

## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

**Proposed Information Collection Request Submitted for Public Comment and Recommendations; Applications for a Permit To Fire More Than 20 Boreholes, for the Use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units**

ACTION: Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the application for a permit to fire more than 20 boreholes, for the use of nonpermissible blasting units, and for the use of nonpermissible explosives and nonpermissible shot-firing units, and posting of warning notices with regard to mis-fired explosives. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Submit comments on or before June 26, 1998.

**ADDRESSES:** Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to [psilvey@msha.gov](mailto:psilvey@msha.gov), along with an original printed copy. Ms. Silvey can be reached at (703) 235-1910 (voice) or (703) 235-5551 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Mr. Fesak can be reached at [gfesak@msha.gov](mailto:gfesak@msha.gov) (Internet E-mail), (703) 235-8378 (voice), or (703) 235-1563 (facsimile).

**SUPPLEMENTARY INFORMATION:****I. Background**

Under Section 313 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 873, a mine operator is required to use permissible explosives in underground coal mines. The Mine Act also provides that under safeguards prescribed by the Secretary of Labor, a mine operator may permit the firing of more than 20 shots and the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. Title 30, CFR 75.1321 outlines the procedures by which a permit may be issued for the firing of more than 20 boreholes and/or the use of nonpermissible shot-firing units in underground coal mines. In those instances in which there is a misfire of explosives, 30 CFR 75.1327 requires that a qualified person post each accessible entrance to the affected area with a warning to prohibit entry. Title 30 CFR 77.1909-1 outlines the procedures by

which a coal mine operator may apply for a permit to use nonpermissible explosives and/or shot-firing units in the blasting of rock while sinking shafts or slopes for underground coal mines.

**II. Current Actions**

Title 30, CFR 75.1321, 75.1327 and 77.1901-1 provide MSHA District Managers with the authority to address unusual but reoccurring blasting practices needed for breaking rock types more resilient than coal and for misfires in blasting coal. MSHA uses the information requested to issue permits to mine operators or shaft and slope contractors for the use of nonpermissible explosives and/or shot-firing units under 30 CFR Part 77, Subpart T—Slope and Shaft Sinking. Similar permits are issued by MSHA to underground coal mine operators for shooting more than 20 bore holes and/or for the use of nonpermissible shot firing units when requested under 30 CFR Part 75, Subpart N—Explosives and Blasting. The approved permits allow the use of specific equipment and explosives in limited applications and under exceptional circumstances where standard coal blasting techniques or equipment is inadequate to the task. These permits inform mine management and the miners of the steps to be employed to protect the safety of any person exposed to such blasting while using nonpermissible items. Also, the posting of danger/warning signs at entrances to locations where an misfired blast hole or round remains indisposed is a safety precaution predating the Coal Mine Safety and Health Act.

*Type of Review:* Extension (without change).

*Agency:* Mine Safety and Health Administration.

*Title:* 30 CFR 75.1321, 75.1327, and 77.1909-1—Applications for a permit to fire more than 20 boreholes, for the use of nonpermissible blasting units, and for the use of nonpermissible explosives and nonpermissible shot-firing units, and posting of warning notices with regard to misfired explosives (pertains to coal mining industry).

*OMB Number:* 1219-0025.

*Affected Public:* Business or other for-profit institutions.

*Cite/Reference/Form/etc:* 30 CFR 75.1321, 75.1327 and 77.1901-1.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden (hours)
75.1321 Permit Appl .....	65	On Occasion ....	65	1 hour .....	65
75.1327 Misfire Notices Posted .....	120	On Occasion ....	120	20 minutes ...	40

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden (hours)
77.1909-1 Permit Appl .....	5	On Occasion ....	5	1 hour .....	5
Totals .....	.....	.....	190	.....	110

*Total Burden Cost (capital/startup):*  
\$0.

*Total Burden Cost (operating/  
maintaining):* \$755.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 20, 1998.

**George M. Fesak,**

*Director, Program Evaluation and Information Resources.*

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BILLING CODE 4510-47-M

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Hazardous Condition Complaints

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the submission of hazardous conditions complaints addressed in 30 CFR 43.2, 43.4, 43.7, and 43.8. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the For Further Information Contact section of this notice.

**DATES:** Submit comments on or before June 26, 1998.

**ADDRESSES:** Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to [psilvey@msha.gov](mailto:psilvey@msha.gov), along with an original printed copy. Ms. Silvey can be reached at (703) 235-1910 (voice) or (703) 235-5551 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Mr. Fesak can be reached at [gfesak@msha.gov](mailto:gfesak@msha.gov) (Internet E-mail), (703) 235-8378 (voice), or (703) 235-1563 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under Section 103(g) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(g), a representative of miners or any individual miner may submit a written notice of an alleged violation of the Mine Act or mandatory health or safety standard or an imminent danger situation. Such notification requires

MSHA to make an immediate inspection. A copy of the notice must be provided to the operator.

Title 30, CFR part 43 implements Section 103(g) of the Mine Act. The regulations outline the procedures for submitting notification of the alleged violation and the actions which MSHA must take after receiving the notice. If MSHA determines that a special inspection is not warranted, a written notice of negative finding shall be issued as soon as possible following the determination. A miner or a representative of miners has the option of requesting in writing an information review of MSHA's decision that no inspection is warranted or in those instances where an MSHA inspector has refused to issue a citation or order with regard to the violation alleged to have existed by the miner.

##### II. Current Actions

MSHA is required to conduct inspections whenever and however complaints of hazardous conditions are made to the Agency by miners or representatives of miners. This is an Agency responsibility mandated by the provisions of Section 103(g) of the Act and implemented through the provisions of 30 C.F.R. Part 43. MSHA has minimized the paper work burden by providing alternative toll free telephone extensions for verbal and anonymous complaints and providing for the reduction of such complaints to written format by agency personnel. MSHA's effectiveness in enforcing the mandatory safety and health standards is dependent in part on its ability to provide a timely response to hazardous condition complaints in order to retain the confidence of miners and to encourage compliance with health and safety standards between the mandated, periodic inspection events at underground and surface mines and mine facilities.

*Type of Review:* Revision (with changes to include § 43.2 and 43.8).

*Agency:* Mine Safety and Health Administration.

*Title:* Hazardous Conditions Complainants—30 CFR § 43.2, 43.4, 43.7, and 43.8.

*OMB Number:* 1219-0014.

*Affected Public:* Business or other for-profit institutions.