

July, 2013

## Supporting Statement for Paperwork Reduction Act Submissions

**OMB Control Number:** 1219 - NEW

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

**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 Item 17 of the OMB Form 83-I 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.**

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. Rock dust standards were published (35 FR 17097, November 20, 1970) as part of a final rule

that implemented requirements contained in the 1969 Federal Coal Mine Health and Safety Act.

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 (AR).

This standard predates the PRA, and MSHA discovered that it lacked OMB approval. This collection of information provides the required OMB clearance under the PRA.

**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 management 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 mine’s cleanup program is updated when conditions change.

**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.**

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 (Item 5 of OMB Form 83-I), 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 changing conditions at the mine, an operator may need to make changes to 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 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 May 14, 2013 (78 FR 28242). 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 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 in Item 13 of OMB Form 83-I.**

**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 2012, there were a total of 375 active underground coal mines that will respond to this information collection: 73 mines with 1-19 employees; 288 mines with 20-500 employees; and 14 mines with 501+ employees.

MSHA has determined that, due to the complexity of mining operations, it will take the 73 mines with 1-19 employees substantially less time to respond to this information collection than the 302 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.

Underground coal mine supervisors' hourly wage rate of \$89.72 including benefits comes from the *U.S. Coal Mine Salaries, Wages, & Benefits - 2011 Survey Results*.

Development of New Cleanup Programs

*Mines with 1-19 employees*

MSHA estimates that 51 mines, or 70 percent of the underground coal mines with 1-19 employees (73 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 17 programs per year (51 mines x 1 program per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 1 hour to complete a new cleanup program.

Burden Hours

17 programs x 1 hour per program = 17 hours

Burden Hour Cost

17 hours x \$89.72 per hour = \$1,525

*Mines with 20 or more employees*

MSHA estimates that 211 mines, or 70 percent of the underground coal mines with 20 or more employees (302 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 70 programs per year (211 mines x 1 program per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 4 hours to complete a new cleanup program.

Burden Hours

70 programs x 4 hours per program = 280 hours

Burden Hour Cost

280 hours x \$89.72 per hour = \$25,122

Updates to Existing Cleanup Programs

*Mines with 1-19 employees*

MSHA estimates that all 73 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 49 program updates per year (73 mines x 2 updates per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 0.25 hours (15 minutes) to complete an update to an existing cleanup program.

Burden Hours

49 program updates x 0.25 hours per program = 12 hours

Burden Hour Cost

12 hours x \$89.72 per hour = \$1,077

*Mines with 20 or more employees*

MSHA estimates that all 302 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 201 program updates per year (302 mines x 2 updates per mine/3 years). MSHA estimates that it will take a supervisor, earning an average wage of \$89.72 per hour including benefits, 1 hour to complete an update to an existing cleanup program.

Burden Hours

201 program updates x 1 hour per program = 201 hours

Burden Hour Cost

201 hours x \$89.72 per hour = \$18,034

Summary

**Total respondents:** = 375  
**Total responses:** = 337  
**Total annual burden hours:** = 510  
**Total annual burden hour cost:** = \$45,758

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

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 in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.**

This information collection request remedies the lack of OMB clearance for a standard that predated the PRA. There is no previously approved burden or reported annual cost burden for this collection.

**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 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 certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.**

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.