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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0003]

Proposed Extension of Information Collection: Radiation Sampling and Exposure Records

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program for all information collections, to provide the public and Federal agencies with an opportunity to comment on proposed collections of information, in accordance with the Paperwork Reduction Act of 1995. 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. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection titled "Radiation Sampling and Exposure Records."

DATES: All comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below. Please note that comments received after the deadline will not be considered.

- Federal E-Rulemaking Portal: *https://www.regulations.gov*. Follow the instructions for submitting comments for docket number MSHA-2026-0068.
- Mail/Hand Delivery: DOL-MSHA, Office of Standards, Regulations, and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

- MSHA will post all comments as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legal Authority

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise, as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal (MNM) mines.

The Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 et seq.) governs paperwork burdens imposed on the public by Federal agencies for using identical questions to collect information from 10 or more persons. The PRA defines paperwork burden in 44 U.S.C. 3502(2) as time, effort, or financial resources expended to generate, maintain, or provide information to or for a Federal agency. Under 44 U.S.C. 3507, the PRA also establishes policies and procedures of information collection for controlling paperwork burdens imposed by Federal agencies on the public, including evaluating public comments.

B. Information Collection

To fulfill its statutory mandates to promote miners' health and safety, MSHA requires information under the information collection request (ICR) titled "Radiation Sampling and

Exposure Records." The information collection is intended to ensure that miners do not exceed the annual exposure limit to radon daughters (radon decay products).

Airborne radon and radon daughters exist in every uranium mine and in several other underground mining commodities. Radon is a radioactive gas and diffuses into the underground mine atmosphere through the rock and the ground water. Radon decays in a series of steps into other radioactive elements, which are solids, called radon daughters or decay products. Radon and radon daughters are invisible and odorless. Radon decay results in emissions of ionizing alpha radiation.

Medical doctors and scientists have associated high radon daughter exposures with lung cancer. The health hazard arises from breathing air contaminated with radon decay products which are in turn deposited in the lungs. The lung tissues are sensitive to alpha radioactivity. Excess lung cancer in uranium miners, just as coal workers' pneumoconiosis, silicosis, and other debilitating occupational diseases, has been recognized for many years. Thus, an adequate database of accurate exposure level results is essential to control miners' exposures and permit an evaluation of the effectiveness of existing regulations.

Burden costs associated with this ICR include:

1. Calculating and recording radon daughter exposure samples
2. Calculating and recording induvial exposure records
3. Submitting annual exposure reports to MSHA
4. Providing exposure records to miners
5. MSHA providing exposure forms to mine operators
6. Posting signage at inactive working areas

The associated standards that authorize the collection of information are described below.

1. Calculating and Recording Radon Daughter Exposure Samples

Under 30 CFR 57.5037(a), in all mines at least one sample shall be taken in exhaust mine air by a competent person to determine if concentrations of radon daughters are present.

Sampling shall be done using suggested equipment and procedures described in section 14.3 of ANSI N13.8-1973, entitled “American National Standard Radiation Protection in Uranium Mines,” approved July 18, 1973, pages 13-15, by the American National Standards Institute, Inc., which is incorporated by reference and made a part of the standard or equivalent procedures and equipment acceptable to MSHA. The mine operator may request that the required exhaust mine air sampling be done by MSHA. If concentrations of radon daughters in excess of 0.1 working levels (WL) are found in an exhaust air sample, thereafter—

(1) Where uranium is mined—radon daughter concentrations representative of worker's breathing zone shall be determined at least every two weeks at random times in all active working areas such as stopes, drift headings, travelways, haulageways, shops, stations, lunch rooms, magazines, and any other place or location where persons work, travel, or congregate. However, if concentrations of radon daughters are found in excess of 0.3 WL in an active working area, radon daughter concentrations thereafter shall be determined weekly in that working area until such time as the weekly determinations in that area have been 0.3 WL or less for 5 consecutive weeks.

(2) Where uranium is not mined—when radon daughter concentrations between 0.1 and 0.3 WL are found in an active working area, radon daughter concentration measurements representative of worker's breathing zone shall be determined at least every 3 months at random times until such time as the radon daughter concentrations in that area are below 0.1 WL, and annually thereafter. If concentrations of radon daughters are found in excess of 0.3 WL in an active working area radon daughter concentrations thereafter shall be determined at least weekly in that working area until such time as the weekly determinations in that area have been 0.3 WL or less for 5 consecutive weeks.

Under 30 CFR 57.5037(b), if concentrations of radon daughters less than 0.1 WL are found in an exhaust mine air sample, thereafter:

(1) Where uranium is mined—at least one sample shall be taken in the exhaust mine air monthly.

(2) Where uranium is not mined—no further exhaust mine air sampling is required.

Under 30 CFR 57.5037(c), the sample date, locations, and results obtained under (a) and (b) above shall be recorded and retained at the mine site or nearest mine office for at least two years and shall be made available for inspection by the Secretary or his authorized representative.

2. Calculating and Recording Individual Exposure Records

Under 30 CFR 57.5040(a), the operator shall calculate and record complete individual exposures to concentrations of radon daughters as follows:

(1) Where uranium is mined—the complete individual exposures of all mine personnel working underground shall be calculated and recorded. These records shall include the individual's time in each active working area such as stopes, drift headings, travelways, haulageways, shops, stations, lunch rooms, magazines and any other place or location where persons work, travel or congregate, and the concentration of airborne radon daughters for each active working area.

(2) Where uranium is not mined—the complete individual exposure of all mine personnel working in active working areas with radon daughter concentrations in excess of 0.3 WL shall be calculated and recorded. These records shall include the individual's time in each active working area and the concentrations of airborne radon daughters for each active working area. The operator may discontinue calculating and recording the individual exposures of any personnel assigned to work in active working areas where radon daughter concentrations have been reduced to 0.3 WL or less for 5 consecutive weeks provided that such exposure calculation and recordation shall not be discontinued with respect to any person who has accumulated more

exposure than 1⁄12 (one-twelfth) of a working level months (WLM) times the number of months for which exposures have been calculated and recorded in the calendar year in which the exposure calculation and recordation is proposed to be discontinued.

Under 30 CFR 57.5040(b)(1), the operator shall maintain the form entitled “Record of Individual Exposure to Radon Daughters” (Form 4000-9), or equivalent forms that are acceptable to the MSHA, on which there shall be recorded the specific information required by the form with respect to each person's time-weighted current and cumulative exposure to concentrations of radon daughters. The form entitled “Record of Individual Exposure to Radon Daughters” (Form 4000-9), shall consist of an original of each form for the operator's records which shall be available for examination by the Secretary or his authorized representative.

3. Submitting Annual Exposure Reports to MSHA

Under 30 CFR 57.5040(b)(2), on or before February 15 of each calendar year, or within 45 days after the shutdown of mining operations for the calendar year, each mine operator shall submit to MSHA a copy of the “Record of Individual Exposure to Radon Daughters” (Form 4000-9), or acceptable equivalent form, showing the data required by the form for all personnel for whom calculation and recording of exposure was required during the previous calendar year.

Under 30 CFR 57.5040(b)(3), errors detected by the operator shall be corrected on any forms kept by the operator and a corrected copy of any forms submitted to MSHA shall be submitted to the Mine Safety within 60 days of detection and shall identify the errors and indicate the date the corrections are made.

Under 30 CFR 57.5040(b)(4), the operator's records of individual exposure to concentrations of radon daughters and copies of “Record of Individual Exposure to Radon Daughters” (Form 4000-9) or acceptable equivalent form or true legible facsimiles thereof (microfilm or other), shall be retained at the mine or nearest mine office for a period as specified in paragraph 9.8, ANSI N13.8-1973, or shall be submitted to MSHA. These records, if retained by the operator, shall be open for inspection by the Secretary of Labor, his authorized

representative, and authorized representatives of the official mine inspection agency of the State in which the mine is located.

4. Providing Exposure Records to Miners

Under 30 CFR 57.5040(b)(5), upon written request from a person who is a subject of [radon daughter exposure] records, a statement of the year-to-date and cumulative exposure applicable to that person shall be provided to the person or to whomever such person designates.

5. MSHA Providing Exposure Forms to Mine Operators

Under 30 CFR 57.5040(b)(6), the blank form entitled "Record of Individual Exposure to Radon Daughters" (Form 4000-9) may be obtained on request from any MSHA District Office.

6. Posting Signage at Inactive Working Areas

Under 30 CFR 57.5045, inactive workings in which radon daughter concentrations are above 1.0 WL, shall be posted against unauthorized entry and designated by signs indicating them as areas in which approved respirators shall be worn.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection titled "Radiation Sampling and Exposure Records." MSHA is particularly interested in comments that:

- 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;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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 submission of responses.

The ICR is available on *https://www.regulations.gov*. MSHA cautions commenters against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *https://www.regulations.gov* and *https://www.reginfo.gov*.

The public may also examine publicly available documents at DOL-MSHA, Office of Standards, Regulations and Variances, 200 Constitution Avenue NW, Room C3522, Washington, DC 20210. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

Questions about the information collection requirements may be directed to the person listed in the FOR FURTHER INFORMATION section of this notice.

III. Current Actions

This ICR concerns provisions for Radiation Sampling and Exposure Records. MSHA has updated the data with respect to the number of respondents, responses, time burden, and burden costs supporting this ICR from the previous ICR.

Type of Review: Extension, without change, of a currently approved collection

Agency: Mine Safety and Health Administration

OMB Number: 1219-0003

Affected Public: Business or other for-profit entity

Number of Annual Respondents: 4

Frequency: On occasion

Number of Annual Responses: 404

Annual Time Burden: 402 hours

Annual Recordkeeping Costs $20

MSHA Form: MSHA Form 4000-9, Record of Individual Exposure to Radon Daughters

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the proposed ICR; they will become a matter of public record and be available at *https://www.reginfo.gov*.

Jessica D. Senk,
Certifying Officer,
Mine Safety and Health Administration.
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