

SUPPORTING STATEMENT

30 C.F.R. §§ 56.1000 and 57.1000, Notification of Commencement of Operations and Closing of Mines (pertains to metal and nonmetal mines).

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Under 30 C.F.R. §§ 56.1000 and 57.1000, operators of metal and nonmetal mines must notify the Mine Safety and Health Administration (MSHA) when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons.

MSHA must be aware of openings and closings so that its resources can be used efficiently in achieving the requirements of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 801 *et seq.* Section 103(a) of the Mine Act, 30 U.S.C. § 813, requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines which operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard precludes wasted time and trips.

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 MSHA official in charge of the district office which services the mine in question is charged with the responsibility of receiving this information and assuring that appropriate supervisors and inspectors are informed. Inspection plans can then be developed to include coverage of the mines that are currently in operation so statutory inspection requirements can be met.

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. While there are no specific guidelines posted on MSHA's Website, mine operators can submit the information electronically. However, MSHA has found that the majority of the notifications required by this standard are made by telephone. A small percentage of the notifications are made verbally to an inspector and some are received in writing.

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.

Mine operators notify MSHA when they open or close a mine. There is no similar or duplicate information that could be used.

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

The statutory 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 regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress did recognize that small operations could face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act, 30 U.S.C. § 813, directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Mine Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with assuring the health and safety of this nation's miners, different requirements for small and large mines exist. MSHA does not believe that providing separate and distinct methods of reporting mine openings and closings for small mines would promote the Mine Act's objectives of ensuring that regular and timely inspections of mine properties occur as required.

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 mine operator need only notify MSHA once of each mine opening or closing. If the Agency is not notified, as required, inspection resources would be wasted when inspectors travel great distances only to find that a mine is closed. In addition, miners (at mines that re-open) may not receive the benefit of safety and health inspections because MSHA would not be aware that the mine had re-opened.

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.**

Information collection 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 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 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 published a 60-day preclearance FEDERAL REGISTER notice on (12/18/02, 67 FR No. 243, pages 77524-77525), soliciting public comments regarding the extension of this information collection. The comment period is open through 02/18/03.

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.

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 number of Respondents used for this report is the number of Metal/Nonmetal mines, 11,641 (11,430 surface + 211 underground). MSHA has found that the majority of the notifications required by this standard are made by telephone. A small percentage of the notifications are made verbally to an inspector, and some are received in writing. MSHA estimates that 1,100 openings and 1,200 closings of metal and nonmetal mines occur annually. Most of these are

temporary in nature and reflect the seasonal status of the mines. Approximately 75% of all metal and nonmetal mine openings and closings (1,725) are made by telephone calls of 3 minutes (0.05 hour) duration. Approximately 10% (230) are made verbally to the MSHA inspector during routine inspections and no burden is calculable. The remaining 15% (345) are made in writing with an estimated 30 minutes (0.5 hour) burden for each. The calculations are as follows using the clerical hourly rate published by the U.S. Metal and Industrial Mineral Salaries, Wages and Benefits - 2001 Survey Results. The clerical hourly wage for Metal/Nonmetal in 2001 is \$18.44.

Burden hours:

1,725 telephone responses x 0.05 hours	=	86 hours
345 written responses x 0.5 hours	=	<u>173 hours</u>
Total hour burden	=	259 hours

Burden hour cost:

259 hours x \$18.44 per hour (approximate cost of clerical staff person)	=	\$4,776
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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).

For most mine operators, a long distance call must be made to notify MSHA that the mine has opened or closed. It is estimated that the cost to respondents who telephone the notification to MSHA averages 77 cents (35 cents for the first minute + 42 cents for 2 additional minutes) per telephone response.

1,725 telephone responses x \$0.77 per call	=	\$1,328
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It is estimated that the cost to mine operators who respond in writing is 34 cents (postage) per written response.

345 written responses x \$0.34 per mailing	=	\$ 117
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Total cost burden = \$1,445

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 receives approximately 350 notifications of new metal/nonmetal mines opening each year. With each notification, an MSHA inspector must complete a mine information form and supplemental information form. MSHA estimates that it takes an inspector approximately 45 minutes (0.75 hours) to complete each form, and it takes a clerical person approximately 15 minutes (0.25 hours) to enter the data into a computer.

350 notifications x 0.75 hours/notification	=	262.5 hours
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$$350 \text{ notifications} \times 0.25 \text{ hours/notification} = \frac{87.5 \text{ hours}}{\mathbf{350.0 \text{ hours}}}$$

$$262.5 \text{ hours} \times \$27.13 \text{ per hour (average salary of MSHA mine inspector)} = \$7,122$$

(MSHA pay based on 2001 pay schedule GS 12/5 grade, without locality pay)

$$87.5 \text{ hours} \times \$15.29 \text{ per hour (average salary of clerical staff person)} = \frac{\$1,338}{\mathbf{\$8,460}}$$

(MSHA pay based on 2001 pay schedule GS 7/5 grade, without locality pay)

MSHA also receives approximately 1,950 notifications of metal and nonmetal mines closing or re-opening. MSHA estimates that it takes an Agency inspector approximately 15 minutes (0.25 hours) to revise the information on the two forms noted above, and it takes a clerical person approximately 5 minutes (0.08 hours) to enter the data into a computer.

$$1,950 \text{ notifications} \times 0.25 \text{ hours/notification} = 487.5 \text{ hours}$$

$$1,950 \text{ notifications} \times 0.08 \text{ hours/notification} = \frac{156.0 \text{ hours}}{\mathbf{644 \text{ hours}}}$$

$$487.5 \text{ hours} \times \$27.13 \text{ per hour} = \$13,226$$

$$156 \text{ hours} \times \$15.29 \text{ per hour} = \frac{\$2,386}{\mathbf{\$15,612}}$$

GRAND TOTAL BURDEN HOURS: = **994 hours**

GRAND TOTAL BURDEN COST: = **\$24,072**

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

Respondents: There has been an increase of 9,341 respondents (2,300 to 11,641). The last report counted only the number of openings and closings even though this rule applies to all surface and underground nonmetal mines. With respect to this submission, the number of mines totals 11,641.

Responses: There was a nominal increase (230) in the number of responses (2070 to 2300). This number is a result of the actual number of mine openings and closings.

Hours: There was no change in burden hours.

Costs: The change in costs was so insignificant (less than \$1K) that there is no reported change in costs.

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.

1219-0092

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.

2. Describe the procedures for the collection of information including:

- . **Statistical methodology for stratification and sample section,**
- . **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 frequent 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.

Billing Code: 4510-43

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request

Submitted for Public Comment and Recommendations; Notification of
Commencement of Operations and Closing of Mines

ACTION: Notice

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c)(c)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30 CFR Sections 56.1000 and 57.1000; Notification of Commencement of Operations and Closing of Mines.

DATES: Submit comments on or before (insert date 60 days after date of publication in the Federal Register).

Addresses: Send comments to Jane Tarr, Management Analyst, Administration and Management 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via Internet E-mail to Tarr-Jane@Msha.Gov. Ms. Tarr can be reached at (202) 693-9824 (voice), or (202) 693-9801 (facsimile).

FOR FURTHER INFORMATION CONTACT: Jane Tarr, Management Analyst, Records Management Group, U.S. Department of Labor, Mine Safety and Health Administration, Room 2171, 1100 Wilson Boulevard, Arlington, VA 22209-3939. Ms. Tarr can be reached at Tarr-Jane@Msha.Gov (Internet E-mail), (202) 693-9824 (voice), or (202) 693-9801 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

§§ 56.1000 and 57.1000 states that the owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest MSHA Metal and Nonmetal Mine Safety and Health District Office before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent. When any mine is closed, the person in charge shall notify the nearest sub-district office as provided above and indicate whether the closure is temporary or permanent.

II. Desired Focus of Comments

MSHA is particularly interested in comments which:

- ❖ Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- ❖ Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ❖ Enhance the quality, utility, and clarity of the information to be collected; and
- ❖ Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the For Further Information Contact section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory Information" and "Federal Register Documents."

III. Current Actions

Under 30 C.F.R. §§ 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity and by weather conditions prevailing at the mine site during various seasons.

Type of Review: Extension

Agency: Mine Safety and Health Administration

Title: Notification of Commencement of Operations and Closing of Mines

OMB Number: 1219-0092

Recordkeeping: §§ 56.1000 and 57.1000 states that the owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest MSHA Metal and Nonmetal Mine Safety and Health District Office before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent.

When any mine is closed, the person in charge shall

1219-0092

notify the nearest sub-district office as provided above and indicate whether the closure is temporary or permanent.

Frequency: On Occasion

Affected Public: Business or other for-profit

Respondents: 2,300

Estimated Time Per Respondent: .113 hours

Total Burden Hours: 259 hours

Total Burden Cost (capital/startup): \$0

Total Burden Cost (operating/maintaining): \$1,446

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this _____ day
of _____, 2002.

David L. Meyer, Director,
Office of Administration and Management.

01/07/03