

section 337. The ALJ concluded that an industry exists within the United States that practices the '896, '094, '571, '596 and '712 patents as required by 19 U.S.C. 1337(a)(2).

On May 7, 2012, Microsoft filed a petition for review of the ID. That same day, Motorola filed a petition and contingent petition for review. On May 15, 2012, the parties filed responses to the various petitions and contingent petition for review.

On June 22, 2012, Microsoft filed a motion for partial termination of the investigation. Specifically, Microsoft moved for termination of the '094 and '596 patents from the investigation based on facts alleged in the motion.

On June 29, 2012, the Commission determined to review the final ID in its entirety and remanded the investigation to the ALJ to apply the Commission's opinion in *Certain Electronic Devices with Image Processing Systems, Components Thereof, and Associated Software*, Inv. No. 337-TA-724, Comm'n Op. (Dec. 21, 2011) and rule on Microsoft's motion for partial termination of the investigation filed June 22, 2012. 77 FR 40082 (July 6, 2012).

On November 6, 2012, the ALJ issued an ID (Order No. 48) granting Motorola's motion to terminate the investigation as to the '712 and '571 patents. On January 11, 2013, the ALJ issued an ID (Order No. 52) granting Motorola's motion to terminate the investigation as to the '596 and '094 patents. The Commission determined not to review those orders. Thus, only the '896 patent remains in this investigation.

On March 22, 2013, the ALJ issued his RID, finding no violation of section 337 with respect to the asserted claims of the '896 patent.

On April 8, 2013, Motorola filed a petition for review of the RID, challenging the ALJ's finding that Microsoft is not liable for indirectly infringing the asserted claims of the '896 patent. That same day, Microsoft filed a contingent petition for review. In its contingent petition for review, Microsoft incorporates its petition for review of the original ID with respect to the '896 patent. On April 16, 2013, the parties filed responses to the petitions for review.

Having examined the record of this investigation, including the ALJ's final ID and RID, the petitions for review, and the responses thereto, the Commission has determined not to review the RID. The Commission affirms the ID issued on April 23, 2012, with respect to the '896 patent as modified by the RID. In that connection, the Commission adopts the ALJ's findings in the original ID that

(1) Motorola waived its indirect infringement argument and (2) Motorola failed to establish indirect infringement on the merits. ID at 67-68. The Commission also adopts the ALJ's amplified findings in the RID that Motorola failed to establish indirect infringement on the merits during the remand proceeding. Thus there is no violation of section 337 with respect to the '896 patent. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-46 and 210.50).

Issued: May 23, 2013.

By order of the Commission.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2013-12893 Filed 5-30-13; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Collection; Comment Request; Certificate of Electrical Training

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** 60-Day 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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure 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.

**DATES:** All comments must be postmarked or received by midnight Eastern Standard Time on July 30, 2013.

**ADDRESSES:** Comments concerning the information collection requirements of this notice must be clearly identified with "OMB 1219-0001" and sent to the Mine Safety and Health Administration (MSHA). Comments may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number [MSHA-2013-0012].

- *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, 21st floor, Room 2350, Arlington, VA 22209-3939.

**FOR FURTHER INFORMATION CONTACT:** Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at [McConnell.Sheila.A@dol.gov](mailto:McConnell.Sheila.A@dol.gov) (email); 202-693-9440 (voice); or 202-693-9441 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

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.

Title 30 CFR sections 75.153 and 77.103 define a person as qualified to perform electrical work if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by 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 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 approved by MSHA or has attained a satisfactory grade on a series of five written tests approved by MSHA.

## II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Certificate of Electrical Training and the applications both for MSHA-approved tests and for State tests administered as a part of a MSHA-approved State program. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address 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), to minimize the burden of the collection of information on those who are to respond.

OMB clearance requests are available on MSHA's Web site at <http://www.msha.gov> under "Federal Register Documents" on the right side of the screen by selecting "New and Existing Information Collections and Supporting Statements". The document will be available on MSHA's Web site for 60 days after the publication date of this notice, and on [regulations.gov](http://regulations.gov). Comments submitted in writing or in electronic form will be made available for public inspection on [regulations.gov](http://regulations.gov). Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

## III. Current Actions

The information obtained from applicants will be used to determine compliance with 30 CFR Part 75 and 30 CFR Part 77.

MSHA has updated the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

### Summary

*Type of Review:* Revision of a currently approved information collection.

*Agency:* Mine Safety and Health Administration.

*Title:* Certificate of Electrical Training.

*OMB Number:* 1219-0001.

*Affected Public:* Business or other for-profit.

*Cite/Reference/Form/etc:* 30 CFR 75.153 and 77.103.

*Total Number of Respondents:* 273.

*Frequency:* Various.

*Total Number of Responses:* 2,350.

*Total Burden Hours:* 996 hours.

*Total Annual Respondent or Recordkeeper Cost Burden:* \$731.

Comments submitted in response to this notice will be summarized and 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.

**Authority:** 44 U.S.C. 3506(c)(2)(A).

Dated: May 28th, 2013.

**George F. Triebsch,**  
Certifying Officer.

[FR Doc. 2013-12949 Filed 5-30-13; 8:45 am]

**BILLING CODE 4510-43-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**NOTICE:** (13-062).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction

Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Ms. Frances Teel, JF000, National Aeronautics and Space Administration, Washington, DC 20546-0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF000, Washington, DC 20546, [Frances.C.Teel@nasa.gov](mailto:Frances.C.Teel@nasa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Abstract

This collection of information supports both the White House initiative to create opportunities to advance science, technology, engineering, and mathematics (STEM) education, and the President's Council of Advisors on Science and Technology (PCAST) *Engage to Excel* goals to improve STEM education during the first two years of college. The Department of Commerce estimates that STEM occupations will grow 1.7 times faster than non-STEM occupations between 2008-2018. As demographics in the U.S. continue to shift towards a more diverse populous, there is a need to attract underserved and underrepresented students to STEM degree fields. Traditionally, underrepresented groups in STEM include females, African-American, Hispanics, Native Americans, Pacific Islanders (natives of the Philippines, Guam, American Samoa, or Micronesia), and disabled students.

The NASA Glenn Research Center (GRC) Shadowing and Exploring Project is a career exploration initiative targeting students in the 14-20 age group. It connects classroom training to tangible activities that enable practical application of STEM disciplines, and cultivates innovative thinking. The program is designed to increase awareness of STEM career paths and encourage both the pursuit and retention of STEM majors during the initial years of college. The program incorporates GRC scientists, engineers, technicians, and administrative professionals to serve as mentors to participating students. The NASA Glenn Research Center Shadowing and Exploring Project Participation is voluntary and registration is required to participate.

## 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
<b>Total Annual Cost Burden</b>	<b>=</b>	<b>\$ 13,124</b>

- 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>
<b>Total Cost to the Federal Government</b>		<b>\$55,488</b>

- 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.

**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.**

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

**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 forms x 0.41667 hours per form	= 555
817 State grantee forms x 0.41667 hours 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

Hour Burden Cost

100 hours x \$38.99 = \$3,899

Estimated Annualized Burden Hours and Costs								
(a) Type of Respondent as Listed in OMB 83-1	(b) Standard/ Data Collection Activity/ Form	(c) No. of Respon- dents	(d) Frequency of respon- ses per Respon- dent	(e) Total No. of Response s (rounded to whole numbers) (c x d)	(f) Avg. Burden per Response (in hours)	(g) Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	(h) Avg. Hourly Wage Rate	(i) Total Annual Responde nt 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
<b>Sub-total</b>	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
<b>Total</b>		<b>273</b>		<b>2,350</b>		<b>996</b>		<b>\$77,674</b>

**Total Hour Burden Cost = \$77,674**  
**Total Respondents = 273**  
**Total Responses = 2,350**  
**Total Burden Hours = 996**

**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 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 cards to qualified persons x \$1.00 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. (\$64,732 x .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 996). 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 to either display or 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**

**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.