

DEPARTMENT OF JUSTICE**Notice of Lodging of a Modified Consent Decree Under the Clean Water Act**

Notice is hereby given that on January 27, 2010, a proposed Modified Consent Decree in *United States v. Sewerage & Water Board of New Orleans et al.*, Civil Action No. 93-3213, was lodged with the United States District Court for the Eastern District of Louisiana.

The proposed settlement modifies a 1998 Clean Water Act ("CWA") Consent Decree between the U.S. Environmental Protection Agency, joined by several Plaintiff-Intervenor citizen groups, and the Sewerage & Water Board of New Orleans ("Board"), the City of New Orleans ("City"), and the State of Louisiana as statutory defendant. In that original Consent Decree, which resolved a 1993 lawsuit brought by the United States alleging CWA violations including unauthorized discharges from the East Bank Collection System, the Board agreed to a 12-year comprehensive program to remediate its antiquated sewage collection system in order to reduce or eliminate sewage overflows into the Mississippi River, Lake Pontchartrain and the City's storm drainage canal system. The program was stalled for several years due to the devastating effects of Hurricane Katrina.

Under the proposed Modified Consent Decree, the Board agrees to continue the comprehensive remediation program and complete it by no later than July 2015. Among other things, the Board will repair its 62 pump stations damaged by the hurricane as well as other hurricane damage in the portions of the collection system served by those pump stations. The Board will also design and implement a new preventive maintenance plan to inspect and clean its pump stations and sewer lines and will proceed under its sewage overflow action plan to take steps to minimize the impact of sewage overflows on the environment. The Board will undertake additional remedial measures including measures designed to provide dependable electrical services at its treatment plant in the event of a future catastrophic event.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Modified Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC

20044-7611, and should refer to *United States v. Sewerage & Water Board of New Orleans et al.*, D.J. Ref. 90-5-1-1-4032.

The proposed Modified Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Louisiana, 500 Poydras Street, Suite B-210, New Orleans, LA 70130 (contact Sharon Smith, 504-680-3000), and at U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (contact Ellen Chang-Vaughan, 214-665-7328). During the public comment period, the proposed Modified Consent Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the proposed Modified Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$33.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010-2262 Filed 2-3-10; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Qualification and Certification of Electrical Training**

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired

format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 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 one who has had at least one year of experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program.

DATES: Submit comments on or before April 5, 2010.

ADDRESSES: Send comments to John Rowlett, Management Services Division, 1100 Wilson Boulevard, Room 2141, Arlington, VA 22209-3939. Commenters are encouraged to send their comments via E-mail to Rowlett.John@DOL.GOV. Mr. Rowlett can be reached at (202) 693-9827 (voice), or (202) 693-9801 (facsimile). Because of potential delays in receipt and processing of mail, respondents are strongly encouraged to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

FOR FURTHER INFORMATION CONTACT: The employee listed in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION:**I. Background**

Persons performing tasks and certain required examinations at coal mines which are related to miner safety and health, and which require specialized experience, are required to be either "certified" or "qualified". The regulations recognize State certification and qualification programs. However, where state programs are not available, under the Mine Act and MSHA standards, the Secretary may certify and qualify persons for as long as they continue to satisfy the requirements needed to obtain the certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same mine or by the same independent contractor.

Applications for Secretarial certification must be submitted to the MSHA Qualification and Certification Unit in Denver, Colorado. MSHA Form 5000-1 provides the coal mining industry with a standardized reporting format that expedites the certification process while ensuring compliance with the regulations. The information provided on the forms enables the Secretary of Labor's delegate—MSHA, Qualification and Certification Unit—to determine if the applicants satisfy the requirements to obtain the certification or qualification. Persons must meet certain minimum experience requirements depending on the type of certification or qualification applied for.

II. Desired Focus of Comments

MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov/>) and selecting "Rules & Regs", and then selecting "FedReg. Docs". On the next screen, select "Paperwork Reduction Act Supporting Statement" to view documents supporting the **Federal Register** Notice.

III. Current Actions

This request for collection of information contains provisions whereby persons may be temporarily qualified or certified to perform tests and examinations; requiring specialized expertise; related to miner safety and health at coal mines.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Qualification and Certification of Electrical Training.

OMB Number: 1219-0001.

Recordkeeping: MSHA Form 5000-1 is used by instructors, who may be mining personnel, consultants, or college professors, to report to MSHA those miners who have satisfactorily completed a coal mine electrical training program. Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify these individuals as qualified to perform certain tasks at the mine.

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Respondents: 17,960.

Responses: 2,796.

Total Burden Hours: 160.

Total Burden Cost (operating/maintaining): \$13,124.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 29th day of January 2010.

John Rowlett,

Director, Management Services Division.

[FR Doc. 2010-2407 Filed 2-3-10; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Publication of Model Notice for Employers to Use Regarding Eligibility for Premium Assistance Under Medicaid or the Children's Health Insurance Program, Notice

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice of the Availability of the Model Notice for Employers Regarding Premium Assistance under Medicaid or the Children's Health Insurance Program, with Request for Comments.

SUMMARY: On February 4, 2009, President Obama signed the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA, Pub. L. 111-3). CHIPRA includes a requirement that the Departments of Labor and Health and Human Services develop a model notice for employers to use to inform employees of potential opportunities currently available in the State in which the employee resides for group health plan premium assistance

under Medicaid and the Children's Health Insurance Program (CHIP). The Department of Labor (Department) is required to provide the model notice to employers within one year of CHIPRA's enactment. This document announces the availability of a Model Employer CHIP Notice. This notice also requests comments regarding compliance with the Employer CHIP Notice requirement for use in the development of future compliance assistance materials and/or regulations.

DATES: *Comment Date:* Comments are due on or before April 5, 2010.

ADDRESSES: Written comments may be submitted via any of the methods specified below. Please do not submit duplicates. All comments will be made available to the public. *Warning:* Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are posted on the Internet exactly as received, and can be retrieved by most Internet search engines. No deletions, modifications, or redactions will be made to the comments received, as they are public records. Comments may be submitted anonymously.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* E-OHPSCA.EBSA@dol.gov.

- *Mail or Hand Delivery:* Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, Room N-5653, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, *Attention:* Employer CHIP Notice.

Comments will be posted without change to <http://www.regulations.gov> and <http://www.dol.gov/ebsa>, and available for public inspection at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Amy Turner or Beth Baum, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, (202) 693-8335. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Purpose

This document addresses the Employer CHIP Notice requirement under CHIPRA and announces the availability of a model notice that can be used to satisfy the content requirements for the Employer CHIP Notice.

SUPPORTING STATEMENT

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

A. Justification

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

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

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

Title 30, C.F.R. sections 75.153(a)(2) and 77.103(a)(2) permit a miner to be qualified under this section if he has the requisite electrical experience and he satisfactorily completes a coal mine electrical training program approved by the Secretary.

The Mine Safety and Health Administration (MSHA) qualifies mine electricians and although the standards do not specify use of the Form 5000-1, MSHA provides this form to training course instructors, consultants and professionals to certify that a miner has satisfactorily completed an approved training program. MSHA believes that this form is the most efficient means for reporting on individuals who have completed the required training. Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify these individuals as qualified to perform certain tasks at the mine.

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

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

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

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

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

In compliance with the Government Paperwork Elimination Act, the Form 5000-1 is available on MSHA's website for electronic submission. The mining industry submitted 1,362 (49%) electronic 5000-1 electrical training forms in Fiscal Year 2009. The electronic form may be viewed at (<http://www.msha.gov/forms/elawsforms/5000-1.htm>)

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

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

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

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

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

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

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

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

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

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

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

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information

activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with 5 C.F.R. § 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.

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

MSHA does not provide payments or gifts to respondents.

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

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

In the past, MSHA used individual Social Security numbers (SSN) for tracking qualifications, certifications, and approvals. In an effort to eliminate the use of SSNs by both MSHA and third parties, MSHA has changed the process to one in which miners register first with MSHA to obtain an MSHA Individual Identification Number (MIIN). A MIIN is a unique 8-digit number used for tracking all qualifications, certifications, and approvals issued by MSHA, including Electrical Qualification Initial Training and Retraining.

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

There are no questions of a sensitive nature.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the**

variance. Generally, estimates should not include burden hours for customary and usual business practices.

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

In fiscal year 2009, MSHA received 2,796 MSHA Form 5000-1s covering 17,960 miners. Out of the 2,796 (5000-1) forms MSHA received, 1,362 forms were electronically submitted through the online eGov system. MSHA is basing the estimates on the number of forms and the number of miners instead of the number of qualifications issued because the miners may have both underground and surface qualifications and the training covers both surface and underground. The number of courses is based on reports from the Q&C system that provide information on electrical courses. MSHA does not anticipate a significant change in the number of miners taking electrical qualification initial training and retraining courses or in the number of Form 5000-1s received. Labor rates for underground and surface coal mines of \$73.26 for mine supervisors were derived from InfoMine USA, Inc.'s publication "US Coal Mine Salary Wages and Benefits" (2008 Survey Results).

Of the 2,796 certificates awarded, miners received training in 1,796 electrical qualification initial training and retraining courses during Fiscal Year 2009. It is estimated that out of the 1,796 courses taught, approximately 30% of courses (539) are taught by instructors working directly for the mining companies and that approximately 32% of courses (575) are taught by instructors working as contractors for mining companies. MSHA estimates that the remaining 38% of courses (682) are conducted by state grantees supported with Federal funds.

Hour Burden for Completing 5000-1 Forms

MSHA estimates that it takes approximately 5 minutes (0.0833 hours) to complete the general portions of the MSHA Form 5000-1. MSHA also estimates that it takes an additional 1 minute (0.0167 hour) to gather and complete the specific information on the form for each miner for whom certification is sought. It is also estimated that 30% of the forms are completed by mining company instructors, 32% of the forms are completed by contractors, and 38% are completed by grantees. The burden represented by the 32% of forms completed by contractors is included in Item 13. The 38% completed by grantees is considered separately in the grant program.

$$839 \text{ forms (30\% of 2,796)} \times 0.0833 \text{ hours per form} = 70 \text{ hours}$$

$$5,388 \text{ miners (30\% of 17,960)} \times 0.0167 \text{ hours per miner} = \underline{90 \text{ hours}}$$

$$\text{Total Hour Burden} = \underline{160 \text{ hours}}$$

Hour Burden Cost

MSHA estimates that MSHA Form 5000-1 is completed by a mine supervisor earning \$73.26 per hour.

$$160 \text{ hours} \times \$73.26 \text{ per hour} = \$11,722$$

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 Contracted Instructors Completing 5000-1 Forms

$$\begin{aligned} 895 \text{ forms (32\% of 2,796)} \times 0.0833 \times \$73.26 \text{ per hour} &= \$5,462 \\ 5,747 \text{ miners (32\% of 17,960)} \times 0.0167 \times \$73.26 \text{ per hour} &= \underline{\$7,031} \\ \text{Total Cost Burden} &= \underline{\$12,493} \end{aligned}$$

Cost Burden for Mailing 5000-1 Forms

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

1,434 forms x \$0.44 per form	=	\$631
Total Annual Cost Burden	=	\$ 13,124

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

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

Cost per Transaction		\$2.97
Annual Transactions in Q&C (number of forms processed)	2,796	
Total Cost for Transactions		\$8,304
Clerk: GS 7, step 5 in MSHA's Lakewood, Colorado office		<u>\$47,184</u>
Total Cost to the Federal Government		\$55,488

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

An increase in the number of courses completed has resulted in an increase in respondents, from 16,150 to 17,960, an increase in responses from 2,294 to 2,796 and an increase in hours from 138 to 160.

Both wages and postage rates have increased since Fiscal Year 2006, resulting in an increase in the annual cost burden, from \$9,257 to \$ 13,124.

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

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

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

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

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

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

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

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

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

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

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

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

Burden Statement: Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data need, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, Department of Labor, Room N-1301, 200 Constitution Avenue, N.W., Washington, D.C. 20210; and to the Office of Management and Budget, Paperwork Reduction Project (1219-0001), Washington, D.C. 20503. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.