

7/2013

**Supporting Statement for
Paperwork Reduction Act Submissions**

OMB Control Number: 1219 - 0140

Information Collection Title: High-Voltage Continuous Mining Machine Standards for Underground Coal Mines

Form Number(s): None

Authority: 30 CFR 75.829, 75.831 and 75.832

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

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 of each regulation mandating or authorizing the collection of information.

Current requirements in 30 CFR Part 75 provide for the safe use of High Voltage Continuous Mining Machines (HVCMM) for those underground coal mine operators that choose to use an HVCMM.

Sections 75.829(b)(l), and 75.832(a), (b), (c), (g)(1), (g)(2), and (g)(3) contain paperwork requirements for examination, and maintenance on HVCMMs to reduce

fire, electrical shock, ignition, and operational hazards.

Section 75.829(b)(1) requires that, prior to tramming the continuous mining machine, a qualified person must activate certain circuits to ensure that the corresponding circuit interrupting device opens the circuit.

Section 75.831 specifies safe procedures to be followed when performing electrical work on high-voltage trailing cables or on a high-voltage continuous mining machine. Paragraph (a) requires tagging prior to performing electrical work on the trailing cable or continuous mining machine. Tagging alerts other miners that work is being done on the circuit. Section 75.831(b) requires tagging prior to testing and troubleshooting trailing cables. Section 75.831(d) requires tagging of the high-voltage circuit prior to troubleshooting or testing a low- or medium-voltage circuit contained in an enclosure with exposed high-voltage conductors or parts.

Section 75.832(g) requires that: (1) the person administering the test record each test made and any unsafe condition found; (2) the person taking the corrective action record any corrective action taken; and (3) the mine foreman or equivalent mine official countersign the record.

Section 75.832(g)(1) requires that at the completion of examinations and tests required by §§ 75.832(a), (b), and (c), the person conducting the examinations and tests certify by signature and date that they have been conducted and record any unsafe condition found; and (g)(2) requires that any corrective actions must be recorded by the person taking the corrective action. Section 75.832(c) requires a test of the ground-wire monitor circuit at least once every seven days.

According to §75.832(g)(3), records are required to be made from the examinations and tests under §§ 75.832(a), (b), and (c) be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or the equivalent mine official's next regularly scheduled working shift.

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.

The respondents for the paperwork provisions of this collection are mine operators that elect to use HVCMMs to cut and load coal in underground coal mines. The information collection requirement concerns the countersigning of records, the completion of the record of any unsafe condition found, and any record made of other substantive requirements.. The records will be used by coal mine supervisors and employees, State mine inspectors, and Federal mine inspectors. The records will show that the mine operators conducted examinations and tests and gave insight into

the hazardous conditions that they have encountered and those that they may encounter. The records of inspections greatly assist those who use them in making decisions that will ultimately affect the safety of miners working with HVCMMs.

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.

This collection of information requires that mine operators maintain the records in a secure book that is not susceptible to alteration or electronically in a computer system that is secure and not susceptible to alteration. MSHA encourages operators who store records electronically to provide a mechanism that will allow the continued storage and retrieval of records. No other improved information technology has been identified that would reduce the burden.

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

Sections 75.829(b)(l), 75.831 and 75.832(a), (b), (c), (g)(1), (g)(2), and (g)(3) contain paperwork requirements for examination, and maintenance on HVCMMs to reduce fire, electrical shock, ignition, and operational hazards. To avoid duplication, this burden is not included in another information collection request.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

In accordance with the Regulatory Flexibility Act and its amendments at 5 U.S.C. 605(b), MSHA has determined that this collection of information will not have a significant adverse economic impact on a substantial number of 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.

To prevent fire, explosion, and electrocution hazards when using HVCMMs in underground mines, mine operators using such equipment are required to conduct examinations and tests that must be supported by records that are certified by signature and date that identify any unsafe condition found and that it has been corrected. These regulations also call for tagging and locking out the plug to the power receptacle. Further reduction of these requirements could result in increased hazards to miners. A reduction in the frequency of examinations and tests could

allow unsafe conditions to develop, jeopardizing the safety of the miners using HVCMMs. These requirements are one way to protect miners from such hazards. If mine operators do not conduct the proposed information collections discussed in Question 1, the consequences for the safety and health of the mine workers would be severe.

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, rent-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 is consistent with the guidelines in 5 CFR 1320.5.

8. Federal Register Notice:

Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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 April 8th, 2013 (78 FR 20949). MSHA received no comments.

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

MSHA will not provide payments or gifts to the respondents identified by this collection.

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

There is no assurance of confidentiality provided to respondents.

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 83-1.

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.

MSHA calculated hourly wages using data from InfoMines USA, Inc., publication titled *U.S. Coal Mine Salaries, Wages and Benefits (2011 Survey Results)*. As of 2012, mine operators of 5 mines are currently using 23 HVCMMs throughout the nation.

30 CFR 75.829 – Certifying, Recording, and Countersigning Burden

Section 75.829(b)(1) requires that, prior to tramming the HVCMM, a qualified person must activate the ground-fault and ground-wire monitor test circuits of the power sources specified in paragraph (c) of this section. Thus, the power sources must pass a functional test of the ground-wire fault and ground-wire monitor circuits. In accordance with §75.832(g)(1) certifications by signature and date must be made after the test required by §75.829(b)(1) is conducted. MSHA estimates that, on average, a mine electrician, earning \$36.10 per hour, takes 0.05 hours (3 minutes) to certify by signature and date.

Any unsafe condition found must be recorded along with any corrective action taken in accordance with §75.832(g)(2). MSHA estimates that a mine electrician will make a corrective action record twice a year and that a mine electrician, earning \$36.10 per hour, will take an average of 0.1 hours (6 minutes) to make a record. In accordance with §75.832(g)(3) the record must be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or the equivalent mine official's next regularly scheduled shift. MSHA estimates that a mine foreman or equivalent mine official, earning \$89.79 per hour, will take an additional 0.1 hours (6 minutes) to countersign the record.

Burden Hours for Certifying and Making a Record

23 HVCMMs x 2 corrective actions x 0.05 hrs. to certify	= 2 hours
23 HVCMMs x 2 corrective actions x 0.1 hrs. to record	= <u>5 hours</u>
Total Burden Hours	= 7 hours

Hour Burden Cost for Certifying and Making a Record

7 hours x \$36.10 per hour	= \$253
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Burden Hours to Countersign Record

92 records [(23 HVCMMs x 2) + (23 HVCMMs x 2)] x 0.1 hrs.	= 9 hours
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Hour Burden Cost to Countersign Record

9 hours x \$89.79 per hour = \$808

30 CFR 75.832 (g)(1),(2) & (3) - Certifying, Recording and Countersigning Burden

Section 75.832 (c) requires a test of the ground-wire monitor circuit at least once every seven days. An electrician conducts the ground-wire monitor test, noted in paragraph (c), on the power station. MSHA assumes that there is one power station per HVCMM. Section 75.832 (g)(1) and (g)(2) requires certification by signature and date as well as recording of corrective actions for these tests. MSHA estimates that, on average, a mine electrician, earning \$36.10 per hour, takes 0.05 hours (3 minutes) to certify by signature and date and 0.1 hours (6 minutes) to make a record of any corrective actions. MSHA estimates that an electrician will need to make a corrective action record twice a year. Section 75.832(g)(3) requires that the record must be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or the equivalent mine official's next regularly scheduled shift. MSHA estimates that a mine foreman or equivalent mine official, earning \$89.79 per hour, will take an additional 0.1 hours (6 minutes) to countersign the record.

Burden Hours for Certifying and Making a Record

23 HVCMMs x 52 tests x 0.05 hrs. to certify = 60 hours
23 HVCMMs x 2 corrective actions x 0.1 hrs. to record = 5 hours
Total Burden Hours = 65 hours

Hour Burden Cost for Certifying and Making a Record

65 hours x \$36.10 per hour = \$2,347

Burden Hours to Countersign Record

1,242 records [(23 HVCMMs x 52) + (23 HVCMMs x 2)] x 0.1 hrs. = 124 hours

Hour Burden Cost to Countersign Record

124 hours x \$89.79 per hour = \$11,134

75.831- Burden Related to Tagging Equipment

Section 75.831 requires tagging prior to: performing electrical work on high-voltage trailing cables or the continuous mining machine (under paragraph (a)); troubleshooting and testing trailing cables (under paragraph (b)); and work that is performed inside any compartment of the power center (under paragraph (d)).

On average, MSHA estimates that one of the tagging requirements will occur for each of the 23 HVCMMs on each of the 312 workdays per year. On average, MSHA estimates that tagging, by a mine electrician earning \$36.10 per hour, will take 0.025 hours (1.5 minutes).

Annual burden hours and cost related to underground coal mine operators for tagging equipment under final § 75.831 is as follows.

Burden Hours for Tagging Equipment
23 HVCMMs x 312 days x 0.025 hrs. to certify = 179 hours

Hour Burden Cost for Tagging Equipment
179 hours x \$36.10 per hour = \$6,462

Total Burden Hours = 384 hours
Total Hour Burden Cost = \$21,004
Total Responses = 8,510
Total Respondents = 5

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 13 and 15.)

- **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.**

Costs associated with this information collection are de minimis.

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.

Costs to the Federal government associated with this information collection are de minimis.

15. Explain the reason for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-1.

The hours and costs associated with recordkeeping for §75.832(c) and §75.829 were inadvertently not included in the 2010 supporting statement. Burden hours related to these reporting requirements have been included and adjusted in this renewal.

The 2010 ICR submission inadvertently included the monetized value of burden hours as a “cost” burden in the database entries, when OMB guidance indicates the cost burden should be limited to capital, start-up, maintenance, and operations costs and not include the value of time reported in supporting statement item 12.

In addition, the number of respondents, which was based on the number of mines, decreased from 8 to 5. Finally, the 2010 supporting statement incorrectly calculated the annual responses. This renewal corrects this error.

The sum of all the corrections noted for this renewal is an overall reduction of 444 hours.

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 does not intend 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 has no forms associated with this collection of information on which to

display expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-1.

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-1 is checked "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

The collection of this information does not employ statistical methods.