

SUPPORTING STATEMENT

Standards 71.500 and 75.1712-6, Applications for Approval of Sanitary Toilet Facilities (pertain to manufacturers of sanitary toilet facilities)

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.

A sanitary toilet is required by 30 CFR 71.500 at surface coal mines in a location that is convenient to each work site; and by 30 CFR 75.1712-6 in underground coal mines within 500 feet of each working place where miners are regularly employed. These standards further require that only sanitary toilet facilities, approved by MSHA, be used. Manufacturers may either call or write to MSHA to learn what information is required to be included on applications for approval. To obtain approval, a manufacturer of sanitary toilet facilities, must submit an application and provide sufficient information for an effective evaluation of the sanitary features of the facilities.

Applications are submitted to the Division of Health, Coal Mine Safety and Health, MSHA. The information submitted by the manufacturer and the criteria used to evaluate the facilities are outlined in attachments 1 and 2. The Division of Health, Coal Mine Safety and Health, reviewed the information required in these attachments with NIOSH, who is responsible for joint approval of sanitary toilet facilities. This review included an evaluation of all requests from manufacturers for approval of sanitary toilet facilities over the last 5 year period. The results of the re-evaluation of the requirements contained in Attachments 1 and 2 indicate that this information is the least burdensome and is necessary in order to assure that both MSHA and NIOSH have enough information to assure the facility in question meets the health standards in order to be approved for use at either an underground or surface coal mine.

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 to issue approvals to the manufacturers. Lists of approved units are issued periodically to Federal inspectors who use the information during inspections at coal mines.

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 mine operators and toilet manufacturers may submit their applications via fax 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 purposes described in Item 2 above.

There is no similar or duplicate information that could be used. Although Section 71.500 requires joint approval by MSHA and NIOSH, there is no additional burden imposed on the manufacturer. The manufacturer need only submit an application to MSHA, who, in turn, forwards it to NIOSH for evaluation.

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.

The provisions of the 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 its jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. (See Rep. No. 181, 95th Cong., 1st Sess. 28 (1977)). However, Congress did recognize that small operations may face problems in complying

with some Mine Act provisions. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses when obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and different requirements for small and large mines exist when appropriate and consistent with ensuring the health and safety of miners.

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 needs the same information from all manufacturers in order to make an effective evaluation of the sanitary features of the equipment.

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. Manufacturers need only apply once for each unit type. Approvals are granted with the understanding that manufacturers will make the units according to final drawings and specifications submitted to MSHA. Before changing any features of approved units, manufacturers must first obtain MSHA's approval.

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.

MSHA published a 60-day preclearance Federal Register notice on September 29, 1998 (63 FR 51959-51960), soliciting public comments regarding the extension of this information collection. No comments were received.

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

MSHA has decided not to provide payments or gifts to respondents.

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.

The requirements contain 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.

Manufacturers of sanitary toilet facilities are required to submit applications to MSHA to have their products approved for use in coal mines. The information required to be submitted is readily available to manufacturers, thus MSHA staff specialists estimate that it would take them about 8 hours to prepare an application.

2 applications x 8 hours = 16 hours

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.

MSHA has not assigned a cost to this collection since the information is required by NIOSH and sent to them through MSHA.

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.

Based on the number of applications received during the past 3 years, it is estimated that two applications will be received in Fiscal Year 1999. Staff specialists estimate that it takes a Mining Engineer (GS 12/5), approximately 8 hours to process the average application at an hourly rate of approximately \$25.

$$2 \text{ applications} \times 8 \text{ hours} \times \$25 = \$400$$

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

There is no change in burden.

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 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 associated with this information collection; therefore, MSHA is not seeking approval to 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 Submission," of OMB 83-I.

MSHA is not requesting exceptions to the certification statement.

B. Collection of Information Employment Statistical Methods

This collection of information does not employ statistical methods.

Agency: Mine Safety and Health Administration

Title: Applications for Approval of Sanitary Toilet
Facilities

OMB Number: 1219-0101 Extension

Frequency: On Occasion

Affected Public: Business or other for-profit.

Number of Respondents: 2

Estimated Time Per Respondent: 8 hours

Total Burden Hours: 16 hours

Total Annualized Capital/startup Costs: \$0

Total Annual (operating/maintaining): \$0

Description: Contains procedures by which manufacturers of sanitary toilet facilities may apply for, and have their product approved as permissible for use in coal mines. To gain approval, the manufacturer must submit sufficient information needed to make an effective evaluation of the sanitary features of the facilities.

