

Supporting Statement for Paperwork Reduction Act Submissions

Information Collection Title: Certificate of Electrical Training and Applications for MSHA Approved Tests and State Tests Administered as Part of an MSHA-approved State Program

OMB No.: 1219-0001

Authority: 30 CFR 75.153, 77.103

Form(s): MSHA Form 5000-1

A. Justification

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

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

Under section 305(g) of the Mine Act, all electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions.

Title 30 CFR 75.153(a)(2) and 77.103(a)(2) require that a program be provided for the qualification of certain experienced personnel as mine electricians. A qualified person is defined as a person qualified to perform electrical work other than work on energized surface high-voltage lines if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by the Mine Safety and Health Administration (MSHA); or if he has at least one year of experience performing

electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, in a non-coal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by MSHA or has attained a satisfactory grade on a series of five written tests approved by MSHA.

MSHA Form 5000-1 is used by instructors to report to MSHA those miners who have satisfactorily completed a coal mine electrical training program. MSHA Form 5000-1 is used to verify compliance with §§ 75.153(g) and 77.103(g). Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify individuals as qualified to perform certain tasks at the mine. Although the standards do not specify use of the Form 5000-1, MSHA is of the opinion that the form is the most efficient means for reporting on individuals who have completed the required training.

The Agency is adding a request for approval of applicants meeting requirements under §§ 75.153(a)(1) and (a)(3), and 77.103 (a)(1), and (a)(3) in this submission. The Agency is also requesting approval for applications for MSHA approved tests and for State tests that are administered as part of an MSHA-approved State program.

MSHA Approved State Programs

MSHA currently has agreements with seven States (Colorado, Illinois, Kentucky, Ohio, Utah, West Virginia, and Virginia) to qualify persons as coal mine electricians. Under these agreements, the State has the authority to implement and administer the electrical qualification program under §§ 75.153(a) and 77.103(a). MSHA issues electrical qualification cards to new applicants based on evidence of one year experience in performing electrical work and the successful completion of the required examinations administered by these States.

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

MSHA Form 5000-1 is used by instructors to report to MSHA and by States that have a coal mine electrical qualification program approved by MSHA those miners who have satisfactorily completed a coal mine electrical training program.

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

- Electrical Qualification Initial Training, (Underground)
- Electrical Qualification Retraining, (Underground)
- Electrical Qualification Initial Training, (Surface)
- Electrical Qualification Retraining, (Surface)

MSHA also requires an individual or new applicant, who takes the initial electrical qualification training, to submit evidence of at least one year of experience in performing

electrical work, including but not limited to: dates of work, work performed, types of equipment used, and names of supervisors.

Based on the information submitted on Form 5000-1 and the evidence of experience provided by the new applicant, MSHA will issue a qualification card that identifies an individual as qualified to perform certain electrical work at the mine. In order to retain an MSHA qualification, an individual qualified in accordance with §§ 75.153 and 77.103 is required to satisfactorily complete a coal mine electrical retraining program approved by MSHA.

MSHA inspectors may ask to see the cards to determine compliance with regulations during routine inspections. Mine operators use the cards to determine a person's qualifications to perform certain tasks and when hiring new personnel. MSHA uses the information to determine mine operators' compliance with approved training plans, to monitor safety-training programs, and in reporting to Congress. Upon request, MSHA also furnishes the information to mine operators and to representatives of miners and to certify annually that the retraining was completed.

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

In compliance with the Government Paperwork Elimination Act, the Form 5000-1 is available on MSHA's website for electronic submission. The public may view the electronic form at <http://www.msha.gov/forms/elawsforms/5000-1.htm>. MSHA receives approximately 66 percent of MSHA Form 5000-1 electronically.

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

MSHA mandatory safety standards for underground and surface coal mines qualify mine electricians based on the satisfactory completion of a MSHA-approved training program. There are no similar or duplicate records that could be used.

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

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

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

The MSHA Form 5000-1 is used to identify those miners who have completed the training requirements and to generate a certificate of qualification/certification. The instructor and the States that have a coal mine electrical qualification program approved by MSHA submit the forms at the completion of each training course. Less frequent information collection would be a violation of the Mine Act and of Federal regulations requiring that persons be qualified and certified to perform important safety and health functions at mines. In addition, MSHA would not be meeting the requirements of § 75.153(g) if electricians were not qualified and certified.

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

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

This collection of information is consistent with the guidelines in 5 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.

MSHA published a 60-day Federal Register notice on May 31, 2013 (78 FR 32691), notifying the public that the information collection requirements were being reviewed in accordance with the Paperwork Reduction Act of 1995. MSHA received one comment that strongly supported the continued collection of this information.

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.

This information is in a Privacy Act Systems of Records Notice, (April 8, 2002, 67 FR 16816), DOL/MSHA-15, Health and Safety Training and Examination Records, which governs disclosure of the information. Computer safeguards are consistent with the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974," and procedures developed by MSHA under GSA Circular E-34.

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

There are no questions of a sensitive nature.

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

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

MSHA Form 5000-1

In fiscal year 2012, MSHA received 2,150 MSHA Form 5000-1's covering 17,243 miners. These forms include new applicants who have completed the initial training and individuals who have completed the electrical retraining class to maintain MSHA electrical qualification. The form does not report test results.

Instructors send these forms to MSHA. States that have a coal mine electrical qualification program approved by MSHA administer the examinations and send the forms to MSHA.

MSHA is basing the estimates on the number of forms and the number of miners instead of the number of qualifications issued because the miners may have both underground and surface qualifications and the training covers both surface and underground. The number of courses is based on reports from MSHA's Qualification and Certification system that provide information on electrical courses. MSHA does not anticipate a significant change in the number of miners taking electrical qualification initial training and retraining courses or in the number of MSHA Form 5000-1s received.

Approximately 30 percent of courses (645) are taught by instructors working directly for the mining companies and approximately 32 percent of courses (688) are taught by

instructors working as contractors for mining companies. MSHA estimates that the remaining 38 percent of courses (817) are conducted by State grantees with a MSHA-approved electrical training program.

Completing MSHA Form 5000-1

MSHA estimates that it takes approximately 25 minutes (0.41667 hours) to complete the MSHA Form 5000-1.

Hour Burden

1,333 instructor/contractor forms x 0.41667 hrs. per form	= 555
817 State grantee forms x 0.41667 hrs. per form	= 340
TOTAL	= 895

There are a total of 73 instructors that submit MSHA’s Form 5000-1. MSHA estimates the total hour burden cost using a mine supervisor wage, including benefits of \$82.43.

Hour Burden Cost

895 hours x \$82.43 per hour	= \$73,775
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Evidence of Eligibility

To be eligible to take State or MSHA-approved electrical qualification exams, new applicants must submit evidence of at least one year of experience in performing electrical work in a coal mine or acceptable related industry experience to MSHA or to the State with a MSHA-approved qualification program. MSHA estimates that there are 200 new applicants each year.

MSHA estimates that it takes an individual approximately 30 minutes of time, at a wage of \$38.99, including benefits, to compile and send this information to MSHA or to a State with a MSHA-approved qualification program.

Hour Burden

200 new applicants x 0.50 hours	= 100
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Hour Burden Cost

100 hours x \$38.99	= \$3,899
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Estimated Annualized Burden Hours and Costs								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)

Type of Respondent as Listed in OMB 83-I	Standard/Data Collection Activity/Form	No. of Respondents	Frequency of responses per Respondent	Total No. of Responses (rounded to whole numbers) (c x d)	Avg. Burden per Response (in hours)	Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	Avg. Hourly Wage Rate	Total Annual Respondent Cost (g x h)
Business or other for-profit	MSHA Form 5000-1	43	31	1,333	.41667	555	\$82.43	\$45,749
State, Local or Tribal Government (State grantees)	MSHA Form 5000-1	30	27.23	817	.41667	340	\$82.43	\$28,026
Sub-total	MSHA Form 5000-1	73	---	2,150	---	895	---	\$73,775
Individuals or households	Evidence of Eligibility	200	1	200	.5	100	\$38.99	\$3,899
Total		273		2,350		995		\$77,674

Total Hour Burden Cost = \$77,674
Total Respondents = 273
Total Responses = 2,350
Total Burden Hours = 995

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

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

preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

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

Cost Burden for Mailing Form 5000-1

MSHA expects to receive 66 percent of the 2,151 MSHA Form 5000-1's electronically. The remaining 34 percent or 731 forms (453 instructor and contractor forms and 278 State grantee forms) will be received by mail. MSHA estimates that the cost of mailing each form to MSHA is \$1.00. Evidence of eligibility is typically sent by new applicants to MSHA electronically. Accordingly, the annual postage cost is as follows:

$$731 \text{ paper forms} \times \$1.00 \text{ per form} = \$731$$

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 annual costs to the Federal government include the postage to mail a card to each qualified person (17,243) and hours spent by federal staff to operate and maintain MSHA's Standard Information System (MSIS) to process the 5000-1 forms.

Calculations follow.

$$17,243 \text{ cards to qualified persons} \times \$1.00 \text{ to mail each card} = \$17,243$$

One employee in MSHA's Lakewood, Colorado office to allocate 35 percent of his/her time to maintain MSHA's MSIS each year. The salary of \$64,732 is the average salary of a MSHA clerical person GS-7 and that includes benefits as of September 2012.

Source: OPM Fedscope employment data cube and FY2013 budget submission (benefit loading factor, FY2012 enacted budget). $(\$64,732 \times .35) = \$22,656$

The cost for the grantees to file forms has not been estimated because it is a small portion of the overall cost.

Total Cost to the Federal Government = \$39,899

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

Cost to Respondents: Although wages and postage rates have increased since Fiscal Year 2009, the ability to submit evidence of this training electronically has resulted in a decrease in the annual cost burden described in Item 13 (\$28,852 to \$731).

Burden hours: There was an increase in burden hours (890 to 995). This increase relates to the requirement that new applicants submit evidence of one year of experience in performing electrical work which added 100 burden hours.

Respondents: There was a decrease related to how respondents were counted. Previously each course was counted as both a response and a respondent. There are not as many instructors as there are responses. Also additional respondents were added to account for the evidence of eligibility requirement.

Responses: There was a decrease in responses from 2,796 to 2,350 due to a decrease in the estimate of MSHA Form 5000-1's that are filled out.

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

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

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

MSHA is not seeking approval not to display the expiration date for OMB approval of this information collection.

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent it applies to the methods proposed:

There is no statistical methodology involved in this collection.