



DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0142]

Proposed Extension of Information Collection: Sealing of Abandoned Areas

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 “Sealing of Abandoned Areas.”

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-2026-0300.
- Mail/Hand Delivery: DOL-MSHA, Office of Standards, Regulations, and Variances, 200 Constitution Avenue NW, 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: Corliss A. Josephs-Conway, 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 under the information collection request (ICR) titled "Sealing of Abandoned Areas."

This information collection is intended to ensure adequate design and close monitoring of sealed abandoned areas to prevent explosive or toxic gases from migrating into the active working areas of underground coal mines, and thus provide sufficient protection for miners who may come across them. The standards provide for recordkeeping requirements addressing seal design, monitoring sealed atmospheres, constructing and repairing of seals, and training to identify and correct problems in sealing of abandoned areas.

Burden costs associated with the ICR include:

1. Applying for seal designs and certifying provisions of approved seal design addressed in installations (30 CFR 75.335)

1-1. Applying for seal designs (30 CFR 75.335(b)(1) and (b)(2))

1-2. MSHA notifying seal design approvals (30 CFR 75.335(b)(3) and (b)(4))

1-3. Certifying provisions of approved seal design addressed in installations (30 CFR 75.335(c))

2. Sampling atmospheres (30 CFR 75.336)

2-1. Reporting atmosphere sampling results (30 CFR 75.336(a)(1) and (e))

2-2. Reporting atmosphere evaluation results (30 CFR 75.336(a)(2))

2-3. Notifying MSHA of miner withdrawals (30 CFR 75.336(c))

2-4. Revising ventilation plans before miners reentering mines (30 CFR 75.336(c))

3. Constructing and repairing seals (30 CFR 75.337)

3-1. Certifying and countersigning records of seal construction and repair (30 CFR 75.337(c))

3-2. Certifying seal construction, installations, and materials aligned with ventilation plans (30 CFR 75.337(d))

3-3. Notifying MSHA of seal construction and submitting documents (30 CFR 75.337(e))

3-4. Revising ventilation plans during welding or burning near seals (30 CFR

75.337(f))

3-5. Labelling Sampling Pipes (30 CFR 75.337(g)(3))

4. Certifying training for persons conducting sampling and constructing and repairing seals (30 CFR 75.338)

4-1. Certifying training for persons conducting sampling (30 CFR 75.338(a))

4-2. Certifying training for persons constructing and repairing seals (30 CFR 75.338(b))

5. Recordkeeping (30 CFR 75.339)

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

1. Applying for Seal Designs and Certifying Provisions of Approved Seal Design Addressed in Installations (30 CFR 75.335)

Seal strengths specifications are provided under 30 CFR 75.335(a).

1-1. Applying for Seal Designs (30 CFR 75.335(b)(1) and (b)(2))

Under 30 CFR 75.335(b), seal design applications from seal manufacturers or mine operators shall be in accordance with 30 CFR 75.335(b)(1) or 30 CFR 75.335(b)(2) and submitted for approval to MSHA's Office of Technical Support, Pittsburgh Safety and Health Technology Center.

(1) An engineering design application shall—

(i) Address gas sampling pipes, water drainage systems, methods to reduce air leakage, pressure-time curve, fire resistance characteristics, flame spread index, entry size, engineering design and analysis, elasticity of design, material properties, construction specifications, quality control, design references, and other information related to seal construction;

(ii) Be certified by a professional engineer that the design of the seal is in accordance with current, prudent engineering practices and is applicable to conditions in an underground coal mine; and

(iii) Include a summary of the installation procedures related to seal construction;

or

(2) Each application based on full-scale explosion tests or equivalent means of physical testing shall address the following requirements to ensure that a seal can reliably meet the seal strength requirements:

(i) Certification by a professional engineer that the testing was done in accordance with current, prudent engineering practices for construction in a coal mine;

(ii) Technical information related to the methods and materials;

(iii) Supporting documentation;

(iv) An engineering analysis to address differences between the seal support during test conditions and the range of conditions in a coal mine; and

(v) A summary of the installation procedures related to seal construction.

(3) Once the seal design is approved, the approval holder shall promptly notify MSHA, in writing, of all deficiencies of which they become aware.

1-2. MSHA Notifying Seal Design Approvals (30 CFR 75.335(b)(3) and (b)(4))

(1) MSHA will notify the applicant if additional information or testing is required. The applicant shall provide this information, arrange any additional or repeat tests, and provide prior notification to MSHA of the location, date, and time of such test(s).

(2) MSHA will notify the applicant, in writing, whether the design is approved or denied. If the design is denied, MSHA will specify, in writing, the deficiencies of the application, or necessary revisions.

1-3. Certifying Provisions of Approved Seal Design Addressed in Installations (30 CFR 75.335(c))

Under 30 CFR 75.335(c), the installation of the approved seal design shall be subject to approval in the ventilation plan. The mine operator shall —

(1) Retain the seal design approval and installation information for as long as the seal is needed to serve the purpose for which it was built.

(2) Designate a professional engineer to conduct or have oversight of seal installation and certify that the provisions in the approved seal design specified in this section have been addressed and are applicable to conditions at the mine. A copy of the certification shall be submitted to the District Manager with the information provided in 30 CFR 75.335(c)(3) and a copy of the certification shall be retained as long as the seal is needed to serve the purpose for which it was built.

(3) Provide the following information for approval in the ventilation plan—

(i) The MSHA Technical Support Approval Number;

(ii) A summary of the installation procedures;

(iii) The mine map of the area to be sealed and proposed seal locations that include the deepest points of penetration prior to sealing. The mine map must be certified by a professional engineer or a professional land surveyor.

(iv) Specific mine site information, including—

(A) Type of seal;

(B) Safety precautions taken prior to seal achieving design strength;

(C) Methods to address site-specific conditions that may affect the strength and applicability of the seal including set-back distances;

(D) Site preparation;

(E) Sequence of seal installations;

(F) Projected date of completion of each set of seals;

(G) Supplemental roof support inby and outby each seal;

- (H) Water flow estimation and dimensions of the water drainage system through the seals;
- (I) Methods to ventilate the outby face of seals once completed;
- (J) Methods and materials used to maintain each type of seal;
- (K) Methods to address shafts and boreholes in the sealed area;
- (L) Assessment of potential for overpressures greater than 120 psi in sealed area;
- (M) Additional sampling locations; and
- (N) Additional information required by the District Manager.

2. Sampling Atmospheres (30 CFR 75.336)

2-1. Reporting Atmosphere Sampling Results (30 CFR 75.336(a)(1) and (e))

Under 30 CFR 75.336(a)(1), a certified person [a person who has been certified as a mine foreman (mine manager), an assistant mine foreman (section foreman), or a preshift examiner (mine examiner)] as defined in 30 CFR 75.100 shall monitor atmospheres of sealed areas. Sealed areas shall be monitored, whether ingassing or outgassing, for methane and oxygen concentrations and the direction of leakage. Each sampling pipe and approved sampling location shall be sampled at least every 24 hours.

Under 30 CFR 75.336(e), a certified person shall promptly record each sampling result including the location of the sampling points, whether ingassing or outgassing, and the oxygen and methane concentrations. The results of oxygen and methane samples shall be recorded as the percentage of oxygen and methane measured by the certified person and any hazardous condition found in accordance with 30 CFR 75.363. The mine operator shall retain sampling records at the mine for at least 1 year from the date of the sampling.

Under 30 CFR 75.336(a)(3), mine operators with an approved ventilation plan addressing spontaneous combustion shall sample the sealed atmosphere in accordance with the ventilation plan.

2-2. Reporting Atmosphere Evaluation Results (30 CFR 75.336(a)(2))

Under 30 CFR 75.336(a)(2), the mine operator shall evaluate the atmosphere in the sealed area to determine whether sampling through the sampling pipes in seals and approved locations provides appropriate sampling locations of the sealed area. The mine operator shall make the evaluation immediately after the minimum 14-day required sampling, if the mine ventilation system is reconfigured, if changes occur that adversely affect the sealed area, or if the District Manager requests an evaluation. When the results of the evaluations indicate the need for additional sampling locations, the mine operator shall provide the additional locations and have them approved in the ventilation plan. The District Manager may require additional sampling locations and frequencies in the ventilation plan.

Under 30 CFR 75.336(a)(4), the District Manager may approve in the ventilation plan the use of a continuous monitoring system in lieu of monitoring provisions in this section.

2-3. Notifying MSHA of Miner Withdrawals (30 CFR 75.336(c))

Under 30 CFR 75.336(c), except as provided in section 75.336(d), when a sample is taken from the sealed atmosphere with seals of less than 120 psi and the sample indicates that the oxygen concentration is 10 percent or greater and methane is between 4.5 percent and 17 percent, the mine operator shall immediately take an additional sample and then immediately notify the District Manager. When the additional sample indicates that the oxygen concentration is 10 percent or greater and methane is between 4.5 percent and 17 percent, persons shall be withdrawn from the affected area which is the entire mine or other affected area identified by the operator and approved by the District Manager in the ventilation plan, except those persons referred to in § 104(c) of the [Mine] Act. The operator may identify areas in the ventilation plan to be approved by the District Manager where persons may be exempted from withdrawal. The operator's request shall address the location of seals in relation to: Areas where persons work and travel in the mine; escapeways and potential for damage to the escapeways; and ventilation systems and controls in areas where persons work or travel and where ventilation is used for

escapeways. The operator's request shall also address the gas concentration of other sampling locations in the sealed area and other required information.

2-4. Revising Ventilation Plans before Miners Reentering Mines (30 CFR 75.336(c))

Under 30 CFR 75.336(c), before miners reenter the mine, the mine operator shall have a ventilation plan revision approved by the District Manager specifying the actions to be taken.

3. Constructing and Repairing Seals (30 CFR 75.337)

3-1. Certifying and Countersigning Records of Seal Construction and Repair (30 CFR 75.337(c))

Under 30 CFR 75.337(c), a certified person designated by the mine operator shall directly supervise seal construction and repair, and—

- (1) Examine each seal site immediately prior to construction or repair to ensure that the site is in accordance with the approved ventilation plan;
- (2) Examine each seal under construction or repair during each shift to ensure that the seal is being constructed or repaired in accordance with the approved ventilation plan;
- (3) Examine each seal upon completion of construction or repair to ensure that construction or repair is in accordance with the approved ventilation plan;
- (4) Certify by initials, date, and time that the examinations were made; and
- (5) Make a record of the examination at the completion of any shift during which an examination was conducted. The record shall include each deficiency and the corrective action taken. The record shall be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift. The record shall be kept at the mine for one year.

3-2. Certifying Seal Construction, Installations, and Materials Aligned with Ventilation Plans (30 CFR 75.337(d))

Under 30 CFR 75.337(d), upon completion of construction of each seal a senior mine management official, such as a mine manager or superintendent, shall certify that the construction, installation, and materials used were in accordance with the approved ventilation plan. The mine operator shall retain the certification for as long as the seal is needed to serve the purpose for which it was built.

3-3. Notifying MSHA of Seal Construction and Submitting Documents (30 CFR 75.337(e))

Under 30 CFR 75.337(e), the mine operator shall—

- (1) Notify the District Manager between two and fourteen days prior to commencement of seal construction;
- (2) Notify the District Manager, in writing, within five days of completion of a set of seals and provide a copy of the certification required in 30 CFR 75.335(d) of this section; and
- (3) Submit a copy of quality control results to the District Manager for seal material properties specified by 30 CFR 75.335 within 30 days of completion of quality control tests.

3-4. Revising Ventilation Plans during Welding or Burning near Seals (30 CFR 75.337(f))

Under 30 CFR 75.337(f), welding, cutting, and soldering with an arc or flame are prohibited within 150 feet of a seal. An operator may request a different location in the ventilation plan to be approved by the District Manager. The operator's request must address methods the mine operator will use to continuously monitor atmospheric conditions in the sealed area during welding or burning; the airflow conditions in and around the work area; the rock dust and water application methods; the availability of fire extinguishers on hand; the procedures to maintain safe conditions, and other relevant factors.

3-5. Labelling Sampling Pipes (30 CFR 75.337(g)(3))

Under 30 CFR 75.337(g):

- (1) For seals constructed after April 18, 2008, one non-metallic sampling pipe shall be installed in each seal that shall extend into the center of the first connecting crosscut in by the seal. If an open crosscut does not exist, the sampling pipe shall extend one-half of the distance of the open entry in by the seal.
- (2) Each sampling pipe shall be equipped with a shut-off valve and appropriate fittings for taking gas samples.
- (3) The sampling pipes shall be labeled to indicate the location of the sampling point when more than one sampling pipe is installed through a seal.
- (4) If a new seal is constructed to replace or reinforce an existing seal with a sampling pipe, the sampling pipe in the existing seal shall extend through the new seal. An additional sampling pipe shall be installed through each new seal to sample the area between seals, as specified in the approved ventilation plan.

4. Certifying Training for Persons Conducting Sampling and Constructing and Repairing Seals (30 CFR 75.338)

4-1. Certifying Training for Persons Conducting Sampling (30 CFR 75.338(a))

Under 30 CFR 75.338(a), certified persons conducting sampling shall be trained in the use of appropriate sampling equipment, procedures, location of sampling points, frequency of sampling, size and condition of sealed area, and the use of continuous monitoring systems, if applicable, before they conduct sampling, and annually thereafter. The mine operator shall certify the date of training provided to certified persons and retain each certification for two years.

4-2. Certifying Training for Persons Constructing and Repairing Seals (30 CFR 75.338(b))

Under 30 CFR 75.338(b), miners constructing or repairing seals, designated certified persons, and senior mine management officials shall be trained prior to constructing or repairing

a seal and annually thereafter. The mine operator shall certify the date of training provided to each miner, certified person, and senior mine management official and retain each certification for two years.

5. Recordkeeping (30 CFR 75.339)

Under 30 CFR 75.339(a), the table entitled “Seal Recordkeeping Requirements” lists records the operator shall maintain and the retention period for each record.

Table—§ 75.339(a) Seal Recordkeeping Requirements

Record	Section reference	Retention time
(1) Approved seal design	75.335(c)(1)	As long as the seal is needed to serve the purpose for which it is built.
(2) Certification of Provisions of Approved Seal Design is Addressed	75.335(c)(2)	As long as the seal is needed to serve the purpose for which it is built.
(3) Gas sampling records	75.336(e)(2)	1 year.
(4) Record of examinations	75.337(c)(5)	1 year.
(5) Certification of seal construction, installation, and materials	75.337(d)	As long as the seal is needed to serve the purpose for which it is built.
(6) Certification of Training for Persons that Sample	75.338(a)	2 years.
(7) Certification of Training for Persons that Perform Seal Construction and Repair	75.338(b)	2 years.

Under 30 CFR 75.339(b), records required by sections 75.335, 75.336, 75.337 and 75.338 shall be retained at a surface location at the mine in a secure book that is not susceptible to alteration. The records may be retained electronically in a computer system that is secure and not susceptible to alteration, if the mine operator can immediately access the record from the mine site.

Under 30 CFR 75.339(c), upon request from an authorized representative of the Secretary of Labor, the Secretary of Health and Human Services, or from the authorized representative of miners, mine operators shall promptly provide access to any record listed in the table in this section.

Under 30 CFR 75.339(d), whenever an operator ceases to do business or transfers control of the mine to another entity, that operator shall transfer all records required to be maintained by this part, or a copy thereof, to any successor operator who shall maintain them for the required period.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection titled “Sealing of Abandoned Areas.” MSHA is particularly interested in comments that:

- 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 MSHA’s estimate of the burden of the proposed 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, 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 Sealing of Abandoned Areas. 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 Control Number: 1219-0142

Affected Public: Business or other for-profit entity

Number of Annual Respondents: 142

Frequency: On occasion

Number of Annual Responses: 37,871

Annual Time Burden: 3,909 hours

Annual Recordkeeping Costs: \$670,609

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>.

Corliss A. Josephs-Conway,

Certifying Officer,

Mine Safety and Health Administration.

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