

SUPPORTING STATEMENT

Generic Solicitation for Grant Applications: *PL 109-236, the Mine Improvement and New Emergency Response Act of 2006 (Miner Act)*

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 14 (a) of United States Public Law PL 109-236, the Mine Improvement and New Emergency Response Act of 2006 (Miner Act) Brookwood-Sago Mine Safety Grants, authorizes the Secretary of Labor to establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants. To carry out the purposes of this section, the Mine Safety and Health Administration (“MSHA” or the “Agency”) will conduct directly, or through grants and contracts, education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide employers and miners with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions in and around mines.

Consistent with the training mandate specified by Section 14 (c) Eligibility, to be eligible to receive a grant under this section, an entity shall (1) be a public or private nonprofit entity and (2) submit to the Secretary of Labor or authorized representatives of the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require. The complete application package, Training Grant Application (TGA), is covered under the following regulations:

- 29 CFR Part 32 Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
- 29 CFR Part 33 Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Labor
- 29 CFR Part 36 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- 29 CFR Part 93 New Restrictions on Lobbying
- 29 CFR Part 95 Grants and Agreements with Institutions of Higher Education, Hospital, and other non-profit organizations, and with commercial organizations, Foreign Governments, Organizations under the Jurisdiction of Foreign Governments, and International Organizations
- 29 CFR Part 96 Audit Requirements for Grants, Contracts, and other Agreements

- 29 CFR Part 97 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 29 CFR Part 98 Government-wide Debarment and Suspension (non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)
- 29 CFR Part 99 Audits of States, Local Governments, and Non-Profit Organizations

Additionally, the following Office of Management and Budget (OMB) Circulars govern the Federal grant process:

Circular A-87 Cost Principles for State, Local and Indian Tribal Governments
Circular A-102 Grants and Cooperative Agreements with State and Local Governments.

Circular A-110 Uniform Administrative Requirements for Grants and other Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations

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.

The Agency will use this information to evaluate: the applicant organization's competence to provide the proposed training (including the qualifications of the personnel who manage and implement the training); the goals and objectives of the proposed training program; the program activities that the applicant organization proposes to implement to meet these goals and objectives; the appropriateness of the proposed costs; and the applicant organization's compliance with Federal statutes, laws, and regulations governing drug use in the workplace, nonprocurement debarment, suspension, and related matters, and lobbying activities. The Agency officials will also use a program summary to review and evaluate the highlights of the overall proposal.

After awarding a training grant, MSHA will use the workplan and budget information provided in the application to monitor the organization's progress in meeting training goals and objectives, as well as planned expenditures. The initial grant award is for one year, with possible renewals at one-year intervals. An organization must submit separate applications for the initial award and for each renewal award.

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.

With deployment of Grants.Gov “Find and Apply” mechanisms, applicants and grantees can search for grant opportunities and electronically apply for the grants using a common portal in accordance with the 2002 President’s Management Agenda. The Grants.gov initiative allows applicants and grantees to streamline their process and reduce the burden associated with searching for Federal grant opportunities and completing disparate applications of Federal agencies and or grant programs. MSHA estimates 100% of the applications to be submitted electronically via the Grants.GOV website.

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 paperwork requirements of the TGA are specific to each applicant organization, and no other source or agency duplicates these requirements or can make the required information available to MSHA (i.e., the required information is available only from the applicant organization).

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.

MSHA receives applications from various non-profit organizations, some large and some small. Traditionally larger organizations apply for grants. This information collection does not have a significant economic impact on 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.

If MSHA could not collect the information provided by the TGA, or obtained the information less frequently than annually, it would not have a record or data to use in evaluating: an applicant organization's competence to provide the proposed training; the appropriateness of the goals and objectives of the proposed training program; the tasks that the applicant organization will implement to meet these goals and objectives; the appropriateness of the proposed costs; and compliance with Federal regulations governing nonprocurement debarment and suspension, maintaining a drug-free workplace, and lobbying activities. Without this information, the Agency would be unable to determine the extent to which an application meets MSHA’s overall training goals and objectives, including the training mandate specified by Section 14 of the Act.

MSHA also requires a grant recipient to submit a new TGA for each annual grant renewal. The information on the renewal application permits the Agency to determine,

prior to allocating new fiscal-year funds, if a proposed grant remains competitive with other grant proposals and is appropriate to MSHA's current overall training goals and objectives.

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.**

The collection of information is consistent with the guidelines in 5 CFR 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.

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.

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

MSHA has not provided payments or gifts to 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.

There is no personal information requiring confidentiality.

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 estimate for 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 collection 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.**

The Agency estimates that it will receive approximately 100 TGA's a year. The Agency also estimates that it will take staff members for each applicant organization 25 hours to complete an application package (TGA), consisting of the following documents:

Application for Federal Assistance (SF 424)
Application for Federal Assistance (SF 424-A)
Detailed Budget Backup
Application for Federal Assistance (SF 424-B)
Program Summary
Program Narrative
Certifications (Lobbying and Drug Free Workplace)
Organization Chart
Accounting System Certification
Survey on Ensuring Equal Opportunity for Applicants (OMB No. 1890-0014)

MSHA divides the 25 hours per application as follows: 10 hours of professional time, for a total of 1,000 hours for 100 applications; and 15 hours of clerical time, for a total of 1,500 hours for 100 applications. The Agency uses an hourly wage rate of \$ 45.52 for professional time and \$ 14.28 per hour for clerical time (from the Bureau of Labor Statistics "May 2005 National Occupational Employment and Wage Estimates - United States" average wage for all Management Occupations and all Clerical Positions).

Burden Hours:

100 applications x 25 hours = 2,500 hours

Burden Hour Cost:

(1,000 hours x \$45.52 (professional time)) +
(1,500 hours x \$14.28 (clerical time)) = \$66,940.00

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.**

There are no burden costs for this collection.

14. Provide estimates of the 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 into single table.

The Federal government would incur a cost whenever it reviews a TGA. As noted above under Item 12 above, MSHA determined that it receives 100 such applications each year. The Agency estimates that it takes a professional, Program Analyst- GS-13, at

a wage rate of \$41.01 per hour, 10 hours to review and analyze each application. The total annual cost for the Federal government to review these reports is:

$$100 \text{ reports} \times 10 \text{ hours} = 1,000 \text{ hours}$$

$$1,000 \text{ hours} \times \$41.01 = \$41,010.00$$

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

This is a new collection.

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.

There are no plans for publication or statistical use of 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 on which to display the expiration date.

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.

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.