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Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1219 - 0151

Title: Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles

Collection Instruments/ Form Number(s): None

Authority: Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 801 et seq.; and 30 CFR 75.400-2

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses or employ statistical methods” is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. Provide a detailed description of the nature and source of the information to be collected.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 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 authorizes the 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 mines.

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A program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is essential to protect miners from explosions. Effective and frequent rock dust application is necessary to protect miners from the potential of a float coal dust explosion or, if one occurs, to reduce its propagation.

Section 75.400-2 requires that mine operators establish and maintain a “program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.” In addition, the cleanup program must be available to the Secretary or Authorized Representative.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

Miners and mine operators reference and use the cleanup program to reduce the risk of explosions and the propagation of explosions. In addition, MSHA will evaluate the operator’s cleanup program to determine whether it is effective to address the hazard presented by accumulations of coal and float coal dusts, loose coal, and other combustibles.

Effective cleanup programs typically contain the following information:

- (1) The regular cleanup methods for the removal of accumulations of coal and float coal dusts, loose coal, and other combustibles in all active workings or on any equipment;
- (2) The equipment and methods used for applying rock dust; and
- (3) The means used to evaluate the effectiveness of the cleanup program.

Information in the cleanup program is updated when conditions change at the mine.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

MSHA will allow mine operators to maintain the written cleanup program electronically, and make it available to MSHA electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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The information in the written cleanup program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is not available elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize.

This information collection will not have a significant burden impact on small entities.

6. Describe the consequence to Federal/MSHA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

This information collection is necessary for MSHA to assure that the mine operator has developed a cleanup program that will result in the effective cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

If there are conditions at the mine that change, an operator may need to change its cleanup program more often than quarterly and may need to make the program available to MSHA on more than a quarterly basis.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

(c) Requiring respondents to submit more than an original and two copies of any document.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data

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security policies that are consistent with the pledge, or which unnecessarily impede sharing of data with other agencies for compatible confidential use.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The other special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities are the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day Federal Register notice on March 18, 2016 (81 FR 14894). MSHA received no comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents. Present the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to the respondents.

11. Provide additional justification for any question of a sensitive nature (such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private). This justification should include the reasons why

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the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated for each collection instrument (separately list each instrument and describe information as requested). Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. NOTE: The wage-rate category for each respondent must be multiplied by 1.4 and this total should be entered in the cell for "Avg. Hourly Wage Rate". The cost to the respondents of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

In 2015, there were a total of 322 active underground coal mines that will respond to this information collection: 78 mines with 1-19 employees; 235 mines with 20-500 employees; and 9 mines with 501+ employees.

MSHA has determined that, due to the complexity of mining operations, it will take the 78 mines with 1-19 employees substantially less time to respond to this information collection than the 244 mines employing 20 or more employees; therefore, the burden hours and burden hour costs were calculated separately for these two groups below.

The burden hours and burden hour costs for this information collection consist of the development, where needed, of a new MSHA approved cleanup program as well as updates to existing MSHA approved cleanup programs.

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Development of New Cleanup Programs

Mines with 1-19 employees

MSHA estimates that 55 mines, or 70 percent of the underground coal mines with 1-19 employees (78 mines x 0.7), will need to develop a new cleanup program. Each mine operator will complete the program once over the next three years for an average total of 18 programs per year (55 mines x 1 program per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$103.26 per hour¹ including benefits, 1 hour to complete a new cleanup program.

Burden Hours

18 programs x 1 hour per program = 18 hours

Burden Hour Cost

18 hours x \$103.26 per hour = \$1,859

Mines with 20 or more employees

MSHA estimates that 171 mines, or 70 percent of the underground coal mines with 20 or more employees (244 mines x 0.7), will need to develop a new cleanup program. Each mine operator will complete the program once over the next three years for an average total of 57 programs per year (171 mines x 1 program per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$103.26 per hour including benefits, 4 hours to complete a new cleanup program.

Burden Hours

57 programs x 4 hours per program = 228 hours

Burden Hour Cost

228 hours x \$103.26 per hour = \$23,543

Updates to Existing Cleanup Programs

Mines with 1-19 employees

MSHA estimates that all 78 underground coal mines with 1-19 employees will need to update a cleanup program. Each mine operator will complete the update twice over the next three years for an average total of 52 program updates per year (78 mines x 2 updates per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$103.26 per hour including benefits, 15 minutes to complete an update to an existing cleanup program.

¹ The Wage rate (including benefits) was developed from tabulations in the U.S. Coal Mines Salaries, Wages, and Benefits – 2012 Survey Results, InfoMine USA, Inc., 2012 <http://costs.infomine.com/laborcompensationreports/>. The wage rates were adjusted from 2012 to 2015 using a percent change of 5.8%, derived from the Bureau of Labor Statistics' Employment Cost Index (ECI), CIU2010000405000I, for "Private industry workers in Construction, extraction, farming, fishing, and forestry occupations," <http://www.bls.gov/ect/> and <http://data.bls.gov/timeseries/CIU2010000405000I>. (\$103.26 = \$97.60 x 1.058)

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Burden Hours

52 program updates x 15 mins per program = 13 hours

Burden Hour Cost

13 hours x \$103.26 per hour = \$1,342

Mines with 20 or more employees

MSHA estimates that all 244 underground coal mines with 20 or more employees will need to update a cleanup program. Each mine operator will complete the update twice over the next three years for an average total of 163 program updates per year (244 mines x 2 updates per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$103.26 per hour including benefits, 1 hour to complete an update to an existing cleanup program.

Burden Hours

163 program updates x 1 hour per program = 163 hours

Burden Hour Cost

163 hours x \$103.26 per hour = \$16,831

Summary

Total respondents: = 322
Total responses: = 290
Total annual burden hours: = 422
Total annual burden hour cost: = \$43,575

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

• **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

• **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample**

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of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

• Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital, start-up, or maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

There is no additional cost to the Federal government because the AR would review the program as part of a regular inspection four times per year. ARs typically review all written plans, programs, and records during each inspection.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Respondents: There has been a decrease of 53 respondents (from 375 to 322). This decrease is due to the reduction in the total active underground coal mines from the previous reporting period.

Responses: There has been a decrease of 47 responses (from 337 to 290). This decrease is due to the reduction in the total active underground coal mines from the previous reporting period.

Burden Hours: There has been a decrease of 88 burden hours (from 510 to 422). This decrease is due to the reduction in the total active underground coal mines from the previous reporting period.

Cost: There cost remains at \$0.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and

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ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the data from this information collection.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

MSHA will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

MSHA does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.