

TABLE 5.—TOTAL BURDEN COSTS OF PROPOSED RULE
[Summary of all burden costs, by mine size and by provision]

Provision	Annualized burden costs 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	(\$3,268)	(\$8,846)	(\$6,876)	(\$471)	(\$19,461)
§§ 75.351(j)	923	2,391	1,632	100	5,046
§ 75.351(j), implied impact on existing §§ 75.371(hh)	29	75	51	3	158
§§ 75.351(m)	41	490	858	80	1,470
§§ 75.351(n)(1), implied impact on existing § 75.363(b)	55	145	245	34	478
§§ 75.351(n)(2)	10,475	55,224	93,394	8,568	167,661
§§ 75.351(n)(3)	12,086	127,441	431,051	49,428	620,005
§§ 75.351(o)(1)(i) & (ii)	273	4,595	24,604	3,794	33,266
§§ 75.351(o)(1)(iii)	1,773	15,010	44,542	4,965	66,289
§§ 75.351(q)	5,877	19,836	27,260	2,212	55,185
§§ 75.352(a) & (b)	1,730	11,171	27,394	2,828	43,123
§§ 75.371(ll)	1	15	27	2	46
§§ 75.371(mm)	3	7	5	0	16
§§ 75.371(nn)	6	15	10	1	32
Total	30,004	227,570	644,196	71,543	973,313

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

VI. Executive Order 12866 (Regulatory Planning and Review) and Regulatory Flexibility Act

Executive Order (E.O.) 12866 (58 FR 51735) as amended by E.O. 13258 (Amending Executive Order 12866 on Regulatory Planning and Review (67 FR 9385)) requires that regulatory agencies assess both the costs and benefits of regulations. MSHA has determined that this proposed rule would not have an annual effect of \$100 million or more on the economy and that, therefore, it is not an economically “significant regulatory action” pursuant to § 3(f) of E.O. 12866. However, we have determined that this proposed rule is significant under § 3(f) of E.O. 12866, which defines a significant regulatory action as one that may “* * * raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.” MSHA completed a Preliminary Regulatory Economic Analysis (PREA) in which the economic impact of the rule is estimated. The PREA is available from MSHA and is summarized as follows.

A. Population-at-Risk

MSHA estimates that this rulemaking would initially affect approximately 11,313 miners at 88 underground coal mines which choose to use belt air at the working places during the first year of the proposed rule. MSHA also estimates that this rulemaking would additionally affect approximately 2,358 miners at 30 underground coal mines which choose to point feed the belt air,

but do not use belt air at the working places, during the first year of the proposed rule. Accordingly, MSHA estimates that this rulemaking would affect a total of approximately 13,671 miners at 118 underground coal mines during the first year of the proposed rule.

B. Benefits

MSHA has qualitatively determined that the proposed rule, to permit use of belt air at the working places, yields net health and safety benefits relative to the existing rule, which does not permit use of belt air at the working places. The proposed rule does not create any health or safety hazards relative to current petition practice, which also permits use of belt air at the working places.

The main requirement of the proposed rule is that the mine operator who chooses to use belt air must install an atmospheric monitoring system (AMS) in the belt entry for fire detection. The AMS composed of CO or smoke sensors provides early warning fire detection that is superior to that provided by point-type heat sensors. This added level of protection is beneficial to both workers and the mine owner.

The AMS is beneficial to the mine operator because early warning of a mine fire provides maximal opportunity for extinguishing the fire. An uncontrolled mine fire can damage or destroy a coal mine and can delay or prevent future mining of coal in the affected mine. The AMS is beneficial to workers, because the early warning of

fire from an AMS permits more time for miners to escape. Early warning from the AMS also gives the firefighting crew more time to fight or extinguish a fire before it creates a serious mine fire accident or disaster.

The proposed rule utilizes the common interests of both workers and mine owners to avoid mine fires, and particularly to avoid fires that may result in a serious mine fire accident. By reducing regulatory hurdles to the use of belt air at the working places, the proposed rule would provide additional encouragement for mine operators to install an AMS. The installation of AMS in additional mines would reduce the risk of mine fire accidents that may injure or kill miners or severely damage mine property.

In addition, MSHA’s experience with belt air petitions indicates that, with proper precautions, allowing belt air to ventilate working places can achieve net health and safety benefits. Belt air usage can result in an increase in the quantity of air in the belt entry and other common entries (belt air course). This provides increased protection to miners against hazards created by elevated levels of methane, other harmful gases, and respirable dust.

Prevention of mine fires can also benefit local communities. In the event a mine fire is uncontrolled, persons living in the area of the mine may need to be evacuated for several days due to the smoke and toxic fumes escaping to the surface from a mine fire. In addition, there can be long-term adverse economic impacts on a community