

SUPPORTING STATEMENT

Slope and Shaft Sinking Plans, 30 C.F.R. § 77.1900 (pertains to the surface work areas of underground coal mines)

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.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Title 30 C.F.R. § 77.1900 requires underground coal mine operators to submit for approval a plan that will provide for the safety of workmen in each slope or shaft that is commenced or extended from the surface to the underground coal mine. Each slope or shaft sinking operation is unique in that each operator uses different methods and equipment and encounters different geological strata which make it impossible for a single set of regulations to insure the safety of the miners under all circumstances. This makes an individual slope or shaft sinking plan necessary. Plans include the name and location of the mine; name and address of the mine operator; a description of the construction work and methods to be used in construction of the slope or shaft, and whether all or part of the work will be performed by a contractor; the elevation, depth and dimensions of the slope or shaft; the location and elevation of the coalbed; the general characteristics of the strata through which the slope or shaft will be developed; the type of equipment which the operator proposes to use; the system of ventilation to be used; and safeguards for the prevention of caving during excavation.

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.

Plans are submitted for approval to the District Manager in whose district the mine is located. Once approved, plans are used by MSHA to determine that the equipment and methods used by the mine operator to provide a safe working environment for their employees is as stated in the approved plan.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection

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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.

The shaft or slope plans submitted under 30 C.F.R. § 77.1900 are typewritten documents consisting of narrative descriptions, lists, tables and drawings. These documents can be prepared using personal computers, automated drafting programs and word processing programs and submitted via e-mail, where the mine operator has the capability of affixing transmittable authorization signatures or where the e-mail or facsimile is followed by a signed hard copy. However, neither the use of nor absence of access to electronic media significantly affects the burden imposed by the standard. No new information technology has been identified that would reduce the burden.

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.

Plans are developed for individual slope and shaft sinking operations. No similar or duplicate information exists.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This information does not have a significant impact on small businesses or other small entities.

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

Plans are prepared once for each slope and shaft sinking operation. Each slope or shaft sinking operation is unique in that each operator/contractor uses different methods and equipment and encounters different geological strata which make it impossible for a single set of regulations to insure the safety of the miners under all circumstances. This makes an individual slope or shaft sinking plan necessary. Consequently, MSHA regards the continuation of the standard as essential to assuring the safety and health of miners and contractor personnel during the high risk activities of shaft and slope construction.

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

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- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- 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;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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 security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- 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.

This collection of information is consistent with the guidelines in 5 C.F.R. § 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), 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.

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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is 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 preclearance Federal Register notice on May 8, 2007 (Volume 72, Number 88, Pages 26170-26171), soliciting public comments regarding the extension of this information collection. No comments were received.

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 and the basis for the assurance in statute, regulation, or agency policy.

Slope and shaft sinking plans are applicable to specific work conditions. There is no personal or proprietary information involved and assurance of confidentiality implied. MSHA regards the approved plans as public records.

11. Provide additional justification for any questions 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 the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons 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:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 desirable. 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.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

There were 502 active underground coal mines in the year 2006. Only underground mines have shaft and slope plans. A survey of the Coal Mine Safety and Health Districts found that 27 base plans and 38 revised shaft or slope plans were submitted and approved in FY 2006. The survey found that the common practice was for shaft and slope contractors to submit separate plans for distinct phases of the construction. Typically, two plans were submitted and approved for each shaft with an occasional submission of an amendment when circumstances required. Safety specialists estimate that it takes a mining engineer earning approximately \$62.50 per hour (U.S. Coal Mine Salaries, Wages and Benefits - 2005 Survey Results, Western Mine Eng, Inc./weighted average for coal supervisors), approximately 20 hours to prepare an average plan .

65 shaft and slope plans x 20 hours = 1,300 burden hours

1,300 burden hours x \$62.50 = \$81,250

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **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 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.**

No equipment must be purchased specifically for the purpose of providing/gathering the information required by this standard.

The shaft and slope plans are prepared on office equipment and or engineering equipment maintained at the mine or in the contractor's office for normal business activities. However, since these documents are mandatory requirements, many are sent to MSHA by certified mail so that a record of delivery is secured by the mine operator(s).

Assuming that each plan is submitted by certified mail, the operators/contractor will incur additional transmittal costs estimated at:

$$\text{\$16.33 per package} \times 65 \text{ plans} = \text{\$ 1,061}$$

(The transmittal cost was derived by using the Consumer Price Index Inflation calculator.)

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 not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the Federal government varies with the development trends of the coal industry and could cost from a few hundred dollars to a few thousand dollars depending on the number of plans that are submitted for approval. Safety specialists estimate that it would take approximately 15 hours to review and approve an average plan. The average salary for a Safety Specialist is GS-13-5 is \$36.36 per hour (2007 Base General Schedule). MSHA's current records show there are approximately 65 shaft and slope plans per year.

$$65 \text{ plans} \times 15 \text{ hours} \times \$36.36/\text{hr} = \$35,451$$

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15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

The burden hour decrease of 260 hours (from 1,560 hours to 1,300 hours) is due to fewer new underground coal mine openings and as a result, a decreased number of shaft and slope projects. MSHA records show that there were less shafts and slopes under construction during the year 2006 than in 2003, and fewer plans submitted (65 plans in the year 2006 and 78 plans in the year 2003).

There is also a slight cost burden decrease (from \$1,000 to \$1,061) resulting from a decrease in the number of shaft and slope plans submitted for facilities under construction.

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

MSHA does not intend to publish the results of this information collection.

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

There are no forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

- 2. Describe the procedures for the collection of information including:**
- Statistical methodology for stratification and sample selection,
 - Estimation procedure,
 - Degree of accuracy needed for the purpose described in the justification,
 - Unusual problems requiring specialized sampling procedures, and
 - Any use of periodic (less frequently than annual) data collection cycles to reduce burden.
- 3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.**
- 4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.**
- 5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

**Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164*
An Act**

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

103 (h) In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

**PART 77--MANDATORY SAFETY STANDARDS, SURFACE COAL MINES
AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

30 CFR § 77.1900 Slopes and shafts; approval of plans.

(a) Each operator of a coal mine shall prepare and submit for approval by the Coal Mine Health and Safety District Manager for the district in which the mine is located, a plan providing for the safety of workmen in each slope or shaft that is commenced or extended after June 30, 1971. The plan shall be consistent with prudent engineering design. The methods employed by the operator shall be selected to minimize the hazards to those employed in the initial or subsequent development of any such slope or shaft, and the plan shall include the following:

- (1) The name and location of the mine, and the Mine Safety and Health Administration mine identification number, if known;
- (2) The name and address of the mine operator;
- (3) A description of the construction work and methods to be used in the construction of the slope or shaft, and whether part or all of the work will be performed by a contractor and a description of that part of the work to be performed by a contractor;
- (4) The elevation, depth and dimensions of the slope or shaft;
- (5) The location and elevation of the coalbed;
- (6) The general characteristics of the strata through which the slope or shaft will be developed;
- (7) The type of equipment which the operator proposes to use when the work is to be performed by the operator. When work is to be performed by a contractor the operator shall, as soon as known to him, supplement the plan with a description of the type of equipment to be used by the contractor;
- (8) The system of ventilation to be used; and
- (9) Safeguards for the prevention of caving during excavation.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[36 FR 9364, May 22, 1971, as amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28096, June 29, 1982; 60 FR 33719, June 29, 1995]