

SUPPORTING STATEMENT

30 C.F.R. §§ 75.153(a)(2) and 77.103 (a)(2), Certificate of Electrical Training, MSHA Form 5000-1. (Pertains to surface and underground coal mines.)

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 101(a) of the Federal Mine Safety and Health Act of 1977 (the Mine Act) states that the Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Under section 103(a)(2) authorized representatives of the Secretary or the Secretary of Health and Human Services shall make frequent inspections and investigations in coal or other mines each year for the purpose of gathering information with respect to mandatory health or safety standards.

Under section 305(g) of the Mine Act, all electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the Secretary and to the miners in such mine.

Title 30, C.F.R. sections 75.153(a)(2) and 77.103(a)(2) require that a program be provided for the qualification of certain experienced personnel as mine electricians. A qualified person is one who has had at least one year of experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program.

The Mine Safety and Health Administration (MSHA) qualifies mine electricians and although the standards do not specify use of the Form 5000-1, MSHA is of the opinion that the form is the most efficient means for reporting on individuals who have completed the required training. MSHA Form 5000-1 is used by instructors, who may be mining personnel, consultants, or college

professors, to report to MSHA those miners who have satisfactorily completed a coal mine electrical training program. Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify these individuals as qualified to perform certain tasks at the mine.

The Form 5000-1 is used for four MSHA-approved training courses:

- Electrical Qualification Initial Training, Low/Medium Voltage (Underground)
- Electrical Qualification Retraining, Low/Medium Voltage (Underground)
- Electrical Qualification Initial Training, Low/Medium Voltage (Surface)
- Electrical Qualification Retraining, Low/Medium Voltage (Surface)

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

MSHA Form 5000-1 is used by instructors to report to MSHA those persons who have satisfactorily completed the required training. MSHA uses the information to issue certification cards to those persons who are qualified. MSHA inspectors may ask to see the cards to determine compliance with regulations during routine inspections. Mine operators use the cards to determine a person's qualifications to perform certain tasks and when hiring new personnel. The information is also used by MSHA to determine mine operators' compliance with approved training plans, to monitor safety-training programs, and in reporting to Congress. Upon request, MSHA also furnishes the information to mine operators and to representatives of miners.

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.

In compliance with the Government Paperwork Elimination Act, the Form 5000-1 is available on MSHA's website for electronic submission. The mining industry submitted 1,362 Electronic 5000-1 electrical training forms in Fiscal Year 2009. The electronic form may be viewed at (<http://www.msha.gov/forms/elawsforms/5000-1.htm>)

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

MSHA qualifies and certifies mine electricians based on satisfactory completion of the required training. There are no similar or duplicate records that could be used.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This information collection does not have a significant impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Less frequent information collection would be a violation of the Mine Act and of Federal regulations requiring that persons be qualified and certified to perform important safety and health functions at mines. The MSHA Form 5000-1 is used to identify those miners who have completed the training requirements and to generate a certificate of qualification/certification. The instructor submits the forms at the completion of each training course.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has**

instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information is consistent with the guidelines in 5 C.F.R. 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day Federal Register notice on Thursday, February 4, 2010, (Volume 75, Number 23, Pages 5807 - 5808), notifying the public that the information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995. MSHA received one comment from the United Mine Workers of America (UMWA).

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

MSHA does not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Computer safeguards are consistent with the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974," and procedures developed by MSHA under GSA Circular E-34. Files are posted with the appropriate Privacy Act warning. Only authorized personnel have access to the files.

In the past, MSHA used individual Social Security numbers (SSN) for tracking qualifications, certifications, and approvals. In an effort to reduce the use of SSNs by both MSHA and third parties, MSHA has changed the process to one in which miners register first with MSHA to obtain an MSHA Individual Identification Number (MIIN). A MIIN is a unique 8-digit number preceded by the letter "M" and is used in place of SSNs for tracking all qualifications,

certifications, and approvals issued by MSHA, including Electrical Qualification Initial Training and Retraining.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

In fiscal year 2009, MSHA received 2,796 MSHA Form 5000-1s covering 17,960 miners. Out of the 2,796 (5000-1) forms MSHA received, 1,362 forms were electronically submitted through the online eGov system. MSHA is basing the estimates on the number of forms and the number of miners instead of the number of qualifications issued because the miners may have both underground and surface qualifications and the training covers both surface and underground. The number of courses is based on reports from the Q&C system that provide information on electrical courses. MSHA does not anticipate a significant change in the number of miners taking electrical qualification initial training and retraining courses or in the number of Form 5000-1s received.

MSHA's Q&C system indicates that 2,796 electrical qualification initial training and retraining courses were taught during Fiscal Year 2009. It is estimated that out of the 2,796 courses taught, approximately 30% of courses (839) are taught by instructors working directly for the mining companies and that

approximately 32% of courses (895) are taught by instructors working as contractors for mining companies. MSHA estimates that the remaining 38% of courses (1062) are conducted by state grantees supported with Federal funds. MSHA does not anticipate a significant change in the number and distribution of courses that will be conducted in the future. MSHA estimates that each year approximately 839 courses averaging 8 hours in duration will be taught by instructors working directly for the mining companies.

Hour Burden for Completing 5000-1 Forms

MSHA estimates that it takes approximately 25 minutes (0.41667 hours) to complete the MSHA Form 5000-1. It is also estimated that 30% of the forms are completed by mining company instructors, 32% of the forms are completed by contractors, and 38% are completed by grantees. In Item #13, the cost of contractor training is shown while the cost of grantee training is shown in Item 14.

| | | |
|-------------------------------------|---|-------|
| 2796 forms x 0.41667 hours per form | = | 1,165 |
| hours | | |
| Total Hour Burden | = | 1,165 |
| hours | | |
| Total Hour Burden | = | |
| 1,165 hours | | |

Hour Burden Cost

MSHA estimates that the courses are conducted and the MSHA Form 5000-1 completed by a mine supervisor earning \$77.35 per hour.

| | | |
|---|---|--|
| 350 hours (30% of 1,165) x \$77.35 per hour | = | |
| \$27,073 | | |

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and**

software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Cost Burden for Completing 5000-1 Forms

| | | |
|---|---|----------|
| 373 hours (32% of 1,165) x \$77.35 per hour | = | |
| \$28,852 | | |
| Total Cost Burden | = | \$28,852 |

Cost Burden for Mailing 5000-1 Forms

MSHA expects to receive 2,796 (5000-1) forms from mine instructors and contract instructors, of which 1,362 will be electronic forms. The total number of forms to be mailed is estimated as 1,434. MSHA estimates that the cost of mailing each form to MSHA is \$0.44. Accordingly, the annual postage cost is as follows:

| | | |
|---------------------------------|---|------------------|
| 1,434 forms x \$0.44 per form | = | \$631 |
| Total Annual Cost Burden | = | \$ 29,483 |

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.

Annualized costs are based on the total cost of operations and maintenance for the MSHA Standard Information System (MSIS) and cost per transaction for FY 2009 (management, overhead, security, licenses etc.). The cost is based on the total Q&C transactions, of which the 5000-1 is the major portion of the transaction costs. MSHA's Standardized Information System (MSIS) is expected to remain in a maintenance-only mode and enhancements (upgrades) to the Q&C portion of the system are not anticipated. Calculations follow.

| | |
|--|------------------|
| Cost per Transaction | \$2.97 |
| Annual Transactions in Q&C (the number of forms processed) | 2,796 |
| Total Cost for Transactions | \$8,304 |
| Clerk: GS 7, step 7 in MSHA's Lakewood, Colorado office | <u>\$ 49,023</u> |

The cost for the grantees to file 443 (38% of 1165) forms has not been estimated because it is a small portion of the overall cost of grants.

**Total Cost to the Federal Government
\$54,045**

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

An increase in the estimate of the time needed to complete form 5000-1 from 5 minutes to 25 minutes resulted in an increase in hours from 138 to 1,165. In addition, both wages and postage rates have increased since Fiscal Year 2006, resulting in an increase in the annual cost burden described in Item 13 (from \$9,257 to \$28,852).

MSHA's Standardized Information System (MSIS) is expected to remain in a maintenance-only mode and enhancements (upgrades) to the Q&C portion of the system are not anticipated; as a result, the total cost to the Federal Government in item 14 decreased from \$99,386 to \$54,045.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA has no plans to publish the information obtained through this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

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 Submission," of OMB 83-I.

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

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

- **Statistical methodology for stratification and sample selection,**
- **Estimation procedure,**
- **Degree of accuracy needed for the purpose described in the justification,**
- **Unusual problems requiring specialized sampling procedures, and**
- **Any use of periodic (less frequently than annual) data collection cycles to reduce burden.**

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

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

From <http://www.msha.gov/forms/elawsforms/5000-1.htm> :

Burden Statement: Public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data need, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, Department of Labor, Room N-1301, 200 Constitution Avenue, N.W., Washington, D.C. 20210; and to the Office of Management and Budget, Paperwork Reduction Project (1219-0001), Washington, D.C. 20503. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.