

**Performance Reports for MSHA Grants
1219-0NEW
9-2018**

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSIONS
PERFORMANCE REPORTS FOR MSHA GRANTS**

Information Collection Title: Performance Reports for MSHA Grants

Collection Instrument(s): MSHA Performance Report Narratives and MSHA Form 5000-50, MSHA State Grant Program Performance Report

Authority: Section 503 of the Federal Mine Safety and Health Act of 1977, Public Law 95-164

Part A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Describe the practical utility of the collection, including proposed and actual use. 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(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 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 mines.

MSHA is requesting approval of a new information collection for all our grant reporting requirements. One of MSHA's strategic goals is to "improve workplace safety and health" through the strategic objective "secure safe and healthy workplaces, particularly in high-risk industries." MSHA's goal in accomplishing this objective is to "prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners." Under Sec. 503 of the Mine Act, as amended, the Secretary may award grants to States to assist in developing and enforcing State mining laws and regulations, to improve State workers' compensation and mining occupational disease laws and programs, and to improve safety and health conditions in the Nation's mines through Federal-State coordination and cooperation.

Therefore, MSHA seeks the Office of Management and Budget's (OMB) clearance of the information collections the Department of Labor (DOL) requires to carry out its grant programs through MSHA. This information collection covers the performance reporting to MSHA.

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MSHA is seeking to transfer its DOL-approved burden on the Narrative Reports under OMB No. 1225-0086 to this new MSHA information collection.

Grantees are required by DOL regulations to submit project and final reports, as described below. Grantees are also required to submit final reports no later than 90 days after the end of the grant period.

Technical Project Reports: A grantee submits a technical project report to MSHA no later than 30 days after quarterly deadlines. Technical reports provide both quantitative and qualitative information.

Narrative Reports: The narrative reports will contain the following information for the preceding three-month period:

- (a) A comparison of actual accomplishments to the objectives established for the period.
- (b) Reasons for any objectives not met.
- (c) Description of any significant developments or problems affecting the organization's ability to accomplish the work.
- (d) An evaluation of the impact or results of the program's activities.
- (e) The performance data required by Form 5000-50

The narrative report is a summary and submitted in open free format of the applicant's choice. The same 5000-50 form is used from grant to grant and recipient to recipient. The narrative they submit summarizes the 5000-50. The required content of the narrative is specified in the FOA and does not change in subsequent award years.

This includes the current grant progress against the overall grant goals. Between reporting dates, the grantee informs MSHA of significant developments or problems affecting the organization's ability to accomplish the work.

Final Reports: At the end of the grant period, each grantee provides a project summary of its technical project reports, an evaluation report, and a close-out financial report. These final reports are due no later than 90 days after the end of the 12-month performance period.

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.

MSHA uses the information collected to prepare its annual budget plans and its annual performance reports. and determine if the grantee's work effort is accomplished. While the technical reports provide the information that is needed to report on the numbers of miners

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trained, the narratives provide an overall assessment and an evaluation of the training that was provided. The information is useful to MSHA for the annual OMB report to the Senate and to present fact sheets for the Assistant Secretary of Labor for MSHA. This information has been reported to the DOL Secretary for White House events and conferences.

MSHA has received information in the past from the State Governments, Public and State Controlled institutions of higher education and a Native American tribal government. The grantees make up the 60 respondents for this information collection request (ICR). Grantees for the State Grant includes all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Mariana Islands. MSHA anticipates receiving information from American Samoa, Guam and the Commonwealth of the Mariana Islands as well.

- 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 burdens.**

MSHA receives initial applications via the government-wide e-grants initiative (Grants.gov) located on the Internet at <http://www.grants.gov>. The OMB control number that covers the application collection is 1225-0086. The grant performance reports are collected via an Excel spreadsheet. Grantees complete approximately 100 percent of grant performance reports by electronic means, sending them via email.

- 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 collected in performance reports for MSHA grants is unique to each grant; therefore, it is not duplicated in any other source. As applicable, MSHA utilizes currently approved standard forms and will not duplicate information collected on these forms.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. Describe how the collection reduces, to the extent practicable and appropriate, the burden on all persons, including small entities, providing information.**

This information collection request does not have a significant economic impact on a substantial number of small entities. To limit the burden imposed on respondents, MSHA requires the minimum information.

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MSHA has existing structures and resources in place for managing grants.

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 the burden.

MSHA activities regarding grants would be significantly hindered if it were not able to collect the information required to evaluate the grantees' activities. MSHA would not have the information on the type of service that the grantee is providing, and would not have a record of the number of miners trained under this grant program. MSHA may elect to withhold funding if information is not received.

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

- **requiring respondents to report information to the agency more often than quarterly;**
No special circumstances apply. No single report would be submitted more often than quarterly. This requires one response each quarter plus one end of year report that summaries each of the quarterly reports.
- **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**

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- **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.**

MSHA will ensure that all collections of information contained in its performance reports for MSHA grants comply with 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR Section 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 Federal Register notice on June 12, 2017 (82 FR 26951). MSHA received no public comments.

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

MSHA does not provide any payment or gift to respondents in connection with this Information Collection Request.

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

MSHA makes no assurance of confidentiality to those responding.

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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 from whom the information is requested, and any steps to be taken to obtain their consent.

Reporting requirements in the performance reports do not ask 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.**
- **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 13.**

Grantees are required by DOL regulations to submit project and final reports, as described below. Grantees are also required to submit final technical reports no later than 90 days after the end of the grant period. All hourly wages for estimating hour burden costs are from Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) May 2015 survey.¹

(a) Technical Project Reports

¹ Options for obtaining OES data are available at item “E3. How to get OES data. What are the different ways to obtain OES estimates from this website?” at https://www.bls.gov/oes/oes_ques.htm.

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A grantee submits a technical project report to MSHA no later than 30 days after set quarterly deadlines for the report narratives. Technical project reports provide both quantitative and qualitative information and a narrative assessment of performance for the preceding three-month period. This includes the current grant progress against the overall grant goals. Between reporting dates, the grantee informs MSHA of significant developments or problems affecting the organization's ability to accomplish the work.

(b) Final Reports

At the end of the grant period, each grantee provides a project summary of its technical project reports, an evaluation report, and a close-out financial report. These final reports are due no later than 90 days after the end of the 12-month performance period.

MSHA estimates it takes an average of 750 working hours to prepare and submit the performance report narratives and a form that summarizes the performance reports, MSHA Form 5000-50, MSHA State Grant Program Performance Report. For purposes of this information collection request, MSHA estimates that a professional earning \$52.34 per hour will prepare a grant performance report. Therefore, the burden for these reporting activities is as follows using average response times:

<i>Form/ Type of Respondent</i>	<i>No. of Respondents</i>	<i>No. of Responses per Respondent</i>	<i>Total Number of Responses</i>	<i>Avg. Burden per Response (In hrs.)</i>	<i>Total Burden Hours</i>	<i>Avg. Hourly Wage</i>	<i>Total Burden Costs</i>
MSHA Form 5000-50	60	5	300	2.5	750	\$52.34	\$34,255

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,**

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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.**

The Agency estimates that 100 percent of the reports are sent electronically with no additional costs. However approximately 10 percent of grantees will chose to additionally send the reports (30 reports) manually as a duplicate send for a cost of \$1.75 per report. MSHA estimates that, on average, each report is 5 pages, copy costs are \$0.15 per page, and postage is \$1 per report for a total of \$1.75 per manual report. The total manual submission cost is \$53 (\$1.75 x 30 rounded to nearest dollar).

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 17, 18, and 19 in a single table.

MSHA incurs no unique start-up or operational and maintenance costs as a result of the collections of information contained in performance reports.

15. Explain the reasons for any program changes or adjustments reporting in Items 12 or 13.

This is a new information collection.

16. For collections of information in which results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used.

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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 has no plans to publish the information collected in associated with performance reports.

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.

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the *Federal Register*, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

MSHA will publish the OMB control number and expiration date in the *Federal Register* and on MSHA Form 5000-50.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act Submission."

MSHA is not seeking an exception to the certification statement.

Part B. Statistical Methods

This information collection does not employ statistical methods.