

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Triad Mining, Inc.*, Civil Action No. 1:12-cv-0026, was lodged with the United States District Court for the Southern District of Indiana on January 11, 2012.

This proposed Consent Decree concerns a complaint filed by the United States against the Defendant, pursuant to Sections 309(b) and (d) of the Clean Water Act (“CWA”), 33 U.S.C. 1319(b) and (d), to obtain injunctive relief from and impose civil penalties against the Defendant for the discharge of pollutants into waters of the United States without authorization by the United States, in violation of CWA Section 301(a), 33 U.S.C. 1311(a). The proposed Consent Decree resolves these allegations by requiring the Defendant to restore and/or mitigate the impacted areas and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Perry Rosen, Attorney, P.O. Box 7611, Washington, DC 20044 and refer to *United States v. Triad Mining, Inc.*, DJ# 90-5-1-1-18796.

The proposed Consent Decree may be examined at the Clerk’s Office, United States District Court for the Southern District of Indiana, 46 East Ohio Street Room 105, Indianapolis, Indiana, 46204. In addition, the proposed Consent Decree may be viewed at http://www.justice.gov/enrd/Consent_Decrees.html.

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 2012-914 Filed 1-18-12; 8:45 am]

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DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 01-12]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b),

hereby gives notice in regard to the scheduling of open meetings as follows:

Wednesday, January 25, 2012: 9 a.m.—Issuance of Proposed Decisions in claims against Libya.

10 a.m.—Oral hearings on Objections to Commission’s Proposed Decisions in Claim Nos. LIB-II-094; 11 a.m.—LIB-II-006; 11:45 a.m.—LIB-II-011; 2 p.m.—LIB-II-132, LIB-II-087.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Judith H. Lock, Executive Officer, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616-6975.

Jaleh F. Barrett,
Chief Counsel.

[FR Doc. 2012-1065 Filed 1-17-12; 4:15 pm]

BILLING CODE 4410-BA-P

DEPARTMENT OF LABOR

Proposed Information Collection Request (ICR) for the Mining Voice in the Workplace Survey; Comment Request

AGENCY: Office of the Assistant Secretary for Policy, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL or the Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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 (PRA) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that required 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. The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) under the PRA and the related materials display a currently valid OMB control number. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a

collection of information if the related materials do not display a currently valid OMB control number. See 5 CFR 1320.5(a) and 1320.6.

A copy of the proposed ICR can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be received by the office listed in the addressee section below on or before March 19, 2012.

ADDRESSES: Send comments to Celeste Richie, U.S. Department of Labor, Chief Evaluation Office, Office of the Assistant Secretary for Policy, 200 Constitution Avenue NW., Frances Perkins Bldg., Room S-2312, Washington, DC 20210, telephone number (202) 693-5959 (this is not a toll-free number). Email address is richie.celeste.j@dol.gov and fax number is (202) 693-5960.

SUPPLEMENTARY INFORMATION:

1. Background

The U.S. Department of Labor (DOL) is performing a pilot study to determine how to measure workers’ voice in mining workplaces under the jurisdiction of DOL’s Mine Safety and Health Administration (MSHA). DOL’s working definition for voice in the workplace is the “workers’ ability to access information on their rights in the workplace, their understanding of those rights, and their ability to exercise these rights without fear of discrimination or retaliation.” Voice in the workplace is a key outcome goal for the Secretary of Labor and part of her vision of good jobs for everyone. A separate concurrent effort will measure workers’ voice in workplaces under the jurisdiction of DOL’s Wage and Hour Division (WHD) and Occupational Safety and Health Administration (OSHA). Measuring voice among miners, however, poses unique data collection challenges, including implementing a survey in a setting that feels non-threatening to mine workers, and asking questions in a format that reflects mining community cultures and practices. Thus, DOL is performing a pilot study to investigate the efficacy of different data collection methods and to develop a survey instrument that is appropriate for the mining community. The primary research question is “What measures of voice and perceived non-compliance, combined with what modes of data collection, could be best used to track MSHA’s worker protection outreach activity?” This submission covers a set of 2-3 small-scale pilot data collections.

Data collection for this effort will employ 2-3 strategies: (1) Submission of

paper questionnaires to be filled out by individual mine workers during offsite mining-related training sessions, (2) recruitment of miners through use of radio and paper advertisements, and (3) a mail or phone survey. DOL is currently assessing the feasibility of each method prior to implementation. For example, implementation of a phone or mail survey will depend on the availability of a valid list of miners. A maximum of 125 respondents will be surveyed under each collection mode for a total of 375 maximum respondents for the overall effort.

2. Desired Focus of Comments

Currently, the Department of Labor is soliciting comments concerning the above data collection. Comments are requested 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 information collection 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.

3. Current Actions

Pursuant to the PRA implementing regulations at 5 CFR 1320.8(d)(1), this notice requests comments on the proposed information collection request discussed above in the Background section of this notice. Interested parties are encouraged to provide comments to the individual list in the **ADDRESSES** section above.

Agency: Office of the Assistant Secretary for Policy.

Type of Review: New Collection.

Title of Collection: Miners' Voice in the Workplace Survey.

OMB Control Number: [Insert OMB Control Number].

Affected Public: Individuals or households.

Estimated Number of Respondents: 375 (maximum 125 respondents each collection mode).

Estimated Time per Response: 12–15 minutes.

Estimated Total Annual Burden Hours: 94 (based on 375 respondents at 15 minutes each).

Estimated Total Annual Other Cost to Public: \$0.

Comments submitted in response to this request will be summarized and/or included in the request for OMB approval; they will also become a matter of public record.

Signed: at Washington, DC, this 11th day of January, 2012.

Megan Uzzell,

Deputy Assistant Secretary, Office of the Assistant Secretary for Policy.

[FR Doc. 2012–941 Filed 1–18–12; 8:45 am]

BILLING CODE 4510–22–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: PTE 2012–01, D–11676, The Kemper Corporation Pension Plan (the Plan); PTE 2012–02, D–11683, First Federal Bancshares of Arkansas, Inc. Employees' Savings and Profit Sharing Plan (the Plan); PTE 2012–03, L–11647, R+L Carriers Shared Services, LLC, *et al.*

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the

Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

The Kemper Corporation Pension Plan (the Plan) Located in Chicago, Illinois

[Prohibited Transaction Exemption 2012–01; Exemption Application Number D–11676]

Exemption

The restrictions of section 406(a)(1)(A) and (D), and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code, shall not apply, effective September 1, 2011, to the one-time, in-kind contribution (the Contribution) of shares of the common stock of Intermec, Inc. (the Stock) to the Kemper Corporation Pension Plan (the Plan)¹ by the Kemper Corporation (Kemper or the Applicant), a party in interest with respect to the Plan, provided that the following conditions are satisfied:

(a) The Applicant makes cash contributions to the Plan to the extent that the cumulative proceeds from the sale of the Stock at each contribution due date (determined under section 303(j) of the Act) are less than the cumulative cash contributions the Applicant would have been required to make to the Plan, in the absence of the Contribution. Such cash contributions shall be made until all of the Stock contributed to the Plan is sold;

(b) The Applicant contributes to the Plan such cash amounts as are needed

¹ Prior to August 25, 2011, the Plan was known as the Unitrin, Inc. Pension Plan.

PART A: SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT
SUBMISSION

Pilot Surveys of Employee Voice in the Coal Mining Industry

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PART A: SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

The Chief Evaluation Office (CEO) within the U.S. Department of Labor (DOL) Office of the Assistant Secretary for Policy (OASP) intends to evaluate the extent to which employees in U.S. workplaces can and do voice their concerns to employers regarding various workplace issues. To that end, CEO is currently working to develop surveys to measure voice in U.S. workplaces. DOL recognizes that gathering data on voice from employees in the mining industry poses some unique problems; therefore, with the guidance of the Mine Safety and Health Administration (MSHA), CEO intends to perform a pilot study of two or three survey implementation techniques to determine which would be the most productive and logistically feasible to implement industry-wide on a recurring basis.

The survey is an information collection (IC) subject to OMB approval under the Paperwork Reduction Act. The pilot study will *not* seek to gather data from samples large enough to develop statistically significant data, but is meant to test the logistical feasibility of different methods of collecting survey data in the mining industry; consequently, only a draft/provisional Supporting Statement part B has been prepared at this time. DOL would develop a full part B for a full-scale study to measure employee voice in mining. The ultimate goal of this pilot data collection is to provide DOL with the answers to a few key questions:

- (1) Is it feasible, at all, to collect data that can be used by DOL in measuring and tracking employee voice in mining workplaces?
- (2) If it is feasible to collect data, what mode of data collection represents the best possible approach? What lessons can be learned from the pilot data collection to inform a full-scale data collection?
- (3) Will the data collected be likely to be representative of the overall population of miners? If not, would the data provide some value for DOL's purpose of measuring and tracking voice in the workplace?
- (4) What refinements can be made to DOL's current thinking on the factors that comprise employee voice in mining workplaces?

The pilot study will also serve as a thorough test of the survey instrument developed to measure employee voice in the industry sectors under MSHA jurisdiction. Eastern Research Group, Inc. (ERG) has been awarded a contract to perform the actual study work and National Opinion Research Center is a sub-contractor to ERG.

1. Circumstances Necessitating the Data Collection

DOL defines employee voice as “workers’ ability to access information on their rights in the workplace, their understanding of those rights, and their ability to exercise these rights without fear of discrimination or retaliation.” The rights and responsibilities of workers in the mining industry are defined in the Federal Mine Safety and Health Act of 1977, the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), and Title 30 of the Code of Federal Regulations (30 CFR Parts 1 through 199). MSHA is the agency responsible for providing outreach and training to miners on their rights and enforcing their ability to exercise those rights. These rights include making a complaint of a potential danger or safety or health violation to the attention of the mine operator, requesting a mine inspection from MSHA, and nominating (with another miner) a miners’ representative to accompany mine inspectors during an investigation. By bringing hazardous conditions to the attention of supervisors, other management personnel, or other responsible parties, each individual mine worker contributes to the prevention of workplace injury or illness. In this way, employee voice can be a major contributor to the maintenance of employee safety and health at mining sites.

A major purpose of this pilot study is to develop a measure of employee voice in the coal mining industry (with a feasible data collection method) that is consistent with the measure of voice currently being developed for industries under the jurisdiction of DOL’s Occupational Safety and Health Administration (OSHA) and Wage and Hour Division (WHD). The measure of employee voice in the coal mining industry will include indices of the extent to which mine workers: (1) feel encouraged to report or discouraged from reporting hazardous conditions to a responsible party, (2) are aware of and make use of MSHA outreach resources on miners’ statutory rights, (3) know about their statutory rights with respect to workplace health and safety, and (4) exercise those rights in their workplaces, and the reasons why they do or do not.

DOL is collecting this information to meet its requirements for performance reporting under the Government Performance and Results Act (GPRA) and under its 2011-2016 Strategic Plan. Secretary Solis’ vision of “Good Jobs for Everyone” includes a strategic goal of “assuring fair and high quality work-life environments” with an outcome goal of “ensuring worker voice in the workplace.”¹ Data to be collected under this survey would assist in the development of a measure of employee voice in the mining industry.

The combination of special circumstances surrounding the mining industry—the socio-cultural role of the industry in mining communities, the high-risk nature of the work, the history of workplace catastrophes in coal mines, and the intensity of regulatory attention—necessitates that employee voice be measured with a survey instrument specific to mining employees. Moreover, because mining represents a small subset of the U.S. labor force, implementing the survey poses

¹ See DOL’s 2011-2016 Strategic Plan: <http://www.dol.gov/sec/stratplan/StrategicPlan.pdf>.

some special problems. In the absence of a list of miners’ telephone numbers, random digit dialing (the technique often used in surveys with a large universe to be sampled) is impractical. Even if a list of miners’ telephone numbers were available, there are concerns that many mine workers would be unwilling to give candid responses to sensitive questions about their employers and workplaces over the telephone. As a result, alternative data-gathering techniques must be employed.

In this pilot study, CEO will determine which of the following two data-gathering techniques will be the most productive and logistically feasible to implement industry-wide on a recurring basis: (1) administration of a paper survey to miners attending annual new miner and miner refresher training sessions conducted at the state level with MSHA grant funding or (2) use of radio and/or paper advertisements to recruit miners to take the survey by phone or online. These techniques and the number of respondents to be surveyed in the pilot test are summarized in the table below.

Table 1. Summary of data gathering techniques and number of respondents.

Data Gathering Technique	Description	Number of Respondents
Phone or internet survey through radio/paper advertisement recruitment	<ul style="list-style-type: none"> An ad is placed on the radio and/or in newspapers recruiting miners to take the survey; the ad provides both a phone number and an email address for respondents. 	<ul style="list-style-type: none"> 125
Paper survey distributed at state grantee miner training sessions	<ul style="list-style-type: none"> Paper survey distributed in miner training sessions run by state grantee organizations. 	<ul style="list-style-type: none"> 125

2. How, by Whom, and for What Purpose the Information Is to Be Used

Secretary of Labor Hilda L. Solis has made *Good Jobs for Everyone* the strategic vision for DOL, characterizing a good job as one that “...is safe and secure and gives people a voice in the workplace.” Thus, measuring employee voice in the workplace is essential to tracking DOL’s progress towards achieving its strategic goals. CEO and MSHA will conduct this pilot study and gather information about voice in mining workplaces by means of a survey instrument administered in two ways (paper survey at state grantee miner training sessions and radio/newspaper ad recruitment of miners) on a one-time basis.

CEO and MSHA will use the information collected under the pilot to answer the question posed in the introduction to this Supporting Statement:

Is it feasible, at all, to collect data that can be used by DOL in measuring and tracking employee voice in mining workplaces? DOL is conducting this pilot to assess whether data collection is at all feasible in the first place. As noted above, the miner population poses some unique challenges in terms of reaching potential respondents and convincing potential respondents to participate. This pilot data collection effort will provide some indication on the degree to which DOL could expect to feasibly collect data on a larger scale. To assess this, DOL will look at the number of responses collected under each mode and the effort required to attain those responses.

If it is feasible to collect data, what mode of data collection represents the best possible approach? What lessons can be learned from the pilot data collection to inform a full-scale data collection? Based on input from its Technical Working Group (TWG) for this project, DOL has decided to test two modes of data collection: (1) an in-person approach where data are collected from miners at their annual refresher training sessions and (2) recruiting miners through advertising to take the survey either over the web or by phone.² The pilot will collect data through both approaches and compare the two to determine which would represent the best approach. To make this determination, DOL will compare the modes in terms of the number of responses, the quality of responses (e.g., item nonresponse), and refusals. DOL will also compare the cost associated with each approach to provide context on the feasibility and will compare the modes on a number of qualitative factors as well (e.g., problems encountered). The pilot implementation will also provide “lessons learned” and other information to inform DOL and the best approach to implement a full-scale survey (e.g., protocols for on-site data collection, etc.).

Will the data collected be likely to be representative of the overall population of miners? If not, would the data provide some value for DOL’s purpose of measuring and tracking voice in the workplace? The pilot data collection does not involve collecting representative data from miners. However, one objective of a full-scale data collection would be to collect representative data. The data collected from the pilot would, however, provide some indication on whether representative data could be collected. To make this assessment for the in-person data collection, DOL would compare the types of miners who take training from MSHA grantees to the demographics of the mining population.³ For the phone/web recruitment mode, DOL would compare the demographics of the survey respondents to the demographics of the mining industry.⁴

² DOL had originally considered a third approach of a mail and/or phone survey. However, ERG was unable to identify a reliable list of miners to use as a frame for that approach.

³ MSHA provides states with grant money to perform training. Although annual refresher training is required, mines are not required to use MSHA grantees for annual refresher training. The grantees keep information on the types of miners and mines that access their training. Thus, DOL would collect this information across the grantees and compare to this to the demographics of miners as a whole. MSHA maintains mine demographic information at <http://www.msha.gov/stats/statinfo.htm> and the Census Bureau maintains miner demographic information at <http://www.census.gov/econ/industry/current/c21.htm>.

⁴ See footnote 3 for data sources.

What refinements can be made to DOL’s current thinking on the factors that comprise employee voice in mining workplaces? The survey instrument reflects the set of factors that DOL expects to use to measure voice in the workplace. The pilot implementation will assist DOL in better understanding if some of those factors are unnecessary. For example, a question that generates the same response across all respondents may not help DOL in measuring the influences on voice and changes in voice over time (i.e., there is no variability to be attributed to different characteristics of miners or mines). The pilot implementation will assist DOL in refining its measure of voice by providing a first set of responses for the relevant factors. DOL will assess the necessary changes by reviewing the collected data and looking for consistencies and trends.

Data from this pilot study will be presented in summary form in a final report that presents recommendations on (1) the feasibility of performing a larger-scale survey, (2) refinements to the survey instrument and (3) preferred data collection mode. The pilot study is not intended to generate statistically valid or representative data; the final report will explain this, noting that such data would be collected during full-scale implementation.

3. Uses of Improved Technology to Reduce Burden

One of the two data-gathering techniques will involve collection of data through a web-based version of the survey instrument. The purpose of offering a web-based version is to assess the extent to which it may be used by miners. Experts (see Section 8.C below) consulted during development of this survey, however, felt that there may be few responses via the web, but also felt that it was worth piloting. The web-based instrument would, presumably, offer a less time-consuming method for respondents to complete the survey. However, in estimating burden in Section 12 below, we assumed the same amount of time would be spent by respondents on the web-based version as on the other two versions.

4. Efforts to Identify Duplication

A thorough literature review on employee voice was performed as part of the background research for this task. Numerous online academic databases were searched, including Google Scholar, Scopus, and LexisNexis Academic. No effort to measure voice among U.S. mining employees was found or referenced. While there have been surveys of voice in other industries, none were found that focus on employee voice regarding workplace safety and health issues or employee rights.

We are aware of a study of safety culture in underground coal mining currently being conducted by NIOSH (OMB Control # 0920-0835). The study involves a site visit by the study team to implement a suite of evaluation instruments (including an employee survey) to assess the

policies, practices, and attitudes towards safety in the mine in order to provide feedback to mine management. While the study reveals coal miner attitudes towards reporting safety and health hazards, an indirect assessment of voice, the study is not designed to provide longitudinal data on miner understanding of and ability to exercise rights, nor is the study implementation mode practical for collection of nationally representative data. The NIOSH study of safety culture will instead provide useful feedback on the logistics of implementing a survey with coal miners.

DOL is also conducting a parallel effort to establish a survey to measure voice in workplaces under the jurisdiction of OSHA and WHD. That effort does not encompass any of the mining workplaces under MSHA's jurisdiction; this study complements but does not overlap with the OSHA/WHD study.

5. Methods to Minimize Burden on Small Businesses or Entities

No small businesses or entities will be surveyed as part of this study. Implementation of one data collection approach, a paper survey administered during state grantee training sessions, will require cooperation from several coal miner training programs that receive grant funding from MSHA to provide mandatory health and safety training to miners. DOL will minimize the burden on these groups by supplying all information collection materials (detailed instructions, respondent materials, pre-addressed envelopes, and collection box) as well as pre-implementation training and support from personnel on-site. DOL will consult with the training programs in advance to ensure that this approach will not be burdensome and to make any necessary adjustments.

6. Consequences of Not Collecting the Data

Mining is among the most hazardous private-sector work activities in the United States. The consequences of unabated hazards can be catastrophic, with a single incident having the potential to cause several, sometimes dozens, of fatalities and serious injuries. Although workplaces under MSHA's jurisdiction are subject to intensive regulatory scrutiny, with underground mines receiving quarterly inspections, the nature of mining is such that safety and health hazards can arise quickly and continue unreported if workers do not point them out. To fulfill its mission, therefore, MSHA must help miners recognize hazards, know about their legal rights and protections, and report observed hazards to their employer or responsible parties such as state and MSHA inspectors – all of which depends on mine workers having voice in the workplace. If DOL conducts this pilot study, the Government will have information to better understand whether it is feasible to collect data from miners on voice in the workplace and information on the best approach to collect those data. If this data collection is not performed, DOL will not have the data and information to understand whether collecting these data are feasible and the best approach to collect these data.

7. Special Data Collection Circumstances

No inconsistency with OMB guidelines is anticipated for this data collection. The purpose of this pilot test is not to gather statistically significant data, but to determine the optimum method for gathering such data when the survey is implemented full scale.

8. Federal Register Notice and Response to Public Comments

A. Federal Register Notice

As required by 5 CFR 13.20.8 (d), a Federal Register Notice, published on January 19, 2012 (FR, Vol. 77, No. 12, pp. 2760-2761), announced the pilot survey of miners' voice in the workplace. The Federal Register announcement provided the public an opportunity to review and comment on the planned data collection within 60 days of the publication, in accordance with the Paperwork Reduction Act of 1995. A copy of this Federal Register Notice appears in Appendix D. The full set of comments received is available on the www.reginfo.gov Web site.

B. Response to Comments on Federal Register Notice

Comments on the 60-day Federal Register announcement were received from ten individuals, representing themselves or their affiliated organizations. Several commenters addressed more than one issue. Overall, the comments addressed seven issues: (1) need for and/or usefulness of the survey, (2) scope of the survey, (3) burden to industry of the survey, (4) survey implementation, (5) content of the survey and survey items, (6) authority under which the survey is being undertaken, and (7) anonymity of survey participants and the companies for which they work.

Necessity/usefulness of the survey

Commenters offered divergent opinions on the extent to which miners understand their workplace safety and health rights. One asserted that "Miner's rights are well understood by miners and additional surveys are not needed," while another stated that "...miners tend to be very uninformed" about their rights and legal protections and a third noted that he "rarely" encounters miners who can recall the rights and responsibilities that are enumerated during new miner courses. The pilot survey of employee voice in the coal mining industry will provide data to help clarify the extent to which miners understand their rights.

Commenters also disagreed about whether data from the survey will be useful to MSHA. One commenter asserted that the survey "is not necessary for the performance of the functions of the Mine Safety and Health Administration" and that "[t]he information will not have a practical utility." On the other hand, another commenter said that "[it] was very well known [if] you wanted to keep your job you never said nothing to State or MSHA inspectors bad about any

equipment or any boss or the coal company.” This comment speaks directly to the need for a survey about miners’ willingness to voice their concerns in the workplace, which is important for MSHA to be able to fulfill its mission (see Section 6 of this Supporting Statement).

Scope of the survey

Some commenters suggested that the pilot study be expanded to include additional categories of respondents:

- *Employees of other types of mines (not just coal mines).* DOL is focusing this pilot study on coal mining in order to determine a feasible survey implementation method for this difficult-to-reach audience. Based on a greater understanding of feasible survey implementation methods, DOL would like to include other sectors of the mining industry in future studies and full-scale implementation efforts. DOL believes it is premature to expand the scope of the survey at this time.
- “[A]ll mining communities,” including “small and large mines, union and non-union mines.” See above.
- *Mine management personnel above the level of “first line supervisor” (currently screened out of survey).* Mine managers are the *receivers* of mine safety and health concerns from mine workers and foremen. Thus, it is unnecessary to ask managers about their willingness to voice safety and health concerns to themselves.

Burden to Industry

Two commenters expressed concern that the survey will represent a burden to the mining industry: “MSHA cannot stop production for this type of activity,” and “[the survey] is a burden to the mining industry.” DOL has been careful to select survey implementation techniques for feasibility testing that do not involve mine operators and thus impose no burden on the operators.

Implementation Issues

Commenters identified two issues having to do with survey implementation:

- *Implementation at mines.* One commenter expressed concern that administering the survey at a mine, or providing a survey website URL on a bulletin board at a mine, could result in skewed responses: “a lopsided survey showing a perfect mine.” DOL has been careful to select survey implementation techniques for testing that do not involve mine sites – and that provide anonymity (see below), so participation in the survey will not negatively affect a respondent’s relationship with his or her employer.

- *Anonymity.* Several commenters expressed concern that a lack of anonymity might affect respondents' willingness to participate and/or their responses. Because DOL concurs with this concern, the Department has been careful to select survey implementation techniques for testing that protect anonymity and confidentiality. At training sessions, each respondent will seal the completed survey in a plain envelope and place it into a locked box that will be opened only by the survey contractor; respondents will be asked not to write their name on surveys. Similarly, phone, online, and mail surveys (if implemented) would not involve identifying respondents to the survey or associating someone's identity with their responses to the survey.
- *Literacy.* A commenter noted that "some miners still struggle with reading and writing" or lack the computer skills necessary to complete an online survey. To help mitigate these issues, DOL has written the survey instrument in a low-literacy format, and none of the survey implementation techniques to be tested relies solely on an online format (i.e., in the second implementation technique, respondents may take the survey by phone *or* online).

Survey Content

Several commenters made observations about the content of the survey:

- *Lack of metal/non-metal mining content.* As noted above, DOL intends to include metal/non-metal mine workers in the future and will refine the survey to be more inclusive at that time.
- *Potentially identifying questions.* Some commenters objected to questions asking for information about the respondent:
 - Union membership. Responses to this question will help DOL determine whether a relationship exists between union membership and measures of voice, thereby enabling MSHA to refine its outreach efforts if appropriate. As personally identifying information will not be collected, DOL will not be able to identify respondents based on their response to this question. Furthermore, as more fully explained in item 10, all responses that could identify specific respondents will be kept only by the contractor for use in analysis. Any data received by DOL will not contain personal identifiers.
 - Name of respondent's mine. Answering this question reduces burden by enabling the respondent to skip the next set of questions; anyone who feels uncomfortable answering this question may instead answer the next set of questions.
 - Ethnicity. This is a standard question on many Federal government surveys (e.g., U.S. Census) and will not be used to identify respondents. The purpose of collecting this information is to be able to assess whether ethnicity is associated with DOL's measure of voice. If so, there may be some need for targeted outreach materials from MSHA.

- *Consistency with OSHA/WHM survey.* One commenter suggested making the survey more consistent with the OSHA/WHM survey. DOL has endeavored to do so, but some questions must differ because (1) some of the more general OSHA/WHM survey questions do not apply to miners and (2) the mining survey is intended to focus on voice in terms of safety and health hazard reporting.
- *Bounds on respondent injury/illness.* For certain survey questions, one commenter suggested asking about *all* injuries/illnesses suffered over a specified time period (e.g., 6 or 12 months) rather than just the *last* injury/illness. These questions were carefully worded in accordance with good survey practice to provide a broad but easily remembered frame of reference (the “last” injury or illness the respondent suffered). Also, limiting the question to a specific time period is unnecessarily restrictive; doing so could miss the experiences of respondents who suffered an injury/illness more than 6 or 12 months ago.
- *Miners’ representatives.* The same commenter suggested adding several items to reflect the details of the rights of miners’ representatives. In response to this comment, DOL has reworded some questions to include the following language: “the right to select a representative to participate in all aspects of an inspection” (underlined words identify added text). This commenter also suggested including a series of items about other rights of miners’ representatives. DOL considers these recommendations for questions to be out of the scope of the survey, since the intention is to gather information about knowledge of miner rights, not miners’ representative rights.
- *Equipment permissibility.* One commenter suggested adding survey question(s) about permissibility on equipment (30 CFR part 18 and parts 75-500 through 75-900). The survey includes a question on miners’ knowledge of their right to refuse to operate equipment for which they are not properly trained and their willingness to exercise that right. DOL considers additional questions related to enforcement or inspection approaches to be out of scope for this survey.
- *Trust in MSHA.* The United Mine Workers of America (UMWA) commented that the survey should include questions related to whether miners trust MSHA. In response, DOL added questions to the final versions of the instrument to ask miners about their trust in MSHA.

Authority

One commenter stated that the Mine Act of 1977 and MINER Act of 2006 “do not provide for of [sic] collection of this information.” DOL is not proposing to collect these data under the Mine Act of 1977 or MINER Act of 2006. As discussed in Section 1 above, DOL is collecting these data to meet its requirements for performance reporting under the Government Performance and

Results Act (GPRA) and under its 2011-2016 Strategic Plan. The data collected under this survey would assist in the development of a measure of employee voice in the mining industry.

This commenter also stated that “Questions about mine management are not pertinent to the health and safety of the miner” and “MSHA has no right to question how a mine is operated.” DOL disagrees with these opinions. In regards to the first statement (“Questions about mine management are not pertinent to the health and safety of the miner”), DOL contends that mine management can potentially have a significant influence on miner health and safety. Furthermore, DOL also contends that the questions being asked are pertinent to understanding miners’ abilities to exercise their rights. In regards to the second statement (“MSHA has no right to question how a mine is operated”), this survey is not making value judgments on how mines are operated (i.e., DOL is not questioning *how* a mine is operated). Rather, DOL is asking factual questions to better understand how mines deal with miners’ rights issues. Additionally, DOL contends that the questions being asked are pertinent to understanding miners’ abilities to exercise their rights.

C. Consultations Outside the Agency

Consultations on research design, data collection, approaches, and survey instrument design are part of the design phase of the study of voice in mining workplaces. The consultations are aimed at ensuring the technical soundness of the study methods and verifying the importance, relevance, and accessibility of the information sought in the study. To those ends, experts from a technical working group (TWG) were consulted:

TWG

Dr. John Budd, Professor of Industrial Relations, University of Minnesota

Dr. Larry Grayson, Professor of Energy and Mineral Engineering, College of Earth and Mineral Sciences, Penn State

Ms. Pauline Kim, Professor of Law, Washington University

Ms. Nancy Lessin, Program Coordinator, United Steelworkers - Tony Mazzocchi Center

Dr. Alison Morantz, Professor of Law & John A. Wilson Distinguished Faculty Scholar, Stanford Law School

DOL also instructed its ERG and NORC to conduct a set of nine cognitive interviews with miners in January and February of 2012 using a draft survey instrument (the version made available as part of the 60-day Federal Register Notice). The purpose of the cognitive interviews was to assess the efficacy of the survey instrument and identify potential refinements. DOL incorporated refinements stemming from the cognitive interviews, resulting in the versions of the instrument contained in Appendices A through C of this package.

9. Respondent Payments

Respondents will not receive any payments or gifts for participating in this information collection.

10. Confidentiality

While there is no express assurance of confidentiality that cannot be supported by law, the design of the data collection will often allow responses to be anonymous. Survey respondents will be assured of the privacy, to the extent available under law, of their responses through language placed prominently on all respondent materials as well as introductory comments made by an interviewer (in the case of a phone interview) or survey distributor (in the case of the paper surveys administered during state grantee training sessions). In the latter two cases, these individuals will be trained on the privacy of responses and will be prepared to describe the policy in detail, provide examples, and respond to any related questions from participants. For example, the interviewer or distributor will explain that an individual's answers will be combined with those of others and presented in summary form only, and that DOL will not have access to the names of participants. All respondent materials will contain the following text: "Individual responses to these surveys will not be shared with any employer, union, government agency. We do not ask for your name. We will protect your privacy to the extent allowed by law."

All responses that could identify specific respondents will be kept only by the contractor, ERG, for use in analysis. Any data received by DOL will not contain personal identifiers, thus precluding individual identification. Public use data files produced at the end of the study will follow the current OMB checklist on confidentiality to ensure that they can be distributed to the general public for analysis without restrictions and without identification of sample members.

11. Questions of a Sensitive Nature

There are no questions of a sensitive nature in the survey instrument. A few survey items ask miners for frank assessments of employer attitudes and actions in response to the reporting of safety hazards, which might be perceived as sensitive to some individuals. This information is crucial to developing a measure of miners' voice in the workplace. Based on an agreement between the contractor and CEO, the identity of individual respondents (and non-respondents), as well as each individual's responses to specific survey items, will be kept private and all survey materials will emphasize this. No individual will be identified as a respondent to MSHA, DOL, union officials, or employers. Additionally, survey questions were pretested through cognitive interviews with a small set of individuals with experience working in the coal mining industry in order to identify and refine questions that might be problematic for potential respondents.

12. Hour Burden of the Collection of Information.

The total burden of this information collection is estimated at 104.17 hours, as outlined in the table below.

Table 2. Estimation of burden hours by data gathering technique.

Type of Respondent	Form Name	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
Coal Miners	Pilot Survey of Miners' Voice in the Workplace (Ad Recruitment)	125	1	25/60	52.08
Coal Miners	Pilot Survey of Miners' Voice in the Workplace (Paper Survey)	125	1	25/60	52.08
Total	All	250	1	25/60	104.17

The annualized cost to respondents was estimated to be the burden hours estimate multiplied by the median hourly wage estimate (Source: Occupational Employment Statistics, Bureau of Labor Statistics). DOL used the median wage estimate (\$21.13) for Mining Machine Operator (SOC 475049) because this wage falls in the middle of the range of wages for coal mining occupations.⁵ DOL multiplied this median wage by 1.4 to capture benefits, resulting in a loaded hourly median wage rate of \$29.58.

Table 3. Annualized cost to respondents.

Type of Respondent	Total Burden Hours	Hourly Wage Rate ⁶	Total Respondent Costs
Coal Miners	104.17	\$29.58	\$3,081

13. Estimated Total Annual Cost Burden to Respondents and Record Keepers

The pilot test survey does not impose capital, start up, maintenance, or operation costs on the respondents.

⁵ The occupation "Extraction workers, all others" (475099) in the Coal Mining industry has an hourly median wage of \$19.96, while the occupation of "Continuous Mining Machine Operator" (475041) – a position requiring considerable skill and experience – has an hourly median wage of \$24.02.

⁶ <http://www.bls.gov/news.release/ocwage.htm>; wage has been increased by 40% to include benefits.

14. Estimated Annualized Cost to the Federal Government

This 2-year pilot study involves development of a survey instrument, implementation of the survey on a small scale using two or three data-gathering techniques, and analysis of results to develop recommendations for full-scale implementation. The annualized cost to the Federal government is estimated to be \$250,000, which is the total contractor cost of conducting the project. Of the \$500,000 over two years, approximately \$350,000 was budgeted for survey development costs (e.g., instrument development, implementation design, cognitive interviewing related to the instrument, etc.) and \$150,000 was budgeted for survey implementation. There are no other costs to the Federal government for implementation.

15. Changes in Burden

This is a new program.

16. Publication Plans and Project Schedule

The results of the pilot test will not be published, but will be presented in a report to CEO. DOL will collect information via the two or three data-gathering techniques being pilot tested, enter responses into a spreadsheet or database, tabulate responses for survey questions, and analyze the data to (1) identify opportunities to refine the survey instrument and determine which data-gathering technique is most feasible for full-scale implementation. The latter analysis will take into account details of each administration method, such as staff time expended per completion, logistical problems of administration, and any extraordinary or unexpected problems encountered.

Table 4. Schedule for Project tasks.

Tasks	Schedule
Implement data collections (all modes)	January – February 2013 (pending OMB approval)
Perform data analyses	February 2013
TWG review of results	March 2013
Final Report	March 2013
Final Briefing	March 2013
Public Data File	April 2013

17. Reasons for Not Displaying Expiration Date of OMB Approval

Not applicable. The collection instrument will display the expiration date.

18. Exceptions to the Certification Statement.

No exceptions are being requested.

Part B: Collections of Information Employing Statistical Methods

As has been noted in Part A, this clearance request covers a pilot study to inform a larger study of voice in mining workplaces. This Part B provides a discussion of potential statistical methods for collecting the data under a larger study, highlights areas where the pilot study will inform the design and implementation of the larger study, and discusses the metrics that DOL will use in comparing the proposed approaches that are being piloted under this study.

- 1. Describe (including a 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 governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

Population

Table B-1 provides an estimate of the population of miners in the United States for 2010 broken out by type of mining operation (coal or metal/non-metal) and type of mine (surface or underground).¹

Table B-1 – Population of Miners by Type of Mining and Type of Mine

Category	Coal	Metal/Non-Metal
Underground	47,525	17,065
Surface	35,952	93,483
Total	83,477	110,548

The pilot study will be collecting data from coal miners only. Additionally, the two modes of implementation will be geographically focused. The in-person data collection will focus on two states: Alabama and Virginia. The phone/web survey recruited through advertising will be focused on the Charleston, WV area. Table B-2 provides a summary of the coal miner populations for these areas:

Table B-2 – Populations of Miners in Areas for Pilot

Mode and Location	Population of Coal Miners (NAICS 2121)
<i>In-Person Mode</i>	
Alabama	3,773
Virginia	4,575
<i>Phone/Web Recruited Mode</i>	
Charleston, WV	5,000 – 9,999 [a]

Source: Census Bureau, County Business Patterns, <http://www.census.gov/econ/cbp/>.

[a] This is based on the Charleston, WV metropolitan statistical area. Census has suppressed the actual value for that area. However, the note supplied by Census indicates that between 5,000 and 9,999 coal miners are employed in this area.

Sample Size

The sample size for each stratum in a larger study of voice in mining will be determined based on statistical theory. DOL would select a sample size using statistical method for each stratum we want to obtain valid and reliable data for. For example, if DOL wished to obtain valid and reliable data for

¹ The tabulation in Table B-1 excludes milling operations and contractors.

the four strata in Table B-1 (coal-underground, coal-surface, metal/non-metal underground, and metal/non-metal-surface), then DOL would calculate an appropriate sample size for each stratum. Calculation of sample size is discussed under Question 2 below.

For the pilot study, DOL is targeting a sample of 125 miners for each mode. The selection of 125 is not based on a statistical calculation, but reflects the budget available to collect these data for the pilot. DOL balanced the number of respondents needed to perform some data analysis against the cost of collecting the data.

To assess the success of the different modes, DOL will use the **number of response attained** as an outcome measure. That is, neither mode is guaranteed to attain the targeted 125 responses. Thus, a good outcome measure for comparing the two modes will be the total responses attained.

Response Rate.

The response rate for this larger survey of voice in mining workplaces will be informed to some degree by the pilot study that we are seeking approval for. Specifically, the pilot will allow DOL to develop an initial estimate of the response rate for at least the in-person implementation mode. As noted in Part A, DOL is considering two potential modes: (a) implementing in-person through DOL grantee training events, and (b) recruiting miners to take the survey via phone or web. The in-person mode will involve DOL contractor staff handing out the survey at training events. Those that refuse to complete the survey will be counted as non-respondents. The other two modes we are considering, however, are less likely to allow for clean estimation of response rates. Both the web-based implementation and the phone implementation will involve recruiting respondents to take the survey. Thus, it will not be possible for DOL to determine the number that see the survey advertised and that refuse the survey.² Nevertheless, DOL can still calculate a ratio to reflect the number of responses relative to the potential population (see Table B-2 above).

To assess the two modes, DOL will have both the **response rate** from the in-person implementation and the **number of response relative to the population**³ for the recruitment mode. We expect that the response rate for the in-person will be much larger than the value for the number of responses relative to the population for the recruitment approach. Thus, comparing the two values directly is not possible.

- 2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

This section begins with a brief discussion of the methods that will be used to implement the pilot and then discusses how the pilot will influence the full-scale data collection for the topics identified in the question.

Procedures for Collecting the Data under the Pilot

² That is, not all of the population in Table B-2 will see the survey.

³ Given that we do not know the number that will see the survey advertised, we cannot calculate a response rate and therefore do not refer to this as a response rate.

In-Person Mode Collected at Training Site. To implement the survey at training sites, DOL will have its contractor (ERG) make contact with sites in Alabama and Virginia. These two states were selected by MSHA due to both the size of the mining community and the ability of MSHA to secure cooperation with these states. ERG will work with the training sites to determine when training sessions will occur and will then travel to a few selected training sessions. Given the targeted value of approximately 125 responses, ERG expects to attend approximately 4-5 sessions (2-3 in each state). ERG will have the training coordinator make contact with miners taking the survey and inform them a survey will be conducted and ask trainees to arrive early. ERG will implement the survey before the training occurs since some of the subjects covered by the training are asked about in the survey.⁴ The ERG staff person will hand out the survey with an envelope that it can be placed in when the respondent is done. Respondents will be asked to place the completed surveys in a box at the front of the room when they are done. The trainer will be asked to provide a quick encouragement to the miners to take the survey, but will leave the room prior to the survey being handed out. The ERG staff person will remain the room.

Web and Phone Mode Recruited through Advertising. To implement this mode, DOL will place an ad in a newspaper in the Charleston, WV area. The ad will indicate that a survey is being implemented about coal workers' rights and will provide a web address and phone number. Workers that call the toll-free number will be connected to ERG to take the survey. The web address will direct the respondent to the online version of the instrument.

Stratification, Accuracy, and Sample Selection

The distinctions in Table B-1 (coal vs. metal/non-metal and underground vs. surface) are two of the major distinctions between mining operations. Other potential factors to consider in stratifying the population include:

- Union status—unionized mines may have higher levels of voice in the workplace and miners at those mines may have more access or familiarity with information on their rights.
- Size—there may be differences in the way voice works at larger mines compared to smaller ones.
- Geographic region—mines in the traditional coal mining region of the U.S. (Kentucky, West Virginia, Pennsylvania Virginia) may differ from mines in other regions. Furthermore, mines in the west of the country may differ from those in the east.

The pilot study will influence the factors used for stratification. The data that are collected under the pilot, albeit limited, should provide some indication of what factors are more important for stratifying the sample. Additionally, preliminary work performed by DOL's contractor to cognitively test the survey instrument indicated that union status may be a key factor, as well as mine size.

As noted under Question 1, DOL will determine a sample size for each stratum in order to collect valid and reliable data for that stratum. Calculating the sample size requires three pieces of information: the desired confidence interval, the variance of the estimate, and the desired level of precision:

- **Confidence.** DOL will use a 95 percent confidence interval. The z-score from the standard normal distribution for a 95 percent confidence interval is 1.96, which is used in the sample size calculation.

⁴ MSHA requires that all miners receive eight hours of refresher training annually. Thus, the implementation cannot take away from those eight hours

- **Variance.** The survey instrument asks a number of questions using a five point scale. McQuarrie (2006, Table 6.1)⁵ indicates that a five-point scale will have a maximum variance of 2.0. The standard deviation (the square root of the variance) is used in the sample size calculation.
- **Precision.** The precision is the maximum amount (in units of the variable being estimated) that a researcher is willing to be away from a true estimate by taking a sample. Doubling the precision provides the length of the confidence interval being used in the study. In short, precision is a measure of accuracy with more precise estimates (smaller confidence intervals) requiring increasing larger sample sizes.

The basic formula for sample size is: $n = \left(\frac{z s}{d}\right)^2$, where n is the sample size being estimated, z is the standard normal score (1.96 for a two-sided 95 percent confidence interval), s is the standard deviation (square root of 2 in our case), and d is the desired precision. DOL has not selected a value for precision at this point. Figure B-1 provides a sketch of the relationship between sample size (n) and precision (d). For example, precision of 0.4 implies that our sample will result in an estimated mean value for variables measured on a five point scale being within 0.4 points (on the five point scale) of the “true” (population) value with 95 percent confidence. DOL has not selected a precision level yet for a larger study of voice in mining workplaces. The pilot study will assist DOL in setting a precision value by providing information on the likely distribution of responses for key questions in the survey.

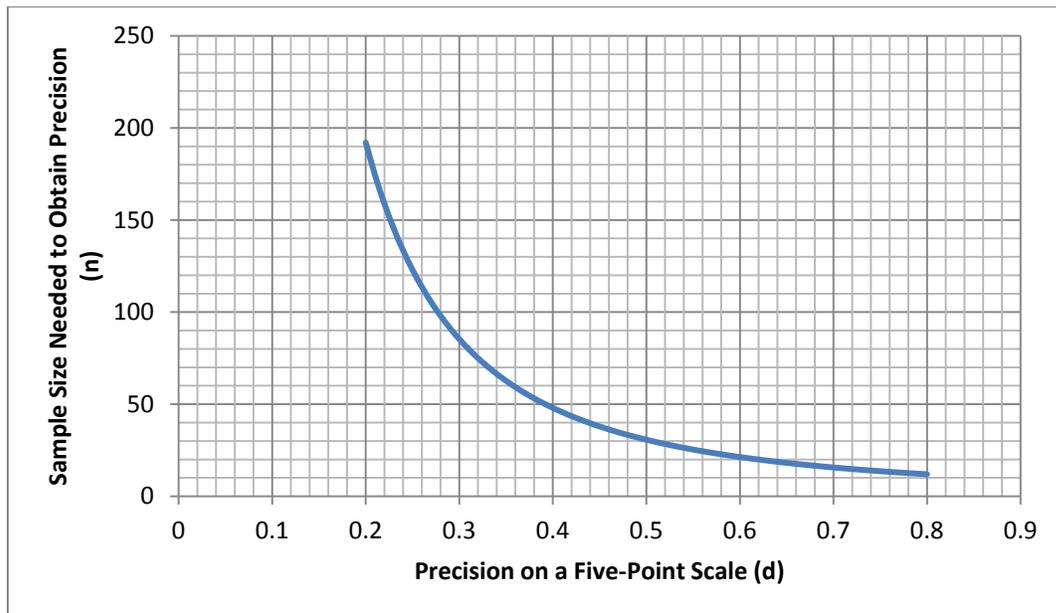


Figure B-1 – Relationship between Precision and Sample Size

⁵ McQuarrie, Edward F., 2006. *The Market Research Toolbox*, Sage Publications Inc.

Selection Methods

The selection method will depend on the implementation mode that is used in the larger survey. As noted in Part A, DOL is considering two potential modes: (a) in-person at DOL grantee training events and (b) recruiting miners to take the survey via phone or web. For the full-scale implementation, the in-person implementation will involve randomly selecting training events and then asking all miners that at that event to take the survey (i.e., a cluster design). The pilot study will provide information on how to best implement the survey on site. Additional work by ERG (not needing approval under this ICR) will provide background on the types of mines that access training events. The two other method (recruitment for phone or web) will not involve selection since the respondents are being recruited. However, recruitment will take place by posting advertisements in local media to recruit respondents. The pilot will assist us in determining the effectiveness of the recruitment process.

Estimation Procedure

Population parameters for a larger study will be estimated by appropriately weighting the sample responses. Sample weights would be calculated as the inverse of each unit's selection probability. The formulas used for this will depend on the selection process.

Unusual Problems Requiring Specialized Sampling Procedures

None are required.

Use of Periodic (Less Than Annual) Data Collection

DOL expects the larger survey of voice in mining to be done on an ongoing basis. The exact frequency has yet to be determined. In selecting a frequency, DOL will balance respondent burden with the need to collect data for program management. The pilot implementation that we are requesting clearance for will inform this decision. Specifically, the pilot will indicate the level of burden for respondents taking the self-administered version (at training events).

- 3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.**

The pilot study will provide information on the best approach to maximize response to the survey. The two primary reasons for doing the pilot prior to performing a larger study are (a) to determine the most effective ways to reach miners and (b) to determine the most effective approaches to obtain responses from miners that are contacted. Thus, the pilot we are seeking approval for will provide significant information on how best to ensure the data DOL collects under a larger study would be valid and reliable.

- 4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.**

In preparation for the pilot survey, DOL's contractor ERG and its subcontractor the National Opinion Research Center at the University of Chicago (NORC) performed nine cognitive tests with miners of the survey instrument. The cognitive tests focused on the understandability and relevancy of the questions. Additionally, the pilot that DOL is seeking approval for will provide additional information on the feasibility of the implementation methods and will provide a more complete answer to this question when DOL files for approval for a larger study.

5. Provide the name and telephone number of individuals consulted on the 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.

DOL contracted with Eastern Research Group, Inc. (ERG) of Lexington, MA, and its consultants the National Opinion Research Center and University of Chicago, to design the survey instrument, develop the pilot plan, implement the pilot, and analyze the resulting data collected. The survey design team included the following individuals:

- Dr. Lou Nadeau, 781-674-7316; lou.nadeau@erg.com.
- Dr. Bernard Dugoni 773-256-6193, dugoni-bernard@norc.uchicago.edu.