

However, MSHA estimates that as time goes by a greater proportion of new coal mines using three or more entries will choose to use belt air. This means that the number of mines using belt air will increase over time. This greater number of mines using belt air will increase the total burden hours and paperwork cost over time. Hence, second year hours and costs are greater than first year hours and costs, and third year hours and costs are greater than second year hours and costs.

The paperwork burden is summarized by total annualized burden hours by proposed provision (Table 4) and by total annualized burden costs by proposed provision (Table 5).

Numerous provisions would require action to modify the mine ventilation plan. Proposed paragraph 75.351(j) would require modification of the mine ventilation plan to include ambient CO levels and the means used to determine them. Proposed paragraph 75.351(m) would require that the mine ventilation plan be modified to show the use and length of time-delays of any non-fire related CO sensor signals. Proposed paragraphs 75.371(ll), 75.371(mm), and 75.371(nn) would require modification of the mine ventilation plan to show the length of the time delay or any other method used for reducing the number of non-fire related alert and alarm signals from CO sensors, the lower alert and alarm setting for CO sensors, and the alternate instrument and the alert and alarm levels associated with the

instrument, respectively. This proposed rule would also have an impact on existing paperwork requirements in 75.371(hh) on the ambient level in parts per million of CO, and the method for determining the ambient level, in all areas where CO sensors are installed.

Proposed paragraph 75.351(n)(1) would require sensors used to detect CO or smoke be visually examined at least once each shift, when belts are operated as part of a production shift. If hazardous conditions are found during the visual exam, then a log of such conditions must be filed under existing § 75.363(b)—Hazardous conditions; posting, correcting and recording. Proposed paragraphs 75.351(n)(2) and 75.351(n)(3) would require that a log be kept of every seven day alarm test and every 31-day CO, smoke, or methane sensor calibration, respectively.

Proposed paragraph 75.351(o)(1)(i) would require that a record be made if the AMS emits an alert or alarm signal. The record would consist of the date, time, location and type of sensor, and the reason for its activation. Proposed paragraph (o)(1)(ii) would require that, if a malfunction in the system occurs, a record be made of the malfunction and the corrective action to return the system to proper operating condition. We (MSHA) believe that such records would be useful to the miner, the mine operator, and the Agency in determining areas of recurring problems. This would aid in ensuring proper operation of AMS.

Proposed paragraph (o)(1)(iii) would require that the persons doing the weekly test of alert and alarm signals, the monthly calibration, or maintenance of the system make a record of these tests, calibrations, or maintenance. Proposed paragraph § 75.351(o)(3) would require that all records concerning the AMS be kept in a book or electronically in a computer system, that would be secure and not susceptible to alteration. Proposed paragraph 75.351(p) would require the mine operator to keep these records for at least one year at a surface location and to make them available for inspection by authorized representatives of the Secretary and representatives of miners.

Proposed paragraph 75.351(q) would require that AMS operators receive training annually and that a record of this training be kept. The record of training would include the content of training, the person conducting the training, and the date the training was conducted. The record would need to be maintained at the mine site by the mine operator for at least one year.

Proposed paragraphs 75.352(a) and 75.352(b) would require the designated AMS operator or other designated responsible person to take actions promptly when malfunction, alert, or alarm signals are received. These proposed requirements are parallel to those of § 75.351(o).

TABLE 4.—TOTAL BURDEN HOURS OF PROPOSED RULE

[Summary of all burden hours, by mine size and by provision]

Provision	Annualized burden hours ¹				
	Mines with 1–19 employees	Mines with 20–99 employees	Mines with 100–500 employees	Mines with over 500 employees	Total annual burden hours
§ 75.350(b), implied impact on existing §§ 44.9, 44.10, and 44.11	(59.51)	(161.07)	(125.20)	(8.58)	(354.35)
§§ 75.351(j)	16.81	43.55	29.71	1.82	91.88
§ 75.351(j), implied impact on existing § 75.371(hh)	0.53	1.36	0.93	0.06	2.87
§§ 75.351(m)	0.75	8.93	15.63	1.45	26.76
§§ 75.351(n)(1), implied impact on existing § 75.363(b)	1.96	5.16	8.72	1.20	17.03
§§ 75.351(n)(2)	190.73	1,005.54	1,700.55	156.00	3,052.82
§§ 75.351(n)(3)	220.07	2,320.48	7,848.70	900.00	11,289.25
§§ 75.351(o)(1)(i) & (ii)	9.74	163.68	876.52	135.15	1,185.09
§§ 75.351(o)(1)(iii)	32.28	273.30	811.03	90.40	1,207.01
§§ 75.351(q)	135.71	512.44	752.17	63.75	1,464.07
§§ 75.352(a) & (b)	61.62	397.99	975.91	100.75	1,536.27
§§ 75.371(ll)	0.02	0.28	0.49	0.05	0.84
§§ 75.371(mm)	0.05	0.14	0.09	0.01	0.29
§§ 75.371(nn)	0.11	0.27	0.19	0.01	0.57
Total	610.86	4,572.03	12,895.44	1,442.07	19,520.40

¹ Source: Chapter VII of the Preliminary Regulatory Economic Analysis.