COAL MINES

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.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in all underground areas in a coal mine shall be in fireproof, closed metal containers or other no less effective containers approved by the Secretary.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction. All welding, cutting, or soldering with arc or flame in all underground areas of a coal mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall, immediately before and during such operations, continuously test for methane with means approved by the Secretary for detecting methane. Welding, cutting, or soldering shall not be conducted in air that contains 1.0 volume per centum or more of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Within one year after the operative date of this title, fire

suppression devices meeting specifications prescribed by the Secretary shall be installed on unattended underground equipment and suitable fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic systems of such equipment. Such fluids shall be used in the hydraulic systems of other underground equipment unless fire suppression devices meeting specifications prescribed by the Secretary are installed on such equipment.

(f) Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within sixty days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

(h) On and after the operative date of this title, all conveyor belts acquired for use underground shall meet the requirements to be established by the Secretary for flame-resistant conveyor belts.

REGULATIONS

SEC. 508. The Secretary, the Secretary of Health, Education, and Welfare, and the Panel are authorized to issue such regulations as each deems appropriate to carry out any provision of this Act.

