

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSIONS**

Final Rule: High-Voltage Continuous Mining Machine Standards for Underground Coal Mines – §§ 75.829, 75.831, and 75.832.

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.**

Currently, a mine operator must obtain a modification of existing § 75.1002 (Installation of electric equipment and conductors; permissibility) to use high-voltage continuous mining machines (HVCMMs) in underground coal mines. Under § 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), a mine operator may petition MSHA to modify the application of a mandatory safety standard. MSHA grants the petition for modification (PFM) if the Agency finds that the proposed alternative method in the petition guarantees no less than the same level of protection as the existing standard or if application of the existing standard results in a diminution of safety to miners. The procedures and rules for filing a PFM are contained in 30 CFR Part 44. OMB has approved the information collection burden associated with filing a PFM under control number 1219-0065. Since 1997, MSHA has evaluated the use of HVCMMs and has granted 52 PFMs to use these HVCMMs.

In MSHA's evaluation of PFMs to use HVCMMs, the Agency concluded that these machines can be safely used, provided that certain conditions are met. This rule applies to those underground coal mine operators who choose to use HVCMMs. If the mine operators choose to use HVCMMs, the final rule will maintain the safe use of such equipment in underground mines while allowing them to implement advances in mining technology. This final rule establishes alternate requirements that mine operators will need to follow if they want to use HVCMMs in underground coal mines.

Final §§ 75.829(b)(1); 75.831(a), (b), and (d); and 75.832(a), (b), (c), (g)(1), (g)(2), and (g)(3) contain paperwork requirements. These requirements track testing, examination, and maintenance on HVCMMs to reduce fire, electrical shock, ignition, and operational hazards.

Final § 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. Final § 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.

Final § 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. Final 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. Final § 75.831(b)

requires tagging prior to testing and troubleshooting trailing cables. Final § 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.

Final § 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. The examinations and tests required by §§ 75.832(a) and (b) are already being conducted as part of a larger weekly examination of electrical equipment that is required under existing § 75.512. Existing § 75.512 also requires that a record be made of the examinations and tests. The burden for § 75.512 is already included under OMB 1219-0116. Section 75.832(c) requires a test of the ground-wire monitor circuit at least once every seven days. The burden associated with this recordkeeping requirement is not included in any existing OMB collection of information package, but is included here.

Section 75.832(g)(3) requires that the records made from the examinations and tests under final §§ 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. Countersigning of these records is not part of any existing information collection package and, thus, is included here.

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 final rule are mine operators that elect to use HVCMMs to cut and load coal in underground coal mines. Currently, underground coal mine operators must file a Petition for Modification (PFM) to use HVCMMs. The terms and conditions of the granted PFMs require operators to collect this information. The final rule also requires an additional information collection requirement that is not currently required by the terms and conditions of granted PFMs. This additional information collection concerns the countersigning of records. The records will be used by coal mine supervisors and employees, State mine inspectors, and Federal mine inspectors. The records will show that the examinations and tests were conducted and give insight into the hazardous conditions that have been encountered and those that may be encountered. 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.

The final rule requires that the records be maintained in a secure book that is not susceptible to alteration or electronically in a computer system so as to be 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.

Final § 75.832(a) and (b) require an examination of the high-voltage continuous mining machine, and a test of the ground-fault test circuit, respectively. Final § 75.832(g)(1) and (g)(2) require a record of such exams and tests. These examinations and tests are already being conducted and recorded as part of a larger weekly examination of electrical equipment that is required under existing 30 CFR 75.512 and are accounted for under OMB control number 1219-0016. To avoid duplication, such burden is not included in this 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 final rule 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 under the terms and conditions of granted PFMs are already complying with many of these information collection requirements. The information collection requirement related to countersigning records is not currently accounted for. 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 the proposed information collections discussed in Question 1 were not conducted, the consequences 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, rant-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. If applicable, provide a copy and identify the date 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 proposed information collection requirements in the preamble to the proposed rule and considered comments on the information collection requirements in developing the final rule.

Final § 75.829 requires a qualified person to activate test circuits of the power sources specified prior to tramming the HVCMM, and to certify the testing by signature and date, and make a record of any unsafe condition found in accordance with § 75.832. This provision also requires that corrective actions and recordkeeping resulting from these tests be performed in accordance with §§ 75.832(f) and (g).

One commenter suggested that a record be made only of the corrective actions and that such a record be kept on the machine with the date, time, and initials of the qualified person when the work is completed. MSHA's data and experience show that records and certifications can be used to determine trends with respect to equipment failure and/or design problems. They have also been useful sources of information during accident investigations. Records are required to be kept on the surface because they will be more readily accessible to mine personnel and inspectors. Therefore, final § 75.829(b)(1) retains the requirements of the proposal.

Final § 75.832(g) specifies the recordkeeping requirements for the examinations and tests in the final rule and is consistent with existing recordkeeping requirements. Final § 75.832(g)(1), like the proposal, requires that the person who examines and tests the equipment certify by signature and date that the tests and examinations have been conducted, and record any unsafe conditions found.

Unlike the proposal, which did not identify who must record corrective action, final § 75.832(g)(2) specifies that the individual who takes any corrective action must be the one to record that action. The clarification is important because the person conducting the tests may not be the one who takes the corrective action.

Some commenters suggested that mine management share the responsibility of assuring that records are properly documented and stored. These commenters raised the fact that the proposal did not require records to be countersigned. In response to comments, final § 75.832(g)(3) requires countersigning of records by a foreman or equivalent by the end of their next regularly scheduled working shift. In making this change, the Agency determined that countersigning of records by mine management will provide corroboration and help assure accuracy of the records.

One commenter requested that the recordkeeping requirement be more specific, questioning electronic signatures for electronic records. In response to comments, final § 75.832(g)(4) includes a new provision to require that records be maintained either in a secure book that is not susceptible to alteration or electronically in a computer system that is also secure and not susceptible to alteration.

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-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.**

This rule applies to any underground coal mine operator that chooses to use high-voltage continuous mining machines (HVCMMs). In the first year, 8 mines are estimated to use 31 HVCMMs. In the second year, 10 mines are estimated to use 35 HVCMMs. In the third year, 12 mines are estimated to use 39 HVCMMs. MSHA calculated hourly wages using data from InfoMine USA, Inc., publication titled *U.S. Coal Mine Salaries, Wages and Benefits (2008 Survey Results)*.

Final § 75.829 - Record, and Countersigning Burden

Final § 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) and (2), certifications by signature and date must be made after the test required by § 75.829(b)(1) is conducted. Also, any unsafe condition found must be recorded along with any corrective action taken. Final § 75.832(g)(3) requires that the record 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 corrective action record will need to be made twice a year. MSHA estimates that a mine electrician, earning \$38.97 per hour, will take, on average, 0.1 hours (6 minutes) to make a record. Furthermore, MSHA estimates that a mine foreman or equivalent mine official, earning \$76.21 per hour, will take an additional 0.1 hours (6 minutes) to countersign the record.

There are 27 HVCMMs in 8 existing mines. Furthermore, each year, beginning in the first year, 2 additional underground coal mine operators are estimated to choose to use 4 HVCMMs (2 machines per mine). Thus, in the first year, 31 HVCMMs are affected. In the second year, there are 35 HVCMMs. In the third year, there are 39 HVCMMs.

Table 1 shows the rule's first three years of annual burden hours and cost related to making a record and countersigning the record for underground coal mine operators.

Table 1: Annual Burden Hours and Costs Related to the Time to Record and Countersign Records as Required by Final § 75.829(b)(1) and § 75.832(g)

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i) | (j) |
|------|---------------|---------------------------------------|------------------------------|------------------------------------|---|--|-----------------------------------|--------------------------------|---------------------------------|
| Yrs. | No. of HVCMMs | Time to Make Record per HVCMM in Hrs. | Time to Counter-sign in Hrs. | Annual No. of Times to Make Record | Annual Burden Hours Related to Making Record ^a | Annual Burden Hours Related to Countersigning ^b | Mine Electrician Hourly Wage Rate | Mine Official Hourly Wage Rate | Annual Burden Cost ^c |
| 1 | 31 | 0.1 | 0.1 | 2 | 6 | 6 | \$38.97 | \$76.21 | \$691 |
| 2 | 35 | 0.1 | 0.1 | 2 | 7 | 7 | \$38.97 | \$76.21 | \$806 |
| 3 | 39 | 0.1 | 0.1 | 2 | 8 | 8 | \$38.97 | \$76.21 | \$921 |

^a Annual Burden Hours Related to Making Record = col. b x col. c x col. e.

^b Annual Burden Hours Related to Countersigning = col. b x col. d x col. e.

^c Annual Burden Cost = (col. f x col. h) + (col. g x col. i).

Final § 75.831 - Burden Related to Tagging Equipment

Final § 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 312 workdays per year. On average, MSHA estimates that tagging, by a mine electrician earning \$38.97 per hour, will take 0.025 hours (1.5 minutes). As stated earlier, there are 31 HVCMMs affected in the first year, 35 HVCMMs affected in the second year, and 39 HVCMMs affected in the third year.

Table 2 shows the rule's first three years of annual burden hours and cost related to underground coal mine operators for tagging equipment under final § 75.831.

Table 2: Annual Burden Hours and Costs Related to Tagging Required by Final § 75.831

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|------|---------------|-------------------------------|-----------------------------------|--------------------------|----------------------------------|-----------------------------------|---------------------------------|
| Yrs. | No. of HVCMMs | Time to tag per HVCMM in Hrs. | Times Tagging Occurs per Work Day | No. of Work Days per yr. | Annual Burden Hours ^a | Mine Electrician Hourly Wage Rate | Annual Burden Cost ^b |
| 1 | 31 | 0.025 | 1 | 312 | 242 | \$38.97 | \$9,431 |
| 2 | 35 | 0.025 | 1 | 312 | 273 | \$38.97 | \$10,639 |
| 3 | 39 | 0.025 | 1 | 312 | 304 | \$38.97 | \$11,847 |

^a Annual burden Hours = col. b x col. c x col. d x col. e.

^b Annual Burden Cost = col. f x col. g.

Final § 75.832 – Recordkeeping Burden of Test Required by § 75.832(c)

Paragraphs (a), (b), and (c) of final § 75.832 require that examinations and tests be conducted at least once every seven days and paragraph (g)(1) and (g)(2) requires that a record be made of these examinations or tests. The record consists of certifying by signature and date that the

examinations and tests were conducted, noting any unsafe conditions, and any corrective action taken.

Paragraph (a) requires that each HVCMM be examined to verify that electrical protection, equipment grounding, permissibility, cable insulation, and control devices are properly installed and maintained. Paragraph (b) requires that, prior to tramming the HVCMM, each HVCMM ground-wire monitor circuit be examined and tested to verify that it will cause the corresponding circuit-interrupting device to open. The examinations of the HVCMM required by paragraphs (a) and (b) are already being conducted as part of a larger weekly examination of electrical equipment that is required under existing § 75.512 (Electrical equipment; examination, testing and maintenance). Existing § 75.512 also requires that a record be made of examinations and tests. Thus, the burden associated with records of examinations under final § 75.832 (a) and (b) is already accounted for under existing § 75.512, and is included in existing paperwork package 1219-0116. Therefore, this burden does not need to be included in the paperwork package accompanying the rule.

Paragraph (c) requires a test of the ground-wire monitor circuit at least once every seven days. The burden for making a record is developed below. The ground-wire monitor test, noted in paragraph (c), is conducted on the power station. MSHA assumes that there is 1 power station per HVCMM. MSHA estimates that, on average, a mine electrician, earning \$38.97 per hour, takes 0.05 hours (3 minutes) to make a record. The test is performed at least once every seven days. As stated earlier, there are: 31 HVCMMs affected in the first year; 35 HVCMMs affected in the second year; and 39 HVCMMs affected in the third year. Table 3 shows the rule's first three years of annual burden hours and cost related to make a record.

Table 3: Annual Burden Hours and Costs Related to Making a Record Required by Final § 75.832(g)(1) & (g)(2) of Test in Final § 75.832(c)

| (a) | (b) | (c) | (d) | (e) | (f) | (g) |
|-----|---------------|-----------------------------|------------------------------------|----------------------------------|-----------------------------------|---------------------------------|
| Yr. | No. of HVCMMs | Time to Make Record in Hrs. | No. of Times Record Made (per yr.) | Annual Burden Hours ^a | Mine Electrician Hourly Wage Rate | Annual Burden Cost ^b |
| 1 | 31 | 0.05 | 52 | 81 | \$38.97 | \$3,157 |
| 2 | 35 | 0.05 | 52 | 91 | \$38.97 | \$3,546 |
| 3 | 39 | 0.05 | 52 | 101 | \$38.97 | \$3,936 |

^a Annual burden Hours = col. b x col. c x col. d.

^b Annual Burden Cost = col. e x col. f.

Final § 75.832 – Burden Related to Countersigning Record

In addition to making records, final § 75.832(g)(3) requires that records shall 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. Although the examinations and tests required by § 75.832(a) and (b) are already being conducted under existing § 75.512, there is no requirement for countersigning records under existing § 75.512. Similarly, although the examinations and tests required under § 75.832(c) are being conducted pursuant to the terms and conditions of existing high-voltage continuous miner granted PFMs, there is no requirement for countersigning records in granted PFMs.

MSHA estimates that it takes a mine official, earning \$76.21 per hour, 0.1 hours (6 minutes) to review and countersign the records. As stated earlier, there are: 31 HVCMMs affected in the 1st year; 35 HVCMMs affected in the 2nd year; and 39 HVCMMs affected in the 3rd year. Table 4 shows the rule's first 3 years of annual burden hours and cost related to countersigning records.

Table 4: Annual Burden Hours and Costs Related to Countersigning Records Required by Final § 75.832(g)(3) of Tests in Final §§ 75.832(a)(b) and (c)

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|------|---------------|-------------------------------------|------------------------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|
| Yrs. | No. of HVCMMs | Time to Countersign Records in Hrs. | No. of Records to be Countersigned | No. of Times Records Are Made per yr. | Annual Burden Hours ^a | Mine Official Hourly Wage Rate | Annual Burden Cost ^b |
| 1 | 31 | 0.1 | 3 | 52 | 484 | \$76.21 | \$36,886 |
| 2 | 35 | 0.1 | 3 | 52 | 546 | \$76.21 | \$41,611 |
| 3 | 39 | 0.1 | 3 | 52 | 608 | \$76.21 | \$46,336 |

^a Annual Burden Hours = col. b x col. c x col. d x col. e.

^b Annual Burden Cost = col. f x col. g

Summary of Burden Hours

Table 5 below shows a summary of the burden hours for the first, second, and third year.

Table 5: Summary of Burden Hours

| Section | Burden Hours | | |
|----------------------------|---------------------|---------------------|---------------------|
| | 1 st Yr. | 2 nd Yr. | 3 rd Yr. |
| § 75.829 | 12 | 14 | 16 |
| § 75.831 | 242 | 273 | 304 |
| § 75.832(c) & (g)(1) | 81 | 91 | 101 |
| § 75.832(a)(b)(c) & (g)(3) | 484 | 546 | 608 |
| Total Hrs. | 819 | 924 | 1,029 |

| Section | Respondents UG Coal Mines | Responses per Yr. | Annual Responses |
|---|---------------------------|-------------------|------------------|
| First Year | | | |
| § 75.829 | 8 | 2 | 16 |
| § 75.831 | 8 | 312 | 2,496 |
| § 75.832(c) & (g)(1) | 8 | 52 | 416 |
| § 75.832(a)(b)(c) & (g)(3) ¹ | 8 | 156 | 1,248 |
| Total Hrs. | | | 4,176 |
| Second Year | | | |
| § 75.829 | 10 | 2 | 20 |
| § 75.831 | 10 | 312 | 3,120 |
| § 75.832(c) & (g)(1) | 10 | 52 | 520 |
| § 75.832(a)(b)(c) & (g)(3) ¹ | 10 | 156 | 1,560 |
| Total Hrs. | | | 5,220 |
| Third Year | | | |
| § 75.829 | 12 | 2 | 24 |
| § 75.831 | 12 | 312 | 3,744 |
| § 75.832(c) & (g)(1) | 12 | 52 | 624 |
| § 75.832(a)(b)(c) & (g)(3) ¹ | 12 | 156 | 1,872 |
| Total Hrs. | | | 6,264 |

¹ 156 Responses per yr. = (3 records x 52 weeks).

- 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 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.

There are no additional burden costs associated with this collection.

- 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 rule does not result in any increased costs to MSHA or any other Federal agency.

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

Implementation of the final rule will result in new burden hours and costs. The program change will add 819 burden hours in the first year, 924 burden hours in the second year, and 1,029 burden hours in the third year. The final rule will eliminate approximately 48 burden hours and related cost of \$4,000 from OMB control number 1219-0065. This reduction occurs because the final rule eliminates the need for mine operators to obtain a petition for modification to a use high-voltage continuous mining machines in underground coal mines.

- 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 an expiration date.

- 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 final 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-I is checked “Yes,” the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

- 1. Describe (including a 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 frequent 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 persons(s) who will actually collect and/or analyze the information for the agency.**

The collection of this information does not employ statistical methods.

Note to the Reviewer

Elimination of Burden in OMB Information Collection Package 1219-0065

As a result of the rule, mine operators will no longer have to obtain a petition for modification (PFM) of existing 30 CFR § 75.1002 (Installation of electric equipment and conductors; permissibility) in order to use a high-voltage continuous mining machine (HVCMM) in an underground coal mine. Existing OMB information collection package 1219-0065 includes annual burden hours and related cost for the time it takes mine operators to prepare and file petitions with MSHA, including PFMs to use a HVCMM. When the rule becomes effective, the burden hours and cost in existing OMB information collection package 1219-0065, which relate to the time it takes operators to prepare and file petitions needs to be reduced to reflect the fact that PFMs to use a HVCMM are no longer needed.

MSHA estimates that 4 underground coal mines file PFMs to use a HVCMM annually. Also, MSHA estimates that a mine supervisor, earning \$76.21 per hour, takes 12 hours to prepare a petition, and a clerical employee, earning \$24.17 per hour, takes 0.1 hours (6 minutes) to copy and mail a petition. The table below shows the annual burden hours and related cost that are eliminated due to mine operators no longer needing to file a PFM to use a HVCMM.

Eliminated Annual Burden Hours and Cost
In OMB Information Collection Package 1219-0065
Resulting From Mine Operators
No Longer Needing to File a § 75.1002 Petition for Modification

| No. of Petitions Filed per Year | Hours to Prepare Petition | Hours to Copy & Mail a Petition | Annual Burden Hours Saved | Superv. Hourly Wage Rate | Clerical Employee Hourly Wage Rate | Annual Burden Cost Savings |
|---------------------------------|---------------------------|---------------------------------|---------------------------|--------------------------|------------------------------------|----------------------------|
| 4 | 12 | 0.1 | 48.4 | \$76.21 | \$24.17 | \$3,668 |