

SUPPORTING STATEMENT

Information Collection Title: Qualification/ Certification Program Request for MSHA Individual Identification Number (MIIN)

Collection Instrument(s): MSHA Form 5000-46, Request for MSHA Individual Identification Number (MIIN)

CFR Citation(s): 30 CFR Part 70.210, Part 71.207, Part 75.100, 75.150, 75.153, 75.155, Part 77.100, 77.101, 77.102, 77.103, 77.104, 77.105, Part 90.3, 90.100(b), 90.202, 90.203, 90.208, and 90.209

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 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to 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 and metal and nonmetal mines.

MSHA issues certifications, qualifications, and approvals to the nation's miners to conduct specific work within coal and metal and nonmetal mines. Under 31 U.S.C. 7701, Federal agencies are required to obtain a taxpayer identifying number from each person doing business with that agency. If a person has a Social Security Number (SSN) or is eligible for one, then the person's taxpayer identification number will be their SSN. A person is considered to be doing business with a Federal agency if the person is an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency

(31 U.S.C. 7701(c)(2)(B)). Miners who have MSHA qualifications or certifications, or are updating or applying for MSHA qualifications or certifications will register for an “MSHA Individual Identification Number” (MIIN). Also, the MIIN will be used to identify miners who have exercised their option to work in areas of a mine with respirable dust concentration at or below 0.5 milligrams per cubic meter of air under 30 CFR 90.3 and 90.100(b). MSHA uses this unique number in place of individual SSNs for all MSHA collections. The MIIN identifier fulfills Executive Order (E.O.) 13402, *Strengthening Federal Efforts Against Identity Theft*, which requires Federal agencies to better secure government held data.

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

The information collected, including name, address, and SSN of the miner applicant is used to assign a new MIIN number, which replaces the SSN for all MSHA identification of that miner. Miners requesting a license or benefit from MSHA will need to register only one time to obtain their MIINs from MSHA. MSHA uses the collected information only for the purpose stated above.

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 has made the Request for MIIN form (MSHA Form 5000-46) available for electronic submission at: <http://www.msha.gov/forms/elawsforms/5000-46.htm>. During calendar year 2014, MSHA received 10,890 requests for MIIN. Of these requests, 10,345 (or 95 percent) were submitted electronically. In 2015, 8,186 MIIN requests were processed, of which 8,022 (98 percent) were submitted electronically.

MSHA estimates that 9,000 MIIN’s will be requested annually. Of these requests, MSHA estimates that 98 percent will be submitted electronically.

MSHA also accepts faxed information and provides a toll-free number for individuals to request 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.

There is no other similar information available to MSHA to identify individual miners.

In an effort to eliminate duplication, the MIIN is used across MSHA systems in place of the SSN.

The following MSHA record collections, approved by OMB, also request a MIIN number.

(OMB No. 1210-0001) Certificate of Electrical Training, MSHA Form 5000-1

(OMB No. 1219-0009) Training Plans

(OMB No. 1219-0011) Dust Data Sampling Card

(OMB No. 1219-0127) Safety and Health Activity Certification or Hoisting Engineers Qualification Request, MSHA Form, 5000-41

These collections are required under 30 CFR Parts 70, 71, 75, 77, and 90.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection does not have an impact on small businesses or other small entities. This collection of information is not being requested from mining operations, but from individuals applying to become approved, qualified, or certified under 30 CFR Parts 70, 71, 75, 77 and 90. Not all miners need to register for a MIIN -- only those miners that are seeking qualifications, certifications, or benefits.

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 created the MIIN to replace the use of SSNs as an individual identification number. This change was in keeping with E.O. 13402. Disapproval of this collection would restrict MSHA's ability to verify if a miner is qualified or certified under existing standards.

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 secrets, 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 date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day Federal Register notice on December 27, 2016 (81 FR 95199). MSHA received no 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.

MSHA Form 5000-46 notifies respondents that MSHA will keep their information confidential to the extent required by law. The information collection includes Privacy Act material. The collected information also is protected under Office of Management and Budget 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.

MSHA Form 5000-46 collects personally identifiable information, such as a SSN, and falls under Privacy Act Systems of Records Notice DOL/MSHA-13, Coal Mine Respirable Dust Program, and DOL/MSHA-15, Health and Safety Training and Examination Records, (April 8, 2002, 67 FR 16816).

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 other than SSN's. This collection of information reduces the frequency with which an SSN is collected; however, MSHA Form 5000-46 collects the SSN in order to generate a unique number.

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.**

*** 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 under 'Annual Cost to Federal Government'.**

MSHA Form 5000-46

MSHA expects to receive annually approximately 9,000 applications (MSHA Form 5000-46) requesting MIINs. MSHA anticipates that, of the estimated 9,000 applications, miners will complete 7,000, and 2,000 will be completed by certified instructors. MSHA further estimates that the form (electronic, paper or phone call-in) will take an average of 5 minutes to complete.

Shown below are the burden hours and related costs that are borne by underground coal mine operators. Hourly wages in this answer are from Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) May 2015 survey.¹ MSHA increased the OES hourly wage rates for benefits by a 1.49 benefit scaling factor to obtain fully loaded wages.²

MSHA estimates the average wage of coal miners to be \$37.00 per hour and the average wage of instructors to be \$66.95 per hour.³

¹ Options for obtaining OES data are available at item "E3. How to get OES data. What are the different ways to obtain OES estimates from this website?" at http://www.bls.gov/oes_ques.htm.

² The benefit scaler comes from BLS Employer Costs for Employee Compensation access by menu <http://www.bls.gov/data/> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. The data series CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average 2015Qtr2-2016Qtr1 to determine that 33.0 percent of total loaded wages are benefits. The scaling factor is a detailed calculation, but may be approximated with the formula and values $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (.33/(1-.33)) = 1.49$.

³ For coal miners, hourly wages are from OES May 2015 survey, Standard Occupational Classification (SOC) code 47-5000, Extraction Workers, (NAICS code 212100, Coal Mining). MSHA multiplied the mean wage rate of \$24.83 times the 1.49 benefit scaling factor to obtain a fully loaded hourly wage of

Respondents: 7,000 miners
2,000 instructors
9,000 total respondents

Responses: 9,000 requests (MSHA Form 5000-46)

Annual Burden Hours:

9,000 requests x 5 minutes = 750 burden hours

Burden Hour Cost:

7,000 miner requests x 5 minutes x \$37.00 per hour	= \$21,583
2,000 instructor requests x 5 minutes x \$66.95 per hour	= <u>\$11,158</u>
Total burden hour cost	= \$32,741

Total burden hour cost = \$32,742

Total responses = 9,000

Total respondents = 9,000

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

*** 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 collections services should be a part of this cost**

\$37.00. For instructors, hourly wages are from OES May 2015 survey, Standard Occupational Classification (SOC) code 47-1011, First-Line Supervisors of Construction Trades and Extraction Workers, (NAICS code 212000, Mining (except Oil and Gas)). MSHA multiplied the 75th percentile wage rate of \$44.93 times the 1.49 benefit scaling factor to obtain a fully loaded hourly wage of \$66.95. The 75th percentile was chosen because instructors are expected to be highly experienced.

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.**

Annual Cost Burden:

MSHA associates no capital or start-up costs with this collection of information.

Maintenance and Operations:

MSHA estimates that 180 applicants will mail forms to MSHA.

180 mailings x \$0.47 postage = \$84.60

Total Cost Burden = \$85.00

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.

MSHA estimates the cost to operate and maintain MSHA's MIIN system is based on: the annual operating cost for the MIIN system which includes one contracted employee; the cost to process MSHA Form 5000 46; and, the cost to mail MIIN information to miners.

A compliance specialist and support person (Office of Personnel Management job series 1802) at the GS-6 level would process MSHA Form 5000-46. The average salary cost for MSHA employees at the GS-6 level in this job series codes is \$59,455 per year.⁴ The task of processing the MSHA Form 5000-46 takes up about 20 percent

⁴ Annual salary developed from Office of personnel Management (OPM) March 2016 *FedScope* employment cube, <http://www.fedscope.opm.gov/> . Average annual salary of \$59,455 obtained from DOL-MSHA employees. Data search qualifiers are: Agency = DLMS, Occupation = 1802, Work

of the workload. The cost to mail the MIIN information to miners and instructors is \$0.47 per mailing.

Government Costs for One Year:

Annual operating cost for MIIN System	\$60,000
Cost to process MSHA Form 5000-46	
\$59,455 annual salary x 20% workload =	\$11,891
Cost to Mail MIIN Information to Miner	
9,000 mailings x \$0.47 postage =	\$4,230
Total Cost to Federal Government =	\$76,121

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Burden hours and costs decreased due to the following adjustments/decreases in respondents and responses. The burden cost decrease is also because 98 percent of the MIIN requests are processed using the electronic collection source. This method decreases the wage cost along with the mailing cost.

Previous Submission

Responses: 16,000
Respondents: 16,000
Hours: 1,333
Cost: \$752

Current Submission

Responses: 9,000
Respondents: 9,000
Hours: 750
Cost: \$85.00

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

Schedule = Full-Time, Salary Grade = GS-6, Measure = Average Salary. In order to include the cost of benefits, the average annual salary was multiplied by a federal benefit scaler of 1.383 (FY 2016).

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information collection, explain the reasons that display would be inappropriate.

MSHA will display the expiration date on any instruments (MSHA Form 5000-46).

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no certification exceptions identified with this information collection.

B. Collection of Information Employing Statistical Methods

This information collection does not employ statistical methods.