

0.1 hour to copy and mail an application ($1.75 \text{ applications} \times 0.1 \text{ hour} \times \$12.66 \text{ per hour} = \2.22). Furthermore, MSHA estimates that, on average, each application is two pages long, photocopying costs are \$0.15 per page, and postage is \$1 [$1.75 \text{ applications} \times ((2 \text{ pages} \times \$0.15 \text{ per page}) + \$1) = \$2.28$].

The annual cost savings of \$111 for the mine operator is derived in the following manner. On average, a mine supervisor, earning \$54.92 per hour, takes 8 hours to prepare an application ($0.25 \text{ application} \times 8 \text{ hours} \times \$54.92 \text{ per hour} = \109.84). In addition, a clerical worker, earning \$19.58 per hour, takes 0.1 hour to copy and mail an application ($0.25 \text{ application} \times 0.1 \text{ hour} \times \$19.58 \text{ per hour} = \0.49). Furthermore, MSHA estimates that, on average, each application is two pages long, photocopying costs are \$0.15 per page, and postage is \$1 [$0.25 \text{ application} \times ((2 \text{ pages} \times \$0.15 \text{ per page}) + \$1) = \$0.33$].

This direct final rule eliminates the application process and provides simple compliance information directly to the public, thus eliminating the annual cost burden.

V. Paperwork Reduction Act.

This direct final rule contains no additional information collections subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Consequently, the information collection currently approved by OMB under control number 1219-0101 will no longer be necessary and will be withdrawn.

This direct final rule will result in 16 annual burden hour savings and associated annual burden cost savings of \$404 related to elimination of 2 applications annually for sanitary toilets. Of this total, for the 1.75 portable toilet manufacturers, there will be 14 burden hours savings annually and associated annual burden costs savings of \$294. For the 0.25 mine operators, there will be 2 burden hours savings annually and associated annual burden cost savings of \$110.

The annual reduction of 14 burden hours and the \$294 annual burden costs savings for the 1.75 portable sanitary toilet manufacturers are derived in the following manner. On average, a first-line supervisor at a toilet manufacturing facility, takes 8 hours to prepare an application ($1.75 \text{ applications} \times 8 \text{ hours} = 14 \text{ hours}$). In addition, a clerical

worker takes 0.1 hour (or 6 minutes) to copy and mail an application ($1.75 \text{ applications} \times 0.1 \text{ hour} = 0.18 \text{ hours}$). The hourly wage rate for a first-line supervisor at a portable toilet manufacturing facility is \$20.82 ($\$20.82 \times 14 \text{ burden hours} = \291.48). The hourly wage rate for a clerical worker (billing and posting clerks) is \$12.66 ($\$12.66 \times 0.18 \text{ burden hours} = \2.28).

The annual reduction of 2 burden hours and the \$110 annual burden costs savings for the 0.25 mines are derived in the following manner. On average, a mine supervisor takes 8 hours to prepare an application ($0.25 \text{ applications} \times 8 \text{ hours} = 2 \text{ hours}$). In addition, a clerical worker takes 0.1 hour (or 6 minutes) to copy and mail an application ($0.25 \text{ applications} \times 0.1 \text{ hour} = 0.03 \text{ hour}$). The hourly wage rate for a mine supervisor is \$54.92 ($\$54.92 \times 2 \text{ hours} = \109.84). The hourly wage rate for a clerical worker is \$19.58 ($\$19.58 \times 0.03 \text{ hours} = \0.58).

This direct final rule removes this burden by eliminating the application process and providing information directly to the public.

VI. Other Regulatory Considerations

A. The National Environmental Policy Act of 1969

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires each Federal agency to consider the environmental effects of its actions. This direct final rule has no environmental impact because it has no substantive effect on the existing standards.

B. Unfunded Mandates Reform Act of 1995

We have determined, for purposes of § 202 of the Unfunded Mandates Reform Act of 1995, that this direct final rule does not include any Federal mandate that may result in increased expenditures by state, local, or tribal governments in the aggregate of more than \$100 million, or increased expenditures by the private sector of more than \$100 million. We also determined, for purposes of § 203, that this direct final rule does not significantly or uniquely affect these entities.

C. Executive Order 12630: Government Actions and Interference With Constitutionally Protected Property Rights

This direct final rule is not subject to Executive Order 12630 because it would not involve implementation of a policy with "takings" implications.

D. Executive Order 12988: Civil Justice Reform

In accordance with Executive Order 12988, we have determined that this direct final rule will not unduly burden the Federal court system. We wrote the direct final rule to provide a clear legal standard for affected conduct and have reviewed it to eliminate drafting errors and ambiguities.

E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

In accordance with Executive Order 13045, we have evaluated the environmental health and safety effects of this direct final rule and have determined that it has no adverse effects on children.

F. Executive Order 13132: Federalism

In accordance with Executive Order 13132, we have reviewed this direct final rule and have determined that it does not have "federalism" implications.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we certify that this direct final rule does not impose substantial direct compliance costs on Indian tribal governments.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

In accordance with Executive Order 13211, we have reviewed this direct final rule and have determined that it has no effect on the production or price of coal. Consequently, it has no significant adverse effect on the supply, distribution, or use of energy, and no reasonable alternatives to this action are necessary.

I. Executive Order 13272: Proper Consideration of Small Entities in Agency Rulemaking

In accordance with Executive Order 13272, MSHA has thoroughly reviewed the direct final rule to assess and take appropriate account of its potential impact on small businesses, small governmental jurisdictions, and small organizations. As discussed previously in this preamble, MSHA has determined that the direct final rule does not have a significant economic impact on a substantial number of small entities.