



DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0024]

Proposed Extension of Information Collection: Application for Waiver of Surface Sanitary Facilities' Requirements (Pertaining to Coal Mines)

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 "Application for Waiver of Surface Sanitary Facilities' Requirements (Pertaining to Coal Mines)."

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-2026-0067.

- 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 mandate to promote miners' health and safety, MSHA requires information collected under the ICR titled "Application for Waiver of Surface Sanitary Facilities' Requirements (Pertaining to Coal Mines)." The information collection is intended to ensure that before a waiver is granted the conditions at a coal mine make it impractical for the mine operator to provide the required sanitary facilities.

Under 30 CFR 71.400, 71.401 and 71.402 as well as 30 CFR 75.1712-1, 30 CFR 75.1712-2 and 30 CFR 75.1712-3, coal mine operators must provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use by miners. If the operator is unable to meet any or all of the requirements, the operator may apply for a waiver under 30 CFR 71.403 and 71.404 and, 30 CFR 75.1712-4 and 75.1712-5.

Burden costs associated with this ICR include:

1. Applying for initial waivers or extensions of existing waivers
 - 1-1. Applying for initial waivers of surface facilities requirements
 - 1-2. Applying for extensions of existing waivers at surface coal mines and surface work areas of underground coal mines
2. MSHA granting waivers
3. Posting waivers at surface coal mines and surface work areas of underground coal mines

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

1. Applying for Initial Waivers or Extensions of Existing Waivers

- 1-1. Applying for Initial Waivers of Surface Facilities Requirements (30 CFR 71.404(a) and 75.1712-5)

Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Under 30 CFR 71.404(a), applications for waivers of any of the surface facilities requirements listed under section 71.400 through 71.402 shall be in writing, filed with the appropriate District Manager, and shall contain the following information:

- (a) The name and address of the mine operator;

- (b) The name and location of the mine; and
- (c) A detailed statement of the grounds upon which the waiver is requested and the period of time for which it is requested.

Underground Coal Mines

Under 30 CFR 75.1712-5, applications for waivers of the requirements of sections 75.1712-1 through 75.1712-3 shall be filed with the District Manager and shall contain the following information:

- (a) The name and address of the mine operator;
- (b) The name and location of the mine; and
- (c) A statement explaining why, in the opinion of the operator, the installation or maintenance of the facilities is impractical or unnecessary.

1-2. Applying for Extensions of Existing Waivers at Surface Coal Mines and Surface Work Areas of Underground Coal Mines (30 CFR 71.403(d)).

Under 30 CFR 71.403(d), an extension of the waiver at the end of 1 year may be sought by the operator by filing an application pursuant to section 71.404 no later than 30 days nor more than 60 days prior to the expiration date of the waiver.

2. MSHA Granting Waivers (30 CFR 71.403(a) and (b) and 75.1712-4)

Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Under 30 CFR 71.403(a), the District Manager for the district in which the mine is located, after consultation with the appropriate Regional Program Director, National Institute for Occupational Safety and Health, may, upon written application by the operator, and after consideration of any comments filed within 30 days after receipt of the application, waive any or all of the requirements for 30 CFR 71.400 through 71.402 for a period not to exceed 1 year if they determine that:

(a) The operator is providing or making available, under arrangements with one or more third parties, facilities which are at least equivalent to those required by the standards; or

(b) It is impractical for the operator to meet the requirement(s) or provide the facility (facilities) for which the waiver is sought.

Under 30 CFR 71.403(b), the waiver shall be in writing and shall set forth the requirement(s) which the operator will not be required to meet or the facilities which the operator will not be required to provide and the specific reason or reasons for such waiver.

Underground Coal Mines

Under 30 CFR 75.1712-4, the District Manager for the district in which the mine is located may, upon written application by the operator, waive any or all of the requirements of section 75.1712-1 through 75.1712-3 if they determine that the operator of the mine cannot or need not meet any part or all of such requirements, and, upon issuance of such waiver, he shall set forth the facilities which will not be required and the specific reason or reasons for such waiver.

3. Posting Waivers at Surface Coal Mines and Surface Work Areas of Underground Coal Mines (30 CFR 71.403(c) and 71.404(b))

Under 30 CFR 71.404(b), at the same time an application is sent to the District Manager a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

Under 30 CFR 71.403(c), upon receipt of any waiver, the operator shall post a copy of the waiver for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection titled “Application for Waiver of Surface Sanitary Facilities’ Requirements (Pertaining to Coal Mines).” 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 Application for Waiver of Surface Sanitary Facilities’ Requirements (Pertaining to Coal Mines). 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: 1219-0024

Affected Public: Business or other for-profit entity

Number of Annual Respondents: 204

Frequency: On occasion

Number of Annual Responses: 612

Annual Time Burden: 86 hours

Annual Recordkeeping Costs: \$1,020

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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