



May 19, 2017

Ms. Sheila McConnell
Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
201 12th Street South
Suite 4E401
Arlington, VA 22202-5452

**Re: Proposed Extension of Information Collection; Escape and Evacuation Plans;
OMB Control No. 1219-0046; MSHA Docket No. MSHA-2017-0005**

Dear Ms. McConnell:

We write on behalf of the underground producer members of the Industrial Minerals Association – North America (IMA-NA) regarding the proposed extension of the Mine Safety and Health Administration's (MSHA) information collection request (ICR) on escape and evacuation plans at underground metal and nonmetal mines. The ICR relates to 30 CFR § 57.11053, which requires the development of an escape and evacuation plan specifically addressing the unique conditions of each underground metal and nonmetal mine.

The following information is required with each escape and evacuation plan submission:

- 1) Mine maps or diagrams showing directions or principal air flow, location of escape routes, and locations of existing telephones, primary fans, primary fan controls, fire doors, ventilation doors, and refuge chambers;
- 2) Procedures to show how the miners will be notified of an emergency;
- 3) An escape plan for each working area in the mine, including instructions showing how each working area should be evacuated;
- 4) A firefighting plan;
- 5) Surface procedures to be followed in an emergency, including the notification of proper authorities and preparation of rescue equipment and other equipment which may be used in rescue and recovery operations; and
- 6) A statement of the availability of emergency communication and transportation facilities, emergency power, and ventilation, and the location of rescue personnel and equipment.

MSHA is soliciting comments concerning the proposed ICR related to Escape and Evacuation Plans. IMA-NA is pleased to offer the following comments:

Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility.

IMA-NA Comment: IMA-NA agrees that the ICR is necessary for the proper performance of the functions of the agency and that the information collected has practical utility in that regard.

Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

IMA-NA Comment: In its Supporting Statement MSHA estimates that inspection personnel spend approximately one hour reviewing each plan revision. IMA-NA has no independent basis to dispute MSHA's estimate. Moreover, IMA-NA believes that review by inspection personnel familiar with the particular mine and its escape and evacuation plan is completely appropriate. However, IMA-NA is concerned that information requested by officials other than inspection personnel familiar with the particular mine and its escape and evacuation plan is not captured in the estimate, nor is it appropriate. Review of the escape and evacuation plan should be done by agency personnel familiar with the particular mine.

Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and

IMA-NA Comment: In its Supporting Statement MSHA states that its collection of information is consistent with the guidelines in 5 CFR § 1320.5. IMA-NA observes, as a practical matter, that as a consequence of their joint review of the miner operator's escape and evacuation plan that some "back-and-forth" communication is required, which often entails the submittal of additional information under the ICR. Some notion of reasonableness, consistent with joint review is required. In situations where the submittal of additional information is required under the ICR, sufficient and reasonable time consistent with the effort required should be afforded the mine operator. 5 CFR § 1320.5 indicates that 30 days is the minimum time that should be afforded respondents required to submit written responses to an ICR.

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 submission of responses.

IMA-NA Comment: In its Supporting Statement MSHA states that a mine operator may use computer technology, e.g., AutoCAD®, to aid in the design of a mine's escape and evacuation plan. IMA-NA supports the permissive use of such computer technologies, but is opposed to MSHA making them mandatory. These computer technologies typically contain information above and beyond the ICR and IMA-NA member companies are concerned about making information not directly material and relevant to the ICR available to others, including MSHA. One basis for this concern is that MSHA offers no assurance of confidentiality to respondents, a point it emphasizes in its Supporting Statement. In fairness, MSHA also states in its Supporting Statement that it does not intend to publish the results of this information collection. However, to prevent the potential release of confidential or proprietary business information, IMA-NA member companies prefer to submit responses to the ICR in Portable Document Format (PDF). Unlike PDF files, AutoCAD® software files are not conducive to e-mail transmission and submission over the Internet.

IMA-NA appreciates the opportunity to put these comments before MSHA for consideration. As always, IMA-NA stands ready to assist in a constructive manner in matters that affect our member companies and their obligations under the law.

If you have questions regarding these comments, please do not hesitate to contact me at 202-457-0200, ext. 4, or markellis@ima-na.org.

Sincerely,

A handwritten signature in black ink, reading "Mark G. Ellis". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark G. Ellis
President