

## SUPPORTING STATEMENT

30 C.F.R. Parts 77.1000 and 77.1000-1, Ground Control Plans (pertains to surface coal mines and 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.**

Each operator of a surface coal mine is required under 30 C.F.R. § 77.1000, to establish and follow a ground control plan that is consistent with prudent engineering design and which will ensure safe working conditions. The mining methods employed by the operator are selected to ensure highwall and spoil bank stability. In the event of a highwall failure or material dislodgment, there is very little time to escape possible injury. Therefore, preventive measures must be taken. Ground control plans are filed with the District Manager in the district in which the mine is located. The plans are based on the type of strata expected to be encountered, the height and angle of highwalls and spoil banks, and the equipment to be used at the mine. The plan is used to show how the mine operator will maintain safe conditions around the highwalls and spoil banks, and it is reviewed by MSHA to ensure that highwalls and spoil banks are maintained in safe condition through the use of sound engineering design.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for new collections, indicate the actual use the agency has made of the information received from the current collection.**

The information contained in ground control plans is used by MSHA to ensure that the mine operator is maintaining the highwalls and spoil banks so that a safe working environment is provided for mine employees, management, and others who visit the mine property.

**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 develop ground control plans using computer generated CAD drawings and retain the records in whatever method they chose, which may include utilizing computer technology.

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

MSHA knows of no other federal, state, or local agency that has a similar paperwork requirement relating to ground control that would duplicate this requirement. All other agencies that inspect coal mines accept and use the ground control plans required by MSHA.

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

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations because accidents, injuries, and illnesses can occur at any mine, regardless of size. Congress intended that the law be enforced at all mining operations within MSHA's jurisdiction regardless of size, and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. S. Rep. No. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress recognized that small operations may have problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with ensuring the health and safety of this nation's miners, different requirements for small and large mines exist. See, for example, 30 C.F.R. 49.3 and 50.11(b). However, due to the unique nature of ground conditions at each individual mine, MSHA does not believe that providing separate and distinct ground control plans for small mines would promote the objectives of the Mine Act.

**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.**

MSHA estimates that there are approximately 900 active mines that have approved ground control plans. Such plans reflect the mandatory responsibility of mine operators to provide a safe and healthful work environment for employees. If the plans were not submitted, MSHA would not be able to effectively determine whether mine operators are taking the appropriate actions to maintain stable highwalls and spoil banks.

**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;
- 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 date and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. 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 the 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 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.

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

MSHA has made no decision to provide payment or gifts 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 records requiring confidentiality are required.

**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:**

- **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.**

### Hour Burden

MSHA estimates that it will receive approximately 150 new ground control plans per year, and that it will take a mine operator approximately 8 hours to develop an average plan.

$$150 \text{ new plans} \times 8 \text{ hours/plan} = 1,200 \text{ hours}$$

In addition, MSHA estimates that each year approximately 1 percent or 9 of the mine operators who have current ground control plans approved by MSHA will need to submit a revised plan, and that it will take a mine operator approximately 5 hours to draft the revision and submit it for approval.

$$9 \text{ revised plans} \times 5 \text{ hours per plan} = 45 \text{ hours}$$

MSHA estimates that approximately 1 hour of clerical time is required for each plan for copying, filing, mailing, etc.

150 new plans x 1 hour per plan	=	150 hours
9 revised plans x 1 hour per plan	=	<u>9 hours</u>
<b>Total Hour Burden</b>	=	<b>1,404 hours</b>

Hour Burden Cost

Salaries used are based upon salary tables from the U.S. Coal Mine Salaries, Wages, & Benefits - 1999 Survey Results. The hour burden cost associated with the development of new ground control plans is based on \$52.47 per hour for a mining engineer and \$16.94 hour for clerical support. The total burden hour cost for new and revised plans is as follows:

1,245 hours x \$52.47 per hour (estimated salary of a mining engineer)	=	\$65,325
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The hour burden cost associated with copying, filing, and mailing new and revised ground control plans is as follows:

159 hours x \$16.94 per hour (estimated salary of a clerical worker)	=	<u>\$ 2,693</u>
		<b>\$ 68,018</b>

**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).**

MSHA estimates that the only cost associated with submitting ground control plans is the cost of mailing the plans. This cost is calculated as follows:

159 plans and revisions x \$1.28 postage	=	\$ 204
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**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 approximately 150 new surface strip and open pit coal mines will open in fiscal year 2000 and submit ground control plans to MSHA for approval. MSHA also estimates that approximately 9 revised plans will be submitted for approval. It is estimated that it will take a Safety Specialist (GS 12/5 earning \$25.50), one-half hour to review an average plan.

150 new plans x 0.5 hours x \$26 per hour (average salary for a mine inspector)	=	\$ 1,950
9 revised plans x 0.5 hour x \$26 per hour	=	<u>\$ 117</u>
		<b>\$ 2,067</b>

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

The decrease of 4,800 burden hours (from 6,204 to 1,404) is due to MSHA's acceptance of computer generated CAD drawings which does not require a great deal of time and are very detailed. This reduces the amount of time required by the mine operator to develop a ground control plan.

**16. For collections of information whose results are planned to 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 is not seeking approval to either display or 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 Submissions," of OMB Form 83-I.**

There are no certification exceptions identified with this information collection.

## **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.**

The collection of this information does not employ statistical methods.

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