

## **Supporting Statement for Paperwork Reduction Act Submissions**

**OMB Control Number:** 1219 - 0095

**Title:** Explosive Materials and Blasting Units (pertains only to underground metal and Category III nonmetal mines deemed to be gassy)

**Authority:** 30 CFR 57.22606(a)

This Information Collection Request seeks to extend, without change, a currently approved information collection.

### **General Instructions**

**A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(1)(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 or 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.**

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(a), authorizes the Secretary of Labor 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.

Under 30 CFR parts 7 and 15, MSHA evaluates and approves explosive materials and blasting units as permissible for use in mines. However, some underground metal and nonmetal Category III mines (gassy mines) use non-approved explosive materials or blasting units. Section 57.22606(a) outlines the procedures for mine operators to follow when using non-approved explosive materials and blasting units.

The standard requires mine operators of underground metal and nonmetal Category III gassy mines to notify MSHA in writing prior to their use of non-approved explosive materials and blasting units. MSHA then evaluates the non-approved explosive materials and blasting units to determine whether they are safe for use in a potentially gassy environment.

**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 provided by the mine operator to determine whether non-approved explosive materials and blasting units and procedures are safe for use in underground metal or nonmetal Category III gassy mines. Without such determinations, miners may be exposed to significant safety risks.

**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.**

No improved information technology has been identified that would reduce the burden; however, in order to comply with the Government Paperwork Elimination Act, mine operators may transmit the records in whatever method they choose, which includes utilizing computer technology transmission.

**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.**

MSHA knows of no other Federal or State requirement that would duplicate this requirement.

**5. If the collection of information impacts small businesses or other small entities 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.**

The underground metal and nonmetal mine operator notifies the appropriate MSHA District Manager of all non-approved explosive materials and blasting units to be used prior to their actual use. Failure to enforce these requirements could result in mine operators using explosive materials and blasting units that create unsafe conditions in potentially gassy environments, jeopardizing the safety of miners.

**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.**

**(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 impedes 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.**

This information collection is not expected to involve any special circumstances contained in item 7 of the supporting statement.

**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 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 January 21, 2022 (87 FR 3356). MSHA received no public comments.

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

No payments or gifts are provided to the respondents identified by this collection.

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

No assurance of confidentiality is provided to respondents.

**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.**

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. 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.**
- 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 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 under Item 13.**

Annual burden hours and related costs calculations are shown below. MSHA used data from the May 2020 Occupational Employment Wage Statistics (OEWS) published March 2021 by the Bureau of Labor Statistics (BLS) for hourly wage rates<sup>1</sup> and adjusted the

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<sup>1</sup>Options for obtaining OEWS data are available at item "E3. How to get OEWS data. What are the

rates for benefits<sup>2</sup> and wage inflation<sup>3</sup>.

All information related to quantities and inspection rates are estimated by MSHA's Headquarters Enforcement Division based on field experience with different types of mining operations, sizes of mines, and the frequency of inspections dictated by statute. Mine operators provide MSHA Headquarters Enforcement Division the number of mines and employment, and from this information, MSHA tracks the number of active and inactive mines and mine types throughout the United States.

In calendar year 2020 there were four underground metal and nonmetal Category III mines deemed to be gassy. MSHA estimates that only one underground metal and nonmetal mine operator will change explosive materials or blasting units during the year. Therefore, only one operator would need to prepare a notice each year to the appropriate MSHA District Manager stating that they are seeking to use non-approved explosive materials or blasting units.

MSHA estimates that a mine management official, earning \$86.26 per hour<sup>4</sup>, takes approximately one hour to prepare and submit the notice.

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different ways to obtain OEWS estimates from this website?" at [https://www.bls.gov/oes/oes\\_ques.htm](https://www.bls.gov/oes/oes_ques.htm).

2 The benefit-scaler comes from BLS Employer Costs for Employee Compensation access by menu <http://www.bls.gov/data/> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. The data series CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average 2020Qtr3-2021Qtr2 to determine that 32.9 percent of total loaded wages are benefits. MSHA computes the scaling factor with a number of detailed calculations but it may be approximated with the formula and values  $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (.329/(1-.329)) = 1.49$ .

3 Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. ([https://beta.bls.gov/dataQuery/find?fq=survey:\[ci\]&s=popularity:D&q=CIS2020000405000I](https://beta.bls.gov/dataQuery/find?fq=survey:[ci]&s=popularity:D&q=CIS2020000405000I)); Qtr 3 2021/Qtr 2 2020;  $146.0/139.2=1.049$ )

4 For MNM mines, the wage is the employment weighted average of the rates for Mine Management Officials--General and Operations Management--as detailed from the BLS May 2021 OEWS data for NAICS codes 212200 and 212300. Weighted average rate  $\$86.26 = \$55.19 \times 1.49$  benefit adjustment  $\times 1.049$  inflation adjustment.

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name/Form Number/ Standard	No. of Respondents	No. of Responses per Respondent	Total No. of Responses (rounded to whole numbers)	Avg. Burden per Response (in hours)	Total Annual Burden (in hours/ rounded to whole numbers)	Avg. Hourly Wage Rate	Monetized Value of Time
Business or other for-profit	30 CFR Section 57.22606(a)	1	1	1	1	1.00 hour	\$86.26	\$86.26
<b>Total</b>		<b>1</b>		<b>1</b>		<b>1 (rounded)</b>		<b>\$86 (rounded)</b>

**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.)**

- a. **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.**
- b. **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.**

- c. **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.**

Respondents have typically used certified mail to submit the information. MSHA estimates the cost for mailing to be \$6.00.

$$1 \text{ notice} \times \$6.00 \text{ mailing cost per notice} = \$6 \text{ (rounded)}$$

**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.**

MSHA estimates that it will take approximately one hour to review a notice of the proposed use of non-approved explosive materials and blasting units. The average salary of an MSHA inspector, GS-12 grade, is \$63.34 per hour (including benefits)<sup>5</sup>.

$$1 \text{ notice} \times 1 \text{ hour/notice} \times \$63.34 \text{ per hour} = \$63 \text{ (rounded)}$$

**15. Explain the reasons for any program changes or adjustments.**

Respondents: There was no change in the number of respondents, which remained at 1.

Responses: There was no change in the number of responses, which remained at 1.

Hours: There was no change in the number of hours, which remained at 1.

Costs: There was no change in the estimated cost, which remained at \$6.

<sup>5</sup> Hourly rate developed from office of Personnel Management (OPM), June 2021 *FedScope* employment cube, <http://www.fedscope.opm.gov/>. Data search qualifiers were: Agency = DLMS, Occupation = 18xx, Work Schedule = Full-Time, Salary Grade = GS-12, Measure = Average Salary. The hourly wage is the annual salary divided by 2,087. To include the cost of benefits, MSHA multiplied the average annual salary by a federal benefit scaler for MSHA of 1.435 (FY 2022 budget submission). Rate equals \$63.34= (\$132,187/ 2,087 x 1.435).



**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.**

The results from the information gathered from this collection will not be published.

**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.**

MSHA associates no forms with this collection.

**18. Explain each exception to the topics of the certification statement.**

There are no certification exceptions identified with this information collection.

#### **B. Collections of Information Employing Statistical Methods**

This information collection employs no statistical methods.