

SUPPORTING STATEMENT

Testing, Evaluation, and Approval of Mining Products, 30 CFR Subchapter B - Parts 6 through 36

Part 6 (§§ 6.10(a), (d),)	Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards
Part 7	Testing by Applicant or Third Party:
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Subpart B (§§ 7.23, 7.27, 7.28)	Brattice Cloth and Ventilation Tubing
Subpart C (§§ 7.43, 7.46, 7.47, 7.48, 7.49, 7.51)	Battery Assemblies
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Subpart E (§§ 7.83, 7.90)	Diesel Engines Intended for Use in Underground Coal Mines
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	Units
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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 authorizing the collection of information.

Under section 508 of the Federal Mine Safety and Health Act of 1977 (Mine Act), the Mine Safety and Health Administration (MSHA) is authorized to regulate mining equipment or other products necessary for use in mines to protect the safety and health of miners. For example, section 305(a)(1) requires that all junction or distribution boxes, handheld electric drills, blower and exhaust fans, and other electrical equipment used at the face of an underground gassy mine shall be "permissible."

The Mine Act in sections 318(c) and 318(i) defines "permissible" to mean explosives or equipment including electrically operated, whether used at the face or not, in which the Secretary requires an approval plate, label, or other device to be attached. For this approval, the equipment must meet the Secretary's specifications for construction, maintenance, design, or other specifications as prescribed by MSHA to assure that the equipment will not cause a mine explosion or a mine fire. Explosives also must meet MSHA specifications. MSHA also may prescribe the use of explosives and equipment in this approval.

In addition, section 101(a)(7) of the Mine Act requires MSHA to prescribe the use of labels or other necessary forms to provide miners information that will protect their safety and health.

The mining products that MSHA approves range from extremely small electronic devices to very large complex mining systems. The Agency's approval regulations are contained in 30 CFR parts 6, 7, 14, 15, 18, 19, 20, 22, 23, 27, 28, 33, 35, and 36. MSHA evaluates and tests these mining products and issues approvals, certifications, or acceptances. An approval is issued to a completely assembled machine or system, or to an explosive; a certification is issued to a component or subsystem of a completely assembled machine or system; and an acceptance is issued for materials and certain other products.

An approval of a mining product constitutes a license authorizing the approval-holder to build as approved and distribute the product for use in underground mines, to display an MSHA marking with an approval number, and to advertise the product as "MSHA-approved." The approval-holder accepts the responsibility for constructing or formulating the product in exact accordance with drawings, specifications, and use that accompanies the approval letter.

1. Approval will be used to represent MSHA granting an approval, certification, or acceptance because the general application processes are similar.

MSHA regulations at 30 CFR parts 6 through 36 contain application, testing and inspection procedures, and quality control procedures for the approval of mining equipment or explosives used in both underground and surface coal, metal, and nonmetal mines. Except for parts 6 and 7, MSHA conducts most of the testing and evaluation of products for a fee paid by the applicant; although some regulations require the manufacturer to pretest the product. Upon MSHA approval, the manufacturer must ensure that the product continues to conform to the specifications and design evaluated and approved by MSHA. In some instances, as part of the approval process, manufacturers are required to have a quality control or assurance plan.

In addition, some parts provide for product and manufacturing audits as well as the reporting of problems with products approved.

Title 30 CFR §§ 14.4, 15.4, 18.6, 18.81, 18.82, 18.93, 18.94, 19.3, 19.10, 20.3, 20.11, 22.4, 22.8, 23.3, 23.10, 27.4, 27.6, 28.10, 33.6, 35.6, and 36.6 require applicants seeking product approval to submit an application that includes all the specifications,

drawings, and other information needed for the approval. This information is crucial for MSHA to evaluate, test, and possibly approve products that do not cause a fire or explosion risk in a mine.

Some products have separate requirements for applications for extensions of approvals to cover proposed changes: §§ 18.15, 19.13, 20.14, 22.11, 23.14, 27.11, 28.25, 33.12, 35.12, and 36.12. For extensions of approvals, the applicant is not required to resubmit documentation that is duplicative or was previously submitted for the approval. Only information related to changes in the previously approved product is required, avoiding unnecessary paperwork.

An extension of approval is required for minor changes to the approvals. If manufacturers make design changes to approved products, they must submit a new application. MSHA realized that this may duplicate past efforts by manufacturers and MSHA; therefore, MSHA created the Revised Approval Modification Program (RAMP) Application Procedure. RAMP instructs approval-holders how to apply for MSHA acceptance of proposed changes to the design of their approved product.

For the approval of explosives and fuses, MSHA requires an applicant once approved to have a quality assurance or control plan. Under § 15.8(b), MSHA requires the approval holder to report any knowledge of explosives distributed that do not meet the specifications of the approval. Under §§ 28.10(d), 28.30, and 28.31, MSHA requires the applicant to submit a quality control plan for approval to assure that each fuse is manufactured to have the short-circuit protection as required by the approval. A quality assurance or quality control plan for approved products provides substantial protection against the distribution of defective products which could harm miners' safety and health. The reporting of a defective product to MSHA would come from the approval-holder's internal audits, reports from users, or other sources, and further enhances the safety of miners because MSHA would work with the approval-holder to take corrective action.

For high-voltage longwall mining systems, § 18.53(h) requires an applicant to submit an "available fault current" study to MSHA to justify circuit breaker settings to provide protection for the size and length of the longwall motor, shearer, and trailing cables used. Proper electrical protection is essential in preventing a fire, explosion, or shock hazard resulting from inadequate sizing of electrical cables.

For certain products which are dependent on proper use and maintenance, MSHA requires the manufacturers to provide additional information on the approval marking or instructions to be included with the product. Under §§ 23.7(e), 23.12(a)(2), 28.23, and 35.10, MSHA requires this additional information for the proper use of telephone and signaling systems, fuses, and hydraulic fluids.

Title 30 CFR, parts 6 and 7 allow other parties to perform product testing under certain circumstances. MSHA retains the responsibility for evaluating the test results and issuing the approval for all products tested under parts 6 and 7.

Part 6 permits authorized independent laboratories to perform in whole or in part

the necessary testing and/or evaluation for MSHA product approval. Thus, 30 CFR Part 6 increases the availability of mining products with enhanced safety features by reducing costs and broadening the market for mining equipment.

MSHA will accept testing and evaluation performed by an independent laboratory for purposes of MSHA product approval provided that MSHA receives as part of the application (§ 6.10(a)(1) through (a)(4)) the following information:

- “Written evidence of the laboratory’s independence and current recognition by a laboratory accrediting organization;”
- “Complete technical explanation of how the product complies with each requirement in the applicable MSHA product approval requirements;”
- “Identification of components or features of the product that are critical to the safety of the product;” and
- “All documentation, including drawings and specifications, as submitted to the independent laboratory by the applicant... .”

This information is completed by the independent laboratory and supplied to the applicant, who sends it to MSHA as part of its application. The information requested above is needed because MSHA is no longer performing all the tests and evaluations associated with the approval application. It is important to know that the laboratory has the independence to ensure the objectivity and accuracy of any testing and evaluation performed. It is also crucial that the laboratory be recognized by a laboratory accrediting organization to ensure the laboratory has the competence, resources, and personnel capable of performing the necessary testing and evaluation. In addition, the information in the above paragraphs is needed to determine if the product complies with the applicable approval requirements.

Certain test and evaluation requirements in product safety standards used by independent laboratories are similar to MSHA’s current approval requirements. Applicants routinely have such tests and evaluations performed by an independent laboratory when seeking a non-MSHA approval or listing. Some applicants, before requesting an MSHA product approval either based on MSHA’s approval requirements or non-MSHA product safety standards that are equivalent to MSHA’s approval requirements, may already have had an independent laboratory perform some portion of the tests and evaluations that are also needed to obtain an MSHA product approval. It is with regard to these test and evaluation results that MSHA requires the data requested in paragraphs (a)(1) through (a)(3) of § 6.10. The costs of the tests and evaluations performed by an independent laboratory have already occurred before the applicant files an MSHA product approval application. Therefore, the only costs to applicants associated with § 6.10(a)(1) through (a)(3) are those related to the applicant passing the required information received from the independent laboratory to MSHA.

If an independent laboratory conducts any additional or repeat testing, then the applicant is required to send the test results to MSHA. This is true even if MSHA

observes the testing performed by the independent laboratory. However, if MSHA performs additional or repeat testing itself, then it is not necessary for the applicant to send in the independent laboratory's test results to MSHA. Sending additional or repeat testing results to MSHA is covered under § 6.10(d). Information concerning § 6.10(a)(1) and (a)(3) that was sent to MSHA with the original approval application does not have to be sent again as a result of any additional or repeat testing.

No approvals are issued under Part 6. Instead, any approval issued based on Part 6 provisions continue to be approved under the applicable MSHA-product approval parts (30 CFR parts 7 through 36). The burden costs included as Part 6 are the additional costs not associated with applications under parts 7 through 36. Only § 6.10(a)(4) are burden costs associated with the other application packages.

Part 7:

Part 7 provides procedures whereby approved products are tested by the applicant or a third party. Applicants are required to maintain records of test results and procedures used in testing for three years after completion of testing. Applicants must also maintain records of the distribution of each product bearing an approval marking.

MSHA retains the authority to conduct post-approval audits of approved products for the purpose of determining conformity with the technical requirements upon which the approval was based.

The general requirements for the Part 7 approval process are in Subpart A and the technical requirements for the design and performance of particular products are in subsequent subparts. Section 7.3 provides the general procedures and requirements an applicant is required to meet for MSHA approval of a product. The application procedures apply to the original application, an application for similar products, and an extension of approval. The technical documents required for different products is specified in §§ 7.23, 7.43, 7.63, 7.83, 7.97, 7.303, 7.403, and 7.503.

Under §§ 7.4, 7.27(a)(8), 7.28(a)(7), 7.46(a)(3), 7.47(a)(6), 7.48(a)(3), 7.407(a)(11)-(a)(12), 7.408(a)(7)-(a)(8) records of test results and procedures must be retained for three years. Retaining these records for three years will assist MSHA in determining the possible cause of any problems which may be detected during post-approval product audits.

Under § 7.6, applicants are required to maintain records on the distribution of each unit with an approval marking. This is necessary so that deficient products which may present a hazard to miners can be traced and withdrawn from use until the appropriate corrective action may be taken.

Under § 7.7(d), MSHA requires applicants to report to MSHA any knowledge of a product distributed that is not in accord with the approval.

Sections 7.51, 7.71, 7.108, and 7.311 require the applicant to include an approval checklist with each product sold. These checklists are important because they

include a description of what is necessary for users to maintain products in approved condition.

Under §§ 7.69(c), (e), and (f), 7.90, 7.105, 7.306(d), 7.309, and 7.409, MSHA requires that additional information for the proper use and maintenance be provided. Certain products require more information for proper use and maintenance, so MSHA requires the manufacturers to provide additional information on the approval marking or instructions to be included with the product.

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.

Under 30 CFR parts 6 through 36, MSHA investigates and when applicable, tests all equipment or explosives for which manufacturers submit an application, with the prescribed drawings and specifications, for approval of equipment or explosives to be used in mines.

MSHA engineers and scientists use this information to evaluate the design, construction, manufacture, quality control, and other requirements to protect the safety and health of miners prior to approval for use in mines.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

MSHA has conducted workshops with the National Mining Association to support fillable form applications for testing and approval of permissible equipment. The Agency has also developed step-by-step guidance for completing applications nonmembers as well as members, MSHA has developed and promoted a one-stop-shop at <http://www.msha.gov/TECHSUPP/ACC/ACCHOME.HTM>

Mine operators and manufacturers are able to receive guidance, submit applications and other correspondence, comments, or information electronically. Approval applicants are able to upload engineering drawings (images) and files directly to the Arlington FTP (File Transfer Protocol) site server or via the IPSO@dol.gov e-mail account. There is an insignificant reduction of burden hours due to the electronic submission of applications since applicants have been electronically submitting applications to MSHA for over 8 years. Out of the 697 applications received at MSHA in FY 2010, 576 of those were electronically submitted.

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.

The applications, consisting of design specifications and drawings and related correspondence, are usually unique for each piece of equipment or product and any change in circuitry or component may result in an unsafe condition. Therefore, any similar information already available cannot be used to evaluate and approve another instrument, machine, electric face equipment, non-electric face equipment or product used in mine operations.

MSHA is the only entity in the country authorized to approve equipment and certain products for use in mines. Therefore, it is unlikely that there would be duplication because of this unique function.

When MSHA permits third parties or manufacturers to test the equipment or products, MSHA retains the responsibility for evaluating the test results and issuing the approval for all products tested under Parts 6 and 7.

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

The standards apply to all manufacturers of mining equipment regardless of size. In order to determine if the device or equipment meets the standards, MSHA needs the same information from all manufacturers. While this information collection does not have a significant impact on a substantial number of small entities, Long ago MSHA took several steps to reduce burden for all respondents. These include development of Form MSHA-2000-38 that guides applicants to obtain approval for field electrical modifications to permissible equipment, and allowing responses to be submitted email and fax.

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.

It is important to emphasize that MSHA-approved products for use underground are designed to meet technical requirements so they do not cause a fire or explosion or other safety hazard related to use.

If the information collections discussed in question 1 were not conducted, the consequences would be severe. The integrity of MSHA's product approvals would be adversely affected and unsafe products could be introduced into the mines. Once a product is approved, the approval-holder is authorized to place a MSHA approval marking on the product which identifies it as approved for use in a mine. Use of the marking obligates the manufacturer to maintain the quality of the product as approved. The MSHA marking indicates to the mining community that the product meets the technical requirements and has been manufactured according to the drawings and specifications approved. If MSHA were unable to obtain from approval-holders products for audit and information regarding product defects, it would hamper efforts to enforce manufacturers' obligation to maintain quality assurance of their products. Moreover, it would be difficult to effectively assure the mining community that products required to

be approved for use are in fact safe for use. Without this information, MSHA would not be able to protect the safety and health of miners, the primary purpose of the Mine Act.

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.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR § 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 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.

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

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

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the *Federal Register*, notifying the public that

these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60-days to submit comments. MSHA received no comments in response to this notice.

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.

MSHA considers information submitted as part of applications for product approval, especially information regarding product's specifications and performance, as proprietary. Manufacturers' applications, drawings and specifications kept at MSHA are stored electronically or in a restricted records storage area both accessible only to supervisors and employees responsible for handling these records. These methods safeguard proprietary information against violations of 18 U.S.C. § 1905, 5 U.S.C. § 552(b)(4), and the confidentiality provisions of 30 CFR parts 6 through 36. MSHA maintains a high level of security. Access to each building is restricted and controlled with electronic security gates. A guardhouse is located on the property and all visitors entering the buildings are required to wear badges that are easily visible on a person's outer clothing. These badges identify persons as visitors to these facilities, which facilitate control within secure areas. Employees are issued a security gate access card and a Department of Labor identification card is required to be shown to security guards upon request.

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 13.**

The following calculations for the existing requirements are based on the actual number of applications received during Fiscal Year 2010 and the hours per response which represent the estimated time required by the manufacturer to prepare and submit applications, which may include drawings and specifications, for approval and certification of their products.

In this information collection request, instances where MSHA did not receive any applications, an estimate of one application will be used.

Salary figures used are based on data obtained from the U.S. Coal Mine Salaries, Wages, & Benefits - 2009 Survey Results. Unless otherwise noted the hourly rate used in this answer is an engineer's hourly rate of \$84.70.

PART 6: Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards

Under § 6.10(a)(1), applicants are required to provide "written evidence of the laboratory's independence and current recognition by a laboratory accrediting organization."

Paragraph (a)(2) requires "a complete technical explanation of how the product complies with each requirement in the applicable MSHA product approval requirements." Paragraph (a)(3) requires "identification of components or features of the product that are critical to the safety of the product." The information in paragraphs (a)(1) through (a)(3) will be completed by the independent laboratory and supplied to the applicant, who will then send it to MSHA.

Certain test and evaluation requirements required under non-MSHA product safety standards used by independent laboratories are similar to MSHA's current approval requirements. Applicants routinely have such tests and evaluations performed by an independent laboratory when seeking a non-MSHA approval or listing. Generally, before requesting an MSHA product approval either based on MSHA's approval requirements or non-MSHA product safety standards that are equivalent to MSHA's approval requirements, applicants will already have had an independent laboratory perform some portion of the tests and evaluations that are also needed to obtain an MSHA product approval. It is with regard to these test and evaluation results that MSHA will require the data requested in paragraphs (a)(1) through (a)(3). The costs of

the tests and evaluations performed by an independent laboratory have already occurred before the applicant files an MSHA product approval application. Therefore, the only costs to applicants associated with § 6.10(a)(1) through (a)(3) are those related to the applicant passing the required information received from the independent laboratory to MSHA.

In FY 2010, MSHA received 1 new application for approval under Part 6.

MSHA estimates that a clerical worker, earning \$26 per hour, will take 15 minutes (0.25 hours) per application to prepare and send the data requested in Paragraphs (a)(1) through (a)(3).

Burden Hours

1 application for approval x 0.25 hrs. = 0.25 hrs.

If an independent laboratory conducts any additional or repeat testing, then the applicant will have to send the test results to MSHA. This is true even if MSHA observes the testing performed by the independent laboratory. However, if MSHA performs additional or repeat testing itself, then it is necessary for the applicant to send in the test results to MSHA. Sending additional or repeat testing results to MSHA is covered under § 6.10(d). Information concerning §6.10(a)(1) and (a)(3) that was sent to MSHA with the original approval application will not have to be sent again as a result of any additional or repeat testing.

In FY 2010, MSHA received 1 application for approval under Part 6. MSHA estimates that a clerical worker, earning \$26 per hour, will take 15 minutes (0.25 hours) per application to prepare and send the test results requested in §6.10(a)(2).

Burden Hours

1 application for approval x 0.25 hrs. = 0.25 hrs.

Total Part 6 Burden Hours. (rounded) = 1 hr.

Total Part 6 Burden Hour Cost (1 hr. x \$26) = \$26

PART 7 Testing by Applicant or Third Party

Part 7 (Subpart A): General

The general requirements for the Part 7 approval process are in Subpart A and the technical requirements for the design and performance of particular products are in subsequent subparts. Section 7.3 provides the general procedures and requirements an applicant is required to meet for MSHA approval of a product. Because the technical requirements are in the specific subparts for approval of each product, MSHA has provided the burden hours and costs under those subparts for application of the products.

Also, under this Subpart, applicants are required to maintain records of testing procedures and results, for 3 years, for the products they submit to MSHA for approval.

MSHA believes that the only burden on the applicant in keeping the records is the use of storage space. MSHA views this burden as minimal, and therefore, no cost burden has been assigned. In addition, applicants must maintain records of the initial sale of each unit having an approval marking. The record retention period must be at least the expected shelf life and service life of the product. Manufacturers already keep records of sales, and MSHA believes that manufacturers will use existing record systems to fulfill this requirement. Therefore, no cost burden has been assigned.

Under Subpart A, MSHA is authorized to conduct periodic post-approval audits of approved products. No more than once a year except for cause, the approval holder, at MSHA's request, must make an approved product available at no cost to MSHA for an audit to be conducted at a mutually agreeable site and time. The burden costs to approval holders for providing products for audit are detailed under the appropriate Subparts in Item 13.

Part 7 (Subpart B): Brattice Cloth and Ventilation Tubing

In FY 2010, MSHA received 7 applications for approval and 4 applications for extensions of approval for brattice cloth and ventilation tubing under Subpart B. According to manufacturers' estimates, it requires 5 hours to complete the application package and 5 hours to complete an application for an extension package.

Burden Hours

7 applications for approval x 5 hrs.	= 35 hrs.
4 applications for extension of approval x 5 hrs.	= 20 hrs.

Burden Hour Cost

35 hours x \$84.70 per hr.	= \$2,965
20 hours x \$84.70 per hr.	= \$1,694

Total Part 7, Subpart B, Burden Hours	= 55 hrs.
Total Part 7, Subpart B, Burden Hour Cost	= \$4,659

Part 7 (Subpart C): Battery Assemblies

In FY 2010, MSHA received 10 applications for approval, 1 application for an extension of approval, and 12 Revised Approval Modification Programs (RAMP) applications for battery assemblies under Subpart C. According to manufacturers' estimates, it requires 4 hours to complete an application for approval, 4 hours to complete an application for an extension, and 2 hours to complete a RAMP application. An extension of an approval is any change in the approved product from the documentation on file at MSHA that affects the technical requirements under Subpart C. These technical requirements are such that any change in design most often requires a complete re-evaluation.

Burden Hours

10 applications for approval x 4 hrs.	= 40 hrs.
1 application for extension of approval x 4 hrs.	= 4 hrs.

12 RAMP applications x 2 hrs. = 24 hrs.

Burden Hour Cost

40 hrs. x \$84.70 per hr. = \$3,388

4 hrs. x \$84.70 per hr. = \$ 339

24 hrs. x \$84.70 per hr. = \$2,033

Manufacturers of battery assemblies are required to include an approval checklist with each assembly sold. MSHA estimates that it will take 2 hours to develop the checklist.

Burden Hours

10 applications for approval x 1 checklist x 2 hrs. = 20 hrs.

Burden Hour Cost

20 hrs. x \$84.70 per hr. = \$1,694

Total Part 7, Subpart C, Burden Hours = 88 hrs.

Total Part 7, Subpart C, Burden Hour Cost = \$7,454

Part 7 (Subpart D): Multiple-Shot Blasting Units

MSHA has received no applications for approval since 1988 and does not anticipate receiving any through the current fiscal year. However, if MSHA were to receive an application, it estimates that it would take an applicant 4 hours to prepare a new application package for approval and 2 hours to prepare an application for an extension.

Burden Hours

1 application for approval x 4 hrs. = 4 hrs.

1 application for extension of approval x 2 hrs. = 2 hrs.

Burden Hour Cost

4 hrs. x \$84.70 per hr. = \$339

2 hrs. x \$84.70 per hr. = \$169

Manufacturers of blasting units are required to include an approval checklist with each unit sold. MSHA estimates that it will take 2 hours to develop the checklist.

Burden Hours

1 application for approval x 1 checklist x 2 hrs. = 2 hrs.

Burden Hour Cost

2 hrs. x \$84.70 per hr. = \$169

Total Part 7, Subpart D, Burden Hours = 8 hrs.

Total Part 7, Subpart D, Burden Hour Cost = \$677

Part 7 (Subpart E): Diesel Engines Intended for Use in Underground Coal Mines

(Permissible Engines)

In FY 2010, MSHA received no applications for approval, no applications for extensions of approval, and no RAMP applications for approval of new permissible engine models under Subpart E. The maximum fuel/air ratio tests are performed under § 7.87 and the gaseous ventilation tests are performed under § 7.88. MSHA estimates that it takes 43 hours, including preparation of an approval checklist, for manufacturers to prepare the application related to the maximum fuel/air ratio test and the gaseous ventilation rate test for a new permissible engine model.

Burden Hours

1 application for approval x 43 hrs.	= 43 hrs.
1 application for extension of approval x 43 hrs.	= 43 hrs.
1 RAMP application x 43 hrs.	= 43 hrs.

Burden Hour Cost

43 hrs. x \$84.70 per hr.	= \$3,642
43 hrs. x \$84.70 per hr.	= \$3,642
43 hrs. x \$84.70 per hr.	= \$3,642

New permissible engine models approved under Part 7, subpart E, will need an additional test to determine the particulate index of the engine model. MSHA estimates that an additional 30 minutes (0.5 hours) is needed to record particulate test information on the application.

Burden Hours

1 application for approval x 0.5 hrs.	= 0.5 hrs.
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Burden Hour Cost

0.5 hrs. x \$84.70 per hr.	= \$42
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(Non-Permissible Engines)

In FY 2010, MSHA received 12 applications for approval, 1 application for an extension of approval, and 2 RAMP applications for approval of new non-permissible engine models under Subpart E. An application for approval will incur burden hours related to tests for a maximum fuel/air ratio (required by § 7.87), a gaseous ventilation rate (required by § 7.88), and a particulate index (required by § 7.89). MSHA estimates that it takes 34.5 burden hours, including preparation of an approval checklist for a manufacturer to prepare the approval application related to all three tests for a new non-permissible engine model.

Burden Hours

12 applications for approval x 34.5 hrs.	= 414 hrs.
1 application for extension of approval x 34.5 hrs.	= 35 hrs.
2 RAMP applications x 34.5 hrs.	= 69 hrs.

Burden Hour Cost

414 hrs. x \$84.70 per hr.	= \$35,066
35 hrs. x \$84.70 per hr.	= \$ 2,965
69 hrs. x \$84.70 per hr.	= \$ 5,844

Total Part 7, Subpart E, Burden Hours	= 648 hrs.
Total Part 7, Subpart E, Burden Hour Cost	= \$54,843

Part 7 (Subpart F): Diesel Power Packages Intended for Use in Areas of Underground Coal Mines Where Permissible Electric Equipment is Required

In FY 2010, MSHA received 1 application for approval, no applications for extensions of approval, and 4 RAMP applications for approval of a power package for a permissible engine model under Subpart F. Tests are required by § 7.100 - Explosion test; § 7.101 - Surface temperature test; § 7.102 - Exhaust gas cooling efficiency test; § 7.103 - Safety system control test; and § 7.104 - Internal static pressure test. MSHA estimates that it takes 43 burden hours including preparation of an approval checklist for manufacturers to prepare the application for approval of a power package for a permissible engine model.

Burden Hours

1 application for approval x 43 hrs.	= 43 hrs.
1 application for extension of approval x 43 hrs.	= 43 hrs.
4 RAMP applications x 43 hrs.	=172 hrs.

Burden Hour Cost

43 hrs. x \$84.70 per hr.	= \$ 3,642
43 hrs. x \$84.70 per hr.	= \$ 3,642
172 hrs. x \$84.70 per hr.	= \$14,568

Total Part 7, Subpart F, Burden Hours	= 258 hrs.
Total Part 7, Subpart F, Burden Hour Cost	= \$21,852

Part 7 (Subpart J): Electric Motor Assemblies

In FY 2010, MSHA received 9 applications for approval, no applications for extensions of approval, and 25 RAMP applications for approval of motor assemblies under Subpart J. According to manufacturers' estimates, it requires 8 hours on the preparation of a new application package, 6 hours to prepare an application for extension, and 2 hours to prepare a RAMP application.

Burden Hours

9 applications for approval x 8 hrs.	= 72 hrs.
1 application for extension of approval x 6 hrs.	= 6 hrs.
25 RAMP applications x 2 hrs.	= 50 hrs.

Burden Hour Cost

72 hrs. x \$84.70 per hr.	= \$6,098
6 hrs. x \$84.70 per hr.	= \$ 508

50 hrs. x \$84.70 per hr. = \$4,235

Manufacturers of electric motor assemblies are required to include an approval checklist with each assembly sold. MSHA estimates that it will take 2 hours to develop the checklist.

Burden Hours

9 applications for approval x 1 checklist x 2 hrs. = 18 hrs.

Burden Hour Cost

18 hrs. x \$84.70 per hr. = \$1,525

Total Part 7, Subpart J, Burden Hours = 146 hrs.

Total Part 7, Subpart J, Burden Hour Cost = \$12,366

Part 7 (Subpart K): Electric Cables, Signaling Cables, and Cable Splice Kits

In FY 2010, MSHA received 31 applications for approval and 15 applications for extensions of approval of electric, signaling, fiber optic, and coaxial cables under Subpart K. MSHA estimates that a cable manufacturer would spend 6 hours preparing an initial application and 4 hours to prepare an application for extension.

Burden Hours

31 applications for approval x 6 hrs. = 186 hrs.

15 applications for extension of approval x 4 hrs. = 60 hrs.

Burden Hour Cost

186 hrs. x \$84.70 per hr. = \$15,754

60 hrs. x \$84.70 per hr. = \$ 5,082

In FY 2010, MSHA received 1 application for approval and 3 applications for extensions of approval for cable splice kits under Subpart K. MSHA estimates that a cable manufacturer would spend 6 hours preparing an initial application and 4 hours to prepare an application for extension.

Burden Hours

1 application for approval x 6 hrs. = 6 hrs.

3 applications for extension of approval x 4 hrs. = 12 hrs.

Burden Hour Cost

6 hrs. x \$84.70 per hr. = \$508

12 hrs. x \$84.70 per hr. = \$1,016

Total Part 7, Subpart K, Burden Hours = 264 hrs.

Total Part 7, Subpart K, Burden Hour Cost = \$22,360

Part 7 (Subpart L): Refuge Alternatives

In FY 2010, MSHA received no applications for approval and no applications for extensions of approval of refuge alternatives under Subpart L. MSHA estimates that a refuge alternative manufacturer would spend 400 hours preparing an initial application and 100 hours to prepare an application for extension.

Burden Hours

1 application for approval x 400 hrs. = 400 hrs.
 1 application for extension of approval x 100 hrs. = 100 hrs.

Burden Hour Cost

400 hrs. x \$84.70 per hr. = \$33,880
 100 hrs. x \$84.70 per hr. = \$ 8,470

Total Part 7, Subpart L, Burden Hours = 500 hrs.
 Total Part 7, Subpart L, Burden Hour Cost = \$42,350

Total Part 7 Burden Hours = 1,967 hrs.
 Total Part 7 Burden Cost = \$166,561

PART 14: Requirements for the Approval of Flame-Resistant Conveyor Belts

In FY 2010, MSHA received 86 applications for approval and 19 applications for extensions of approval of flame-resistant conveyor belts. According to manufacturers' estimates, it requires 5 hours to complete an application and 2 hours to complete an application for extension.

Burden Hours

86 applications for approval x 5 hrs. = 430 hrs.
 19 applications for extensions of approval x 2 hrs. = 38 hrs.

Burden Hour Cost

430 hrs. x \$84.70 per hr. = \$36,421
 38 hrs. x \$84.70 per hr. = \$ 3,219

Total Part 14 Burden Hours = 468 hrs.
 Total Part 14 Burden Hour Cost = \$39,640

PART 15: Requirements for Approval of Explosives and Sheathed Explosive Units

In FY 2010, MSHA received no applications for approval and no applications for extensions of approval for explosives and sheathed explosives units. According to manufacturers' estimates, it requires 5 hours to complete the application package. A Part 15 approval is a document issued for explosives meeting requirements as permissible for use in underground coal and other gassy mines as confirmed by test and evaluation. A Part 15 approval extension is a document issued when a previously approved explosive is modified by the manufacturer and, as modified, continues to meet requirements.

Burden Hours

1 application for approval x 5 hrs. = 5 hrs.
1 application for extension of approval x 5 hrs. = 5 hrs.

Burden Hour Cost

5 hrs. x \$84.70 per hr. = \$424
5 hrs. x \$84.70 per hr. = \$424

Total Part 15 Burden Hours = 10 hrs.
Total Part 15 Burden Hour Cost = \$848

PART 18: Electrical Motor Driven Mine Equipment and Accessories

Part 18 establishes requirements to obtain MSHA approval of electrically operated machines and accessories intended for use in mines or tunnels. MSHA's estimate of the number of Part 18 applications for approval, acceptance, field modification, certification, permits, simplified certification, and RAMP applications, and applications for extensions of approval, acceptance, certification, and simplified certification, along with the time per submittal are shown below.

Burden Hours

30 applications for approval x 14 hrs. = 420 hrs.
9 applications for acceptance x 14 hrs. = 126 hrs.
2 applications for extension of approval x 5 hrs. = 10 hrs.
1 application for extension of acceptance x 5 hrs = 5 hrs
34 field modification applications x 5 hrs. = 170 hrs.
9 applications for certification x 14 hrs. = 126 hrs.
1 application for extension of certification x 5 hrs. = 5 hrs.
2 permit applications x 5 hrs. = 10 hrs.
22 applications for simplified certification x 7 hrs. = 154 hrs.
1 application for extension of simplified certification x 3 hrs. = 3 hrs.
251 RAMP applications x 1 hr. = 251 hrs.

Total Part 18 Burden Hours = 1,280 hrs.

Total Part 18 Burden Hour Cost

1,280 hrs. x \$84.70 per hr. = \$108,416

Section 18.53(h) requires that a study (to determine the minimum available fault current to ensure adequate protection for the length and conductor size of the longwall motor, shearer and trailing cables) be submitted to MSHA. This study is routinely included with the approval application, and is included in the above approval applications burden hours.

PART 19: Electric Cap Lamps

Part 19 establishes requirements to obtain MSHA approval of electric cap lamps

and accessories intended for use in mines. MSHA's estimate of the number of Part 19 applications for approval, applications for extensions of approval, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

4 applications for approval x 14 hrs.	= 56 hrs.
1 application for extension of approval x 5 hrs.	= 5 hrs.
8 RAMP applications x 1 hr.	= 8 hrs.

Total Part 19 Burden Hours	= 69 hrs.
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Total Part 19 Burden Hour Cost

69 hrs. x \$84.70 per hr.	= \$5,844
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PART 20: Electric Mine Lamps Other Than Standard Cap Lamps

Part 20 establishes requirements to obtain MSHA approval of any electric mine lamps, other than standard cap lamps, intended for use in mines. MSHA's estimate of the number of Part 20 applications for approval, applications for extensions of approval, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

2 applications for approval x 14 hrs.	= 28 hrs.
1 application for extension of approval x 5 hrs.	= 5 hrs.
1 RAMP application x 1 hr.	= 1 hr.

Total Part 20 Burden Hours	= 34 hrs.
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Total Part 20 Burden Hour Cost

34 hrs. x \$84.70 per hr.	= \$2,880
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PART 22: Portable Methane Detectors

Part 22 establishes requirements to obtain MSHA approval of any portable methane detectors intended for use in mines. MSHA's estimate of the number of Part 22 applications for approval, applications for extensions of approval, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

4 applications for approval x 14 hrs.	= 56 hrs.
1 application for extension of approval x 5 hrs.	= 5 hrs.
6 RAMP applications x 1 hr.	= 6 hrs.

Total Part 22 Burden Hours	= 67 hrs.
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Total Part 22 Burden Hour Cost

67 hrs. x \$84.70 per hr.	= \$5,675
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PART 23: Telephones and Signaling Devices

Part 23 establishes requirements to obtain MSHA approval of telephones and signaling devices intended for use in mines. MSHA's estimate of the number of Part 23 applications for approval, applications for extensions of approval, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

9 applications for approval x 14 hrs.	= 126 hrs.
1 application for extension of approval x 5 hrs.	= 5 hrs.
41 RAMP applications x 1 hr.	= 41 hrs.

Total Part 23 Burden Hours	= 172 hrs.
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Total Part 23 Burden Hour Cost

172 hrs. x \$84.70 per hr.	= \$14,568
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PART 27: Methane Monitoring Systems

Part 27 establishes requirements to obtain MSHA approval of methane monitoring systems or components for their incorporation in or with permissible equipment intended for use in mines. MSHA's estimate of the number of Part 27 applications for certification, applications for extensions of certification, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

1 application for certification x 14 hrs.	= 14 hrs.
1 application for extension of certification x 5 hrs.	= 5 hrs.
3 RAMP applications x 1 hr.	= 3 hrs.

Total Part 27 Burden Hours	= 22 hrs.
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Total Part 27 Burden Hour Cost

22 hrs. x \$84.70 per hr.	= \$1,863
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PART 28: Fuses for Use with Direct Current

Part 28 establishes requirements to obtain MSHA approval of fuses for use with direct current in providing short-circuit protection for trailing cables in coal mines. MSHA's estimate of the number of Part 28 applications for approval, applications for extensions of approval, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

1 application for approval x 14 hrs.	= 14 hrs.
1 application for extension of approval x 5 hrs.	= 5 hrs.
1 RAMP application x 1 hr.	= 1 hr.

Total Part 28 Burden Hours = 20 hrs.

Total Part 28 Burden Hour Costs
20 hrs. x \$84.70 per hr. = \$1,694

PART 33: Dust Collectors for Use in Connection With Rock Drilling in Coal Mines

Part 33 establishes requirements to obtain MSHA approval of dust collectors used in connection with rock drilling in coal mines. MSHA's estimate of the number of Part 33 applications for approval, certification, extensions of approval, extensions of certifications, field modifications and RAMP applications, along with the time per submittal are shown below.

Burden Hours

2 applications for approval x 14 hrs. = 28 hrs.
1 application for extension of approval x 5 hrs. = 5 hrs.
1 application for certification x 14 hrs. = 14 hrs.
1 application for extension of certification x 5 hrs. = 5 hrs.
1 field modification application x 5 hrs. = 5 hrs.
4 RAMP applications x 1 hrs. = 4 hrs.

Total Part 33 Burden Hours = 61 hrs.

Total Part 33 Burden Hour Cost
61 hrs. x \$84.70 per hr. = \$5,167

PART 35: Fire Resistant Hydraulic Fluids

Part 35 establishes requirements to obtain MSHA approval for fire resistant hydraulic fluids and concentrates for use in machines and devices that are operated in coal mines. MSHA's estimate of the number of Part 35 applications for approval and applications for extensions of approval, along with the time per submittal are shown below.

Burden Hours

6 applications for approval x 24 hrs. = 144 hrs.
1 application for extension of approval x 24 hrs. = 24 hrs.

Total Part 35 Burden Hours = 168 hrs.

Total Part 35 Burden Hour Cost
168 hrs. x \$84.70 per hr. = \$14,230

PART 36: Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment

Part 36 establishes requirements to obtain MSHA approval for permissible mobile diesel-powered transportation equipment intended for use in mines. MSHA's

estimate of the number of Part 36 applications for approval, extensions of approval, certification of safety components, extension of certification of safety components, and RAMP applications, along with the time per submittal are shown below.

Burden Hours

6 applications for approval x 14 hrs. = 84 hrs.
 1 application for extension of approval x 5 hrs. = 5 hrs.
 1 application for safety component certification x 5 hrs. = 5 hrs.
 1 application for extension of safety component certification x 5 hrs. = 5 hrs.
 3 RAMP applications x 1 hr. = 3 hrs

Total Part 36 Burden Hours = 102 hrs.

Total Part 36 Burden Hour Cost

102 hrs. x \$84.70 per hr. = \$8,639

Table Associated With Question 12

Cite Reference	Total Respondents	Total Responses	Burden Hours
Part 6	1	1	1
Part 7	60	168	1,967
Part 14	21	105	468
Part 15	1	2	10
Part 18	118	362	1,280
Part 19	8	13	69
Part 20	2	4	34
Part 22	5	11	67
Part 23	20	51	172
Part 27	2	5	22
Part 28	1	3	20
Part 33	5	10	61
Part 35	4	7	168
Part 36	9	12	102
Total	257	754	4,441

13. Provide an estimate of the total annual cost burden to respondents or record keepers 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 collections 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.

30 CFR Part 5 - Fees for Testing, Evaluation, and Approval of Mining Products: § 5.10 states "This part establishes a system under which MSHA charges a fee for services provided under this subchapter. This Part includes the management and calculation of these fees." This fee applies to all parts and subparts mentioned in this Supporting Statement.

Under the 2011 fee schedule issued pursuant to 30 CFR Part 5, MSHA charges \$97 per hour to evaluate applications for approval. The fee for testing, evaluation and approval of a product is based on the costs of the services provided. Each service provided for a group of similar products is assessed an hourly rate to cover direct and indirect costs.

Direct costs are based on current compensation and benefit costs for technical and support personnel directly involved in providing the service. Indirect costs are based on a proportionate share of the cost of activities which support the approval service, including management and administration of the MSHA, facility operating costs and amortization and depreciation of facilities and equipment. MSHA also includes a support factor when determining costs to account for support personnel (computer tracking, clerical, records control, document filing and retrieval). Support hours are prorated over investigative hours for each specific program area to derive a multiplication factor for that program area (1.523, 1.573, 1.597, or 1.782). Unless otherwise noted, the average postage costs to submit an application is estimated to be \$5.

PART 6: Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards

In FY 2010, MSHA received one application to be evaluated under Part 6 requirements. This application was processed under Part 18. Therefore, the cost to the

applicant for MSHA's evaluation is included under Part 18 in this document.

1 application x \$5 postage = \$5

PART 7: Testing by Applicant or Third Party

Part 7 (Subpart B): Brattice Cloth and Ventilation Tubing

In order to determine costs under this section, MSHA calculated the average number of hours spent processing brattice cloth and ventilation tubing investigations in FY 2010. The cost to applicants for MSHA's evaluation of their applications for approval and extensions for approval is calculated as follows:

7 applications for approval x 4 hrs. x \$97 per hr. x 1.597	= \$4,337
4 applications for extensions of approval x 3 hrs. x \$97 per hr. x 1.597	= \$1,859
11 applications x \$5 postage	= \$ 55
Total Part 7, Subpart B, Cost	= \$6,251

Part 7 (Subpart C): Battery Assemblies

In order to determine costs under this section, MSHA calculated the average number of hours spent processing battery assembly investigations in FY 2010. The cost to applicants for MSHA's evaluation of their applications for approval, extension of approval, and RAMP applications is calculated as follows:

10 applications for approval x 4 hrs. x \$97 per hr. x 1.523	= \$5,909
1 application for extension of approval x 2 hrs. x \$97 per hr. x 1.523	= \$ 295
12 RAMP applications x 3 hrs. x \$97 per hr. x 1.523	= \$5,318
23 applications x \$5 postage	= \$ 115
Total Part 7, Subpart C, Cost	=\$11,637

MSHA has assigned no cost burden to the auditing of battery assemblies because the audits are performed at the manufacturing site or a distribution center with no cost to the applicant. It is not necessary to destroy a battery assembly in order to audit it.

Part 7 (Subpart D): Multiple-Shot Blasting Units

MSHA has not received any applications for blasting units for several years, Instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The cost to applicants for MSHA's evaluation of their applications for approval and extension of approval is calculated as follows:

1 application for approval x 4 hrs. x \$97 per hr. x 1.523	= \$591
1 application for extension of approval x 2 hrs. x \$97 per hr. x 1.523	= \$295

2 applications x \$5 postage	= \$ 10
Total Part 7, Subpart D, Cost	= \$896

MSHA has assigned no cost burden to the auditing of blasting units because the audits are performed at the manufacturing site or a distribution center. It is not necessary to destroy a blasting unit in order to audit it.

Part 7 (Subpart E): Diesel Engines Intended for Use in Underground Coal Mines (Permissible Engines)

MSHA did not receive any applications for permissible engines in FY 2010. Instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The cost to applicants for MSHA's evaluation of their applications for approval, extension of approval, and RAMP applications is calculated as follows:

1 application for approval x 33 hrs. x \$97 per hr. x 1.782	= \$5,704
1 application for extension of approval x 21 hrs. x \$97 per hr. x 1.782	= \$3,630
1 RAMP application x 4 hrs. x \$97 per hr. x 1.782	= \$ 691
3 applications (permissible engines)x \$5 postage	= \$ 15

MSHA estimates the cost for these tests on a new permissible engine model to be about \$25,000. (Note: This is not a new cost incurred by manufacturers under Part7, subpart E, because these tests were formerly performed under existing Part 36.)

1 application for approval per year x \$25,000	= \$25,000
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MSHA estimates that a particulate index test for a new permissible engine model that is already set up to run a maximum fuel/air ratio test and gaseous ventilation test will cost about \$7,500.

1 application for approval per year x \$7,500	= \$7,500
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MSHA has assigned no cost burden to the auditing of permissible engines because the audits are performed at the manufacturing site or a distribution center. It is not necessary to destroy a permissible engine in order to audit it.

(Non-Permissible Engines)

In order to determine costs under this section, MSHA calculated the average number of hours spent processing non-permissible engine investigations in FY 2010. The cost to applicants for MSHA's evaluation of their applications for approval, extension of approval, and RAMP applications is calculated as follows:

12 applications for approval x 33 hrs. x \$97 per hr. x 1.782	= \$68,450
1 application for extension of approval x 21 hrs. x \$97 per hr. x 1.782	= \$ 3,630
2 RAMP applications x 4 hrs. x \$97 per hr. x 1.782	= \$ 1,383

15 applications(non-permissible engines) x \$5 postage = \$ 75

Non-permissible engines are required to have a maximum fuel/air ratio test (required by § 7.87), a gaseous ventilation test (required by § 7.88), and a particulate index test (required by § 7.89). A manufacturer can have all three tests for a new non-permissible engine model performed by a third party. MSHA estimates that the cost to conduct all three tests is \$30,000.

12 applications for approval per year x \$30,000 = \$360,000

MSHA has assigned no cost burden to the auditing of non-permissible engines because the audits are performed at the manufacturing site or a distribution center. It is not necessary to destroy a non-permissible engine in order to audit it.

Total Part 7, Subpart E, Cost = \$476,078

Part 7 (Subpart F): Diesel Power Packages Intended for Use in Areas of Underground Coal Mines Where Permissible Electric Equipment is Required (Diesel Permissible Power Packages)

In order to determine costs under this section, MSHA calculated the average number of hours spent processing non-permissible engine investigations in FY 2010. Instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The cost to applicants for MSHA's evaluation of their applications for approval is calculated as follows:

1 application for approval x 82 hrs. x \$97 per hr. x 1.782	= \$14,174
1 application for extension of approval x 36 hrs. x \$97 per hr. x 1.782	= \$ 6,223
4 RAMP applications x 11 hrs. x \$97 per hr. x 1.782	= \$ 7,606
6 applications x \$5 postage	= \$ 30

Tests on power packages for new permissible engine models may be performed by a third party. These tests will be done under § 7.100 - Explosion test; § 7.101 - Surface temperature test; § 7.102 - Exhaust gas cooling efficiency test; § 7.103 - Safety system control test; and § 7.104 - Internal static pressure test. MSHA estimates that the cost to have these tests done on a power package for a new permissible engine model to be about \$35,000.

1 application for approval per year x \$35,000 = \$35,000

MSHA has assigned no cost burden to the auditing of permissible power packages because the audits are performed at the manufacturing site or a distribution center. It is not necessary to destroy a blasting unit in order to audit it.

Total Part 7, Subpart F, Cost = \$63,033

Part 7 (Subpart J): Electric Motor Assemblies

In order to determine costs under this section, MSHA calculated the average number of hours spent processing motor assembly investigations in FY 2010. Instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The cost to applicants for MSHA's evaluations of their applications for approval is calculated as follows:

9 applications for approval x 12 hrs. x \$97 per hr. x 1.523	= \$15,955
1 application for extension of approval x 2 hrs. x \$97 per hr. x 1.523	= \$ 295
25 RAMP applications x 3 hrs. x \$97 per hr. x 1.523	= \$11,080
35 applications x \$5 postage	= \$ 175
Total Part 7, Subpart J, Cost	= \$27,505

MSHA has assigned no cost burden to the auditing of motor assemblies because the audits are performed at the manufacturing site or distribution center with no cost to the applicant. It is not necessary to destroy the motor assembly in order to audit it.

Part 7 (Subpart K): Electric Cables, Signaling Cables, and Cable Splice Kits

In order to determine costs under this section, MSHA calculated the average number of hours spent processing cable investigations in FY 2010. The cost to applicants for MSHA's evaluations of their applications for approval is calculated as follows:

31 applications for approval x 4 hrs. x \$97 per hr. x 1.597	= \$19,209
15 applications for extensions of approval x 3 hrs. x \$97 per hr. x 1.597	= \$ 6,971

Tests on cables may be performed by a third party. MSHA estimates that the cost to have these tests done to be about \$750.

31 applications for approval x \$750	= \$23,250
15 applications for extensions of approval x \$750	= \$11,250
46 applications x \$5 postage	= \$ 230

In order to determine costs under this section, MSHA calculated the average number of hours spent processing splice kit investigations in FY 2010. The cost to applicants for MSHA's evaluation of their applications for approval is calculated as follows:

1 application for approval x 4 hrs. x \$97 per hr. x 1.597	= \$ 620
3 applications for extension of approval x 3 hrs. x \$97 per hr. x 1.597	= \$1,394
4 applications x \$5 postage	= \$ 20

Tests on splice kits may be performed by a third party. MSHA estimates that the cost to have these tests done to be about \$750.

1 application for approval x \$750	= \$ 750
3 applications for extensions of approval x \$750	= \$2,250

In FY 2010, MSHA conducted 66 cable and 9 splice kit audits. The estimated cost to the approval holders for providing these products to MSHA is as follows:

34 cable samples x \$150 per sample	= \$5,100
9 splice kit sample x \$150 per sample	= \$1,350
32 signaling cable samples x \$150 per sample	= \$4,800
Total Part 7, Subpart K, Cost	= \$77,194

Part 7 (Subpart L): Refuge Alternatives

Instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. In order to determine costs under this section, MSHA estimated the average number of hours they would spend processing applications for prefabricated refuge alternatives would be 3,000; the average number of hours spent for applications for components for refuge alternatives would be 150. The cost to applicants for MSHA's evaluations of their applications for approval and for an extension of approval is calculated as follows:

1 application of approval x 3,000 hrs. x \$97 per hr. x 1.573	= \$457,743
1 application for extension of approval x 150 hrs. x \$97 per hr. x 1.573	= \$ 22,887
2 applications x \$5 postage	= \$ 10
Total Part 7, Subpart L, Cost	= \$480,640

Total Part 7 Costs = \$1,143,234

PART 14: Requirements for the Approval of Flame-Resistant Conveyor Belts

In FY 2010, MSHA received 86 applications for approval and 19 applications for extensions of approval for Approval of Flame-Resistant Conveyor Belts. Instances where MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The cost to applicants for MSHA's evaluations of their applications for approval is calculated as follows:

86 applications for approval x 10 hrs. x \$97 per hr. x 1.597	= \$133,222
19 applications for extensions of approval x 8 hrs. x \$97 per hr. x 1.597	= \$ 23,546
105 applications x \$5 postage	= \$ 525
Total Part 14 Cost	= \$157,293

PART 15: Requirements for Approval of Explosives and Sheathed Explosive Units

In FY 2010, MSHA received no applications for approval and no applications for extension of approval for explosives and sheathed explosives units. Instances where

MSHA did not receive any applications, an estimate of one application will be used and the hours will be taken from a similar program. The cost to applicants for MSHA's evaluations of their applications for approval is calculated as follows:

1 application for approval x 50 hrs. x \$97 per hr. x 1.597	= \$7,745
1 application for extension of approval x 25 hrs. x \$97 per hr. x 1.597	= \$3,873
2 applications x \$5 postage	= \$ 10

Under Part 15, Subpart A, MSHA is authorized to conduct periodic post-approval audits of approved products. No more than once a year except for cause, the approval holder, at MSHA's request, must make an approved product available at no cost to MSHA for an audit to be conducted at a mutually agreeable site and time. In FY 2010, MSHA conducted no explosives or sheathed explosives unit audits. If audits were performed, the samples would be destroyed during the testing process.

1 explosive x \$25 per sample	= \$ 25
1 sheathed explosives unit x \$100 per sample	= \$100
Total Part 15 Cost	= \$11,753

PART 18: Electrical Motor Driven Mine Equipment and Accessories

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes into account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

Destructive testing is often required during the evaluation of the mining equipment and materials covered under this part. However, the cost of the samples subjected to destructive testing is insignificant and a customary and usual business practice.

30 applications for approval x 72.3 hrs. x \$97 per hr. x 1.523	= \$320,429
9 applications for acceptance x 3.8 hrs. x \$97 per hr. x 1.597	= \$ 5,298
2 applications for extension of approval x 19.1 hrs. x \$97 per hr. x 1.523	= \$ 5,643
1 application for extension of acceptance x 2 hrs. x \$97 per hr. x 1.597	= \$ 310
34 field modification applications x 8.5 hrs. x \$97 per hr. x 1.523	= \$ 42,694
9 applications for certification x 47.2 hrs. x \$97 per hr. x 1.523	= \$ 62,756
1 application for extension of certification x 23.6 hrs. x \$97 per hr. x 1.523	= \$ 3,486
2 permit applications x 49 hrs. x \$97 per hr. x 1.523	= \$ 14,478
22 applications for simplified certification. x 36.1 hrs. x \$97 per hr. x 1.523	= \$117,328
1 application for extension of simplified certification x 18.1 hrs. x \$97 per hr. x 1.523	= \$ 2,674
251 RAMP applications x 6.2 hrs. x \$97 per hr. x 1.523	= \$229,899
362 applications x \$5 postage	= \$ 1,810

Total Part 18 Cost = \$806,805

PART 19: Electric Cap Lamps

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

Destructive testing is often required during the evaluation of the mining equipment and materials covered under this part. However, the cost of the samples subjected to destructive testing is insignificant and a customary and usual business practice.

1 application for approval x 59.8 hrs. x \$97 per hr. x 1.523	= \$ 8,834
1 application for extension of approval x 29.9 hrs. x \$97 per hr. x 1.523	= \$ 4,417
8 RAMP applications x 7.3 hrs. x \$97 per hr. x 1.523	= \$ 8,627
10 applications x \$5 postage	= \$ 50
Total Part 19 Cost	= \$21,928

PART 20: Electric Mine Lamps Other Than Standard Cap Lamps

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

Destructive testing is often required during the evaluation of the mining equipment and materials covered under this part. However, the cost of the samples subjected to destructive testing is insignificant and a customary and usual business practice.

2 applications for approval x 59.8 hrs. x \$97 per hr. x 1.523	= \$17,669
1 application for extension of approval x 29.9 hrs. x \$97 per hr. x 1.523	= \$ 4,417
1 RAMP application x 7.3 hrs. x \$97 per hr. x 1.523	= \$ 1,078
4 applications x \$5 postage	= \$ 20
Total Part 20 Cost	= \$23,184

PART 22: Portable Methane Detectors

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The

actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

Destructive testing is often required during the evaluation of the mining equipment and materials covered under this part. However, the cost of the samples subjected to destructive testing is insignificant and a customary and usual business practice.

4 applications for approval x 221.8 hrs. x \$97 per hr. x 1.523	= \$131,067
1 application for extension of approval x 110.9 hrs. \$97 per hr. x 1.523	= \$ 16,383
6 RAMP applications x 18.7 hrs. x \$97 per hr. x 1.523	= \$ 16,575
11 applications x \$5 postage	= \$ 55
Total Part 22 Cost	= \$164,080

PART 23: Telephones and Signaling Devices

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

Destructive testing is often required during the evaluation of the mining equipment and materials covered under this part. However, the cost of the samples subjected to destructive testing is insignificant and a customary and usual business practice.

9 applications for approval x 108.5 hrs. x \$97 per hr. x 1.523	= \$144,259
1 application for extension of approval x 54.3 hrs. x \$97 per hr. x 1.523	= \$ 8,022
41 RAMP applications x 22 hrs. x \$97 per hr. x 1.523	= \$133,253
51 applications x \$5 postage	= \$ 255
Total Part 23 Cost	= \$285,789

PART 27: Methane Monitoring Systems

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

Destructive testing is often required during the evaluation of the mining equipment and materials covered under this part. However, the cost of the samples

subjected to destructive testing is insignificant and a customary and usual business practice.

1 application for certification x 66.8 hrs. x \$97 per hr. x 1.523	= \$ 9,868
1 application for extension of certification x 27 hrs. x \$97 per hr. x 1.523	= \$ 3,989
3 RAMP applications x 27 hrs. x \$97 per hr. x 1.523	= \$11,966
5 applications x \$5 postage	= \$ 25
Total Part 27 Cost	= \$25,848

PART 28: Fuses for Use with Direct Current

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, travel time, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

1 application for approval x 71 hrs. x \$97 per hr. x 1.523	= \$10,489
1 application for extension of approval x 40 hrs. x \$97 per hr. x 1.523	= \$ 5,909
1 RAMP application x 4 hrs. x \$97 per hr. x 1.523	= \$ 591
3 applications x \$5 postage	= \$ 15

MSHA does not have the facilities necessary to perform the destructive testing required in this part. Therefore, the cost burden includes the following:

Travel cost to witness testing	= \$ 1,000
Test facility rental (1.5 days @ 10,000/day)	= \$15,000
Total Part 28 Cost	= \$33,004

PART 33: Dust Collectors for Use in Connection with Rock Drilling in Coal Mines

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

2 applications for approval x 5 hrs. x \$97 per hr. x 1.782	= \$1,729
1 application for extension of approval x 3 hrs. x \$97 per hr. x 1.782	= \$ 519
1 application for certification x 5 hrs. x \$97 per hr. x 1.782	= \$ 864
1 application for extension of certification x 3 hrs. x \$97 per hr. x 1.782	= \$ 519
4 RAMP applications x 4 hrs. x \$97 per hr. x 1.782	= \$2,766
9 applications x \$5 postage	= \$ 45

The testing required under this Part is done at a mine site. The cost burden includes the travel cost to witness the testing.

Travel cost to witness testing	= \$1,000
Total Part 33 Cost	= \$7,442

PART 35: Fire Resistant Hydraulic Fluids

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents. Destructive testing is required under this part. However, the cost of the samples subjected to destructive testing is insignificant and a customary and usual business practice.

6 applications for approval x 22.1 hrs. x \$97 per hr. x 1.597	= \$20,541
1 application for extension of approval x 7.5 hrs. x \$97 per hr. x 1.597	= \$ 1,162
7 applications x \$5 postage	= \$ 35
Total Part 35 Cost	= \$21,738

PART 36: Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment

In order to determine costs under this section, MSHA has estimated the number of hours it would take to review the relevant documents, i.e., applications, etc. The actual calculation used takes in account the number of documents, the number of hours it takes to review each document, a decimal figure determined by MSHA to account for overhead costs, and the hourly rate charged by MSHA to review the documents.

6 applications for approval x 56.9 hrs. x \$97 per hr. x 1.782	= \$59,012
1 application for extension of approval x 29 hrs. x \$97 per hr. x 1.782	= \$ 5,013
1 application for safety component certification x 10 hrs. x \$97 per hr. x 1.782	= \$ 1,729
1 application for extension of safety component certification x 5 hrs. x 97 per hr. x 1.782	= \$ 864
3 RAMP applications x 23 hrs. x \$97 per hr. x 1.782	= \$11,927
12 applications x \$5 postage	= \$ 60
Total Part 36 Cost	= \$78,605

Table Associated With Question 13

Cite	Burden Costs
Part 6	\$5
Part 7	\$1,143,234
Part 14	\$157,293
Part 15	\$11,753
Part 18	\$806,805
Part 19	\$21,928
Part 20	\$23,184
Part 22	\$164,080
Part 23	\$285,789
Part 27	\$25,848
Part 28	\$33,004
Part 33	\$7,442
Part 35	\$21,738
Part 36	\$78,605
TOTALS	\$2,780,708

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.

The only costs to MSHA under 30 CFR Part 6 through 36 are those related to post-approval audits. These audits are conducted in MSHA laboratories by lab personnel or at mine warehouses, or manufacturing or distribution sites by Mining Equipment Compliance Specialists. The costs to conduct these audits are as follows.

MSHA estimates that its cost to have a Mining Equipment Compliance Specialist travel to a mine, manufacturing or distribution site and perform a post-approval audit in FY 2010 on equipment was approximately \$100. Also, many audits are performed in the laboratory on samples provided by the approval holder. MSHA estimates the salary expense for a laboratory technician or a Mine Equipment compliance Specialist to be \$38 per hour.

Part 7 (Subpart C): Battery Assemblies

1 audit x 3 hrs. x \$38 per hr. = \$114

Part 7 (Subpart E): Diesel Engines Intended for Use in Underground Coal Mines (Permissible Engines)

3 audits x 3 hrs. x \$38 per hr. = \$342

(Non-Permissible Engines)

29 audits x 3 hrs. x \$38 per hr. = \$3,306

Part 7 (Subpart F): Diesel Power Packages Intended for Use in Areas of Underground Coal Mines Where Permissible Electric Equipment is Required

3 audits x 3 hrs. x \$38 per hr. = \$342

Part 7 (Subpart J): Electric Motor Assemblies

(5 motor assembly audits x 6 hrs. per audit
x \$38 per hr.) + (5 travel audits x \$100 per audit) = \$1,640

Part 7 (Subpart K): Electric Cables, Signaling Cables, and Cable Splice Kits

34 cable samples x 4.7 hrs. per sample x \$38 per hr. = \$6,072

9 splice kit samples x 4.7 hrs. per sample x \$38 per hr. = \$1,607

32 signaling cable samples x 4.7 hrs. per sample x \$38 per hr. = \$5,715

Total Part 7, Subpart K, Cost = \$13,394

Part 18: Electrical Motor Driven Mine Equipment and Accessories

186 audits x \$100 per audit = \$18,600

Part 19: Electric Cap Lamps

1 audit x \$100 per audit = \$100

Part 23: Telephones and Signaling Devices

120 audits x \$100 per audit = \$12,000

Part 27: Methane Monitoring Systems

17 audits x \$100 per audit = \$1,700

Part 28: Fuses for Use with Direct Current

2 audits x 8.4 hrs. per audit x \$38 per hr. = \$638

Part 36: Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment

43 audits x \$100 per audit = \$4,300

Total Cost of Federal Government for
All Ongoing Product Audit Programs = \$56,476

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

There was an increase of 139 burden hours (from 4,302 to 4,441). The increase is due to changes in the number of estimated applications filed with MSHA by manufacturers and/or mine operators, but also because it subsumes burden from two ICRs, 1219-0145, specifically the approval and testing of flame-resistant conveyor belting, and 1219-0146, the approval and testing requirements of refuge alternatives. When OMB approves this package, MSHA will submit change requests to reduce the corresponding burden of these two packages.

There was an increase of 20 responses (from 734 to 754) and a decrease of 5 respondents (262 to 257). These increases are due to the changes in the number of applicants and applications being filed. The increase is also due to the addition of applicants and applications for the Part 7, Subpart L, Refuge Alternatives program and Part 14 Conveyor Belt program.

Burden costs increased by \$1,109,327 (from \$1,671,381 to \$2,780,708). This increase is related to the following changes: MSHA's hourly charge to evaluate applications for approval; the addition of applicants and applications for the Part 7, Subpart L, Refuge Alternatives program and Part 14 Conveyor Belt program. Additional time spent on applications due to an increase in the complexity of evaluating incoming applications. The time spent on evaluating applications has increased because many experienced long-time employees have retired and MSHA has had to hire and train new engineers and technicians to replace them.

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 results of this information collection.

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

MSHA will display the Control.Number expiration date on associated forms.

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 certification statement.

B. Collection of Information Employment Statistical Methods

This collection of information does not employ statistical methods and statistical analysis is not required by the regulation; therefore, questions 1 through 5 do not apply.