

Dated: February 11, 2011.

**Roslyn B. Fontaine,**

*Acting Director, Office of Standards,  
Regulations and Variances, Certifying Officer.*

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0015]

#### Proposed Extension of Existing Information Collection; Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements

**AGENCY:** Mine Safety and Health Administration, Department of Labor.

**ACTION:** Notice of request for public comments.

**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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps to assure 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 for 30 CFR 77.215(j), 77.215-2, 77.215-3, 77.215-4, 77.216-2, 77.216-3, 77.216-4, and 77.216-5.

**DATES:** All comments must be received or postmarked by midnight Eastern Standard Time on April 18, 2011.

**ADDRESSES:** Comments must be identified clearly with the rule title and may be submitted to MSHA by any of the following methods:

(1) *Electronic mail:* [zzMSHA-Comments@dol.gov](mailto:zzMSHA-Comments@dol.gov).

(2) *Facsimile:* 202-693-9441

(3) *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

(4) *Hand Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939. Sign in at the receptionist's desk on the 21st floor.

#### FOR FURTHER INFORMATION CONTACT:

Mario Distasio, Chief of the Economic Analysis Division, Office of Standards, Regulations, and Variances, MSHA, at [distasio.mario@dol.gov](mailto:distasio.mario@dol.gov) (e-mail), 202-693-9445 (voice mail), 202-693-9441 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

30 CFR part 77, subpart C, sets forth standards for surface installations. More specifically, these sections address refuse piles (30 CFR 77.215), and impoundments (30 CFR 77.216). Impoundments are structures that can retain water, sediment, or slurry or any combination of materials; and refuse piles are deposits of coal mine waste (other than overburden or spoil) that are removed during mining operations or separated from mined coal and deposited on the surface. The failure of these structures can have a devastating affect on a community. To avoid or minimize such disasters, standards have been promulgated for the design, construction, and maintenance of these structures; for annual certifications; for certification for hazardous refuse piles; for the frequency of inspections; and the methods of abandonment for impoundments and impounding structures.

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 Mine Act. This information collection does not have a significant impact on a substantial number of small entities.

##### II. Desired Focus of Comments

MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
  - Evaluate the accuracy of the agency's estimate of the burden of the 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 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 information collection request can be obtained by contacting

the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by selecting "Rules & Regs", and then selecting "FedReg.Docs". On the next screen, select "Paperwork Reduction Act Supporting Statement" to view documents supporting the **Federal Register** notice.

##### III. Current Actions

This notice contains the request for an extension of the existing collection of information in 30 CFR 77.215(j), 77.215-2, 77.215-3, 77.215-4, 77.216-2, 77.216-3, 77.216-4, and 77.216-5. MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0015.

*Frequency:* Variable.

*Affected Public:* Business or other for-profit.

*Cost to Federal Government:* \$535,953.

*Total Burden Respondents:* 642.

*Total Number of Responses:* 10,422.

*Total Burden Hours:* 30,579 hours.

*Total Hour Burden Cost (operating/maintaining):* \$7,782,240.

Comments submitted in response to this notice will be summarized and 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: February 11, 2011.

**Roslyn B. Fontaine,**

*Acting Director, Office of Standards,  
Regulations and Variances, Certifying Officer.*

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0127]

#### Proposed Extension of Existing Information Collection on Qualification/Certification Program and Man Hoist Operators Physical Fitness

**AGENCY:** Mine Safety and Health Administration, Department of Labor.

**ACTION:** Notice of request for public comments.