

Qualification/Certification Program Request for MSHA Individual Identification Number (MIIN)

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 the information.

Section 101(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires that the Secretary must 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 of Labor or Secretary of Health and Human Services must make frequent inspections and investigation in coal or other mines each year for the purpose of gathering information with respect to mandatory health or safety standards.

The Mine Safety and Health Administration (MSHA) issues certifications, qualifications and approvals (licenses) to the nation's miners to conduct specific work within the mines. Currently, Social Security Numbers (SSNs) are utilized for tracking purposes within MSHA's data processing systems, in the absence of other reliable identification systems. In an effort to reduce use of SSNs both by MSHA and third parties, MSHA is changing the process to one in which miners requiring a license or benefit from MSHA will register for an "MSHA Individual Identification Number" (MIIN). This unique number will be used in place of individual SSNs for all licensing requirements within MSHA. This new process will allow MSHA to discontinue the past practice of individuals supplying their personally identifiable information to instructors, states or other entities, which in turn supply that information to MSHA. Miners needing a license or benefit from MSHA will need to register only one time to obtain their MIINs from MSHA.

The creation of a unique identifier to replace the collection of Social Security Numbers serves to reinforce Executive Order 13402, Strengthening Federal Efforts Against Identity Theft. This program will aid in the strategic plan for the Federal Government in the prevention, detection and prosecution of identify theft activities.

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 collections.

MSHA currently uses qualification and certification information on miners who have satisfactorily completed required training and examinations to issue cards indicating

the licensure of that miner. MSHA inspectors, during inspections, review these cards to determine compliance with regulations. In addition, miners, when applying for a job, use these cards as a part of their resumé. Mine operators needing people with specific certifications, qualifications and approvals hire and assign work relying on the information provided on the cards.

The information is also used to determine mine operators' compliance with approved training plans and to monitor safety-training programs and during investigations including accident and legal proceedings to revoke the qualifications/certifications and approvals of individuals based on a fraudulent reporting of training or performance. Upon request, MSHA furnishes information on specific miners to mine operators and representatives of miners.

The information also is used to verify whether individuals who complete and sign dust data cards that accompany dust samples collected fulfill the sampling requirements of 30 CFR Part 70, 71 or 90. It also enables the Agency to track underground miners who show early evidence of the development of pneumoconiosis and have exercised their option to work in a low dust environment under 30 CFR Part 90 to determine if they have been adequately sampled by mine operators and are in compliance with federal dust standards.

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.

MSHA plans to make this form available under the E-Gov initiative for electronic submission. MSHA further estimates that an average of 25% of the applicants will use the MSHA E-Gov system to register.

MSHA will accept faxed information from a secure fax machine and will provide a toll-free number for use by individuals to request their MIINs.

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 currently requests SSNs for several reasons. One, if a miner requests a copy of his/her records, MSHA can easily search for a miner's records using the miner's SSN. Secondly, MSHA uses the SSN as the only unique identifier among a variety of certifications, qualifications and approvals within the qualification and certification system. Historically, this practice has worked well, since most miners have easy access

to their SSNs. In order for the Agency to assign a MIIN to all existing miners who have certifications, qualifications and approvals, MSHA needs to initially require these miners to register for MIINs by using their SSNs. This process will allow the Agency to accurately connect all existing certifications, qualifications and approvals to an existing licensee and mail the MIIN to a correct address. Once these existing miners have registered and received a unique MIIN, they will not be required to use their SSNs.

The SSN is also used in other MSHA systems, such as bi-monthly dust sampling and MSHA exams given by inspectors for licensing and certification. In an effort to eliminate duplication of data, as per OMB guidance, the MIIN will be used across the MSHA systems in place of the SSN.

The following are the MSHA record collections approved by OMB that will no longer require that the individual to supply an SSN. These collections will be changed to request the MIIN number.

OMB0001 (1210-0001)	Certificate of Electrical Retraining	Form 5000-1
OMB0009 (1219-0009)	Training Plans	
OMB0011 (1219-0011)	Dust Data Sampling Card	
OMB0127 (1219-0127)	Cert. or Hoisting Engineers Qualification	Form 5000-41

These collections are still needed under 30 C.F.R. Parts 48, 70, 75, 77 and 90.

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.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations, because accidents, injuries and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations regardless of size and that information collection and recordkeeping requirement be consistent with efficient and effective enforcement of the Act.

This collection of information is not being requested from mining operations, but from individuals applying to become approved, qualified or certified under 30 C.F.R. Parts 48, 70, 71, 75, 77, and 90. Not all miners need to register for a MIIN -- only those that are seeking qualifications certifications, or benefits -- causing very little impact.

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.

MSHA currently has no alternate means of reliably tracking licensures and certifications other than through use of SSNs. The MIIN form is an effort to move away from use of SSNs. Disapproval of this form will mean that MSHA either must continue to rely on SSN information or else could mean that MSHA would be unable to verify which miners had received MSHA licenses, certifications and benefits, or even their entitlement to receive them.

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 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 the cost and hour burden.

Describe efforts to consult with person 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 specific situation. These circumstances should be explained.

MSHA published a 60-day preclearance Federal Register notice on July 2, 2007 (volume 72, Number 126, Pages 36063-3606), soliciting public comments regarding the extension of this information collection. No comments were received.

MSHA's Qualification and Certification section has made presentations to the mining community to inform the public of this initiative at the following seminars, meetings and conferences:

- State Grants Business Meeting - Week of May 1, 2007
- National Homes Safety Conference in San Diego - Week of June 6, 2007
- United Mine Workers of American (UMAW) Training - June 11, 2007 at MSHA Mining Academy
- North Carolina Mine Safety and Health Conference - June 14, 2007

In addition, informally some of the mining community has become aware of the initiative by word-of-mouth. As a result of this preliminary outreach, all the comments and responses MSHA has received regarding the proposed collection were positive.

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.

The form notifies respondents that their information will be kept confidential to the extent allowed by law. The information collection includes Privacy Act material. The collected information also is protected under OMB Circular A-130, Management of Federal Information Resources, the Computer Fraud & Abuse Act of 1986, Department

of Labor (DOL) policies covering Network Operations and LAN Management and DOL's Privacy Policy on Data Collection over DOL Web Sites, and by the Federal Information Security Management Act (FISMA) of 2002, Title III, Public Law 107-347, as part of the E-Government Act of 2002.

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 what 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 hours burden on respondents is expected to vary widely because of differences in activity, size or complexity, show the range of estimate 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 burden in Item 13 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 estimates that the first year there will be 40,000 applications requesting MIINs. It is also estimated that the form (electronic, paper or call-in) will take an average of 5 minutes (.0833 hours), including receiving the instructions. MSHA has calculated the average underground and surface miners' wages to be \$21.67 per hour and the average instructors' wages to be \$59.00 per hour.

Hour Burden First Year

Burden Hours:

September 2007

40,000 requests x .0833 hours = 3,332 burden hours

Burden Hour Cost:

(21,500 miner requests x .0833 hours) x \$21.67 = \$38,811

(18,500 instructor requests x .0833 hours) x \$59.00 = \$90,919

Total burden hour cost = \$129,730

Hour Burden Second Year

MSHA estimates that in the second year there will be 25,000 MIIN requests. It is also estimated that the form (electronic, paper or call-in) will take an average of 5 minutes (.0833 hours), including receiving the instructions:

Burden Hours:

25,000 requests x .0833 = 2,083 burden hours

Burden Hour Cost:

(17,500 miner requests x .0833) hours x \$ 21.67 = \$31,595

(7,500 instructor requests x .0833) hours x \$59.00 = \$36,875

Total burden hour cost = \$68,470

Hour Burden Third Year

MSHA estimates that in the third year there will be 10,000 MIIN requests. It is also estimated that the form (electronic, paper or call-in) will take an average of 5 minutes (.0833 hours), including receiving the instructions:

Burden Hours:

10,000 requests x .0833 = 833 burden hours

Burden Hour Cost:

(5,800 miner requests x .0833) hours x \$ 21.67 = \$10,470

(4,200 instructor requests x .0833) hours x \$59.00 = \$20,642

Total burden hour cost = \$31,112

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 cost associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods use to estimate major cost factors including system and technology acquisition, expected useful like 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 reason 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

First Year

MSHA estimates that 27,900 applicants will mail forms to MSHA

$$27,900 \times \$0.41 \text{ postage} = \$11,439$$

$$\text{Total Burden Cost First Year} = \$11,439$$

Second Year

MSHA estimates that 18,700 applicants will mail forms to MSHA.

$$18,700 \times \$0.41 \text{ postage} = \$7,667$$

$$\text{Total Burden Cost Second Year} = \$7,667$$

Third Year

MSHA estimates that 7,500 applicants will mail forms to MSHA.

$$7,500 \times \$0.41 \text{ postage} = \$3,075$$

$$\text{Total Burden Cost Third Year} = \$3,075$$

September 2007

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.

This project includes reengineering applications to reduce, limit and regulate the use of privacy data to comply with Federal directives. This includes elimination of third-party collection of privacy data (this elimination is required by OMB) and ongoing efforts to protect privacy information by using a MIIN as a key identifier. This will significantly reduce the use of the SSNs except when initial identification is necessary. This reengineering will involve changes to the qualification and certification application and dust samples processing. In addition, this will implement a miner registration process in which mine operators and instructors will use the MIIN for submitting future qualification or certification requests or when submitting sample data. The table below shows only Federal government IT costs associated with the MIIN project:

	As of Feb	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug- 07	Sep- 07	Oct- 07	Nov- 07	Dec- 07	Grand Total
MIIN	\$110,832	\$8,038	\$46,020	\$9,367	\$9,366	\$4,685	\$0	\$0	\$0	\$0	\$0	\$188,307
MSIS												
Release												
5.0 - Dev												
MIIN	\$56,405	\$2,404	\$1,882	\$1,046	\$1,046	\$1,046	\$0	\$0	\$0	\$0	\$0	\$63,827
MSIS												
Release												
5.0 -												
Analysis												
MIIN	\$5,311	\$13,535	\$28,073	\$18,990	\$18,692	\$9,839	\$0	\$0	\$0	\$0	\$0	\$94,439
MSIS												
Release												
5.0 -												
Test/Doc												
MIIN	\$95,212	\$14,228	\$14,228	\$14,228	\$14,228	\$14,228	\$0	\$0	\$0	\$0	\$0	\$166,351
MSIS												
Release												
5.0 -												
Support												
Activity												
Total												\$512,924.00

The above costs are based on MSHA Information Technology operating budget for all new systems and the reengineering of this project. MSHA's Qualification and Certification unit will request one contractor for the first year to process incoming MIIN requests. It is estimated that the contractor for one year will cost \$60,000. MSHA

further estimates that printing costs will be approximately \$30,000 and cost for outreach including travel is estimated at \$35,000.

The outreach program will include, but is not limited to;

- Posters distributed to the mining community
- Website single-source page
- Article for Holmes Bulletin
- Article for Professional Miner newsletter
- Presentations by MSHA employees at State Grants meeting, National Holmes Safety Meeting, UMWA training, and other mining- related conferences
- Radio/audio message – as part of the regular “Mine Safety Minutes” series.
- Presentations by MSHA District offices during the quarterly District/Operator meetings.
- Internal message to MSHA employees in an e-mail from the Assistant Secretary

Total cost to Federal Government = \$637,924

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

The first year hour burden is estimated to be 3,332, the second year 2,083 and each year thereafter the estimate is 833 burden hours. The first year costs are estimated at \$11,439 second year at \$7,667, and each year thereafter at \$3,075. During the next 3 years, the number of requests should start at approximately 40,000, and drop to approximately 10,000 by the third year.

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’s Form 5000-46 will display OMB’s approval number and expiration date.

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.

This collection of information does not employ statistical methods.

**Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164*
An Act**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) 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.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 103. (a) Authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare shall make frequent inspections and investigations in coal or other mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to mandatory health or safety standards, (3) determining whether an imminent danger exists, and (4) determining whether there is compliance with the mandatory health or safety standards or with any citation, order, or decision issued under this title or other requirements of this Act. In carrying out the requirements of this subsection, no advance notice of an inspection shall be provided to any person, except that in carrying out the requirements of clauses (1) and (2) of this subsection, the Secretary of Health, Education, and Welfare may give advance notice of inspections. In carrying out the requirements of clauses (3) and (4) of this subsection, the Secretary shall make inspections of each underground coal or other mine in its entirety at least four times a year, and of each surface coal or other mine in its entirety at least two times a year. The Secretary shall develop guidelines for additional inspections of mines based on criteria including, but not limited to, the hazards found in mines subject to this Act, and his experience under this Act and other health and safety laws. For the purpose of making any inspection or investigation under this Act, the Secretary, or the Secretary of Health, Education, and Welfare, with respect to fulfilling his responsibilities under this Act, or any authorized representative of the Secretary or the Secretary of Health, Education, and Welfare, shall have a right of entry to, upon, or through any coal or other mine.