

Qualification/ Certification Program Request for MSHA Individual Identification Number (MIIN)
OMB Control Number: 1219-0143
OMB Expiration Date: 11/30/2023

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number: 1219-0143

Information Collection Request 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)

Authorities:

30 CFR 70.210 Respirable dust samples; transmission by operator
30 CFR 71.207 Respirable dust samples; transmission by operator
30 CFR 75.100 Certified person
30 CFR 75.150 Tests for methane and for oxygen deficiency; qualified person
30 CFR 75.153 Electrical work; qualified person
30 CFR 75.155 Qualified hoisting engineer; qualifications
30 CFR 77.100 Certified person
30 CFR 77.101 Tests for methane and for oxygen deficiency; qualified person
30 CFR 77.102 Tests for methane; oxygen deficiency; qualified person, additional requirement.
30 CFR 77.103 Electrical work; qualified person
30 CFR 77.104 Repair of energized surface high-voltage lines; qualified person
30 CFR 77.105 Qualified hoistman; slope or shaft sinking operation; qualifications
30 CFR 90.3 Part 90 option; notice of eligibility; exercise of option
30 CFR 90.100(b) Respirable dust standard
30 CFR 90.202 Certified person; sampling
30 CFR 90.203 Certified person; maintenance and calibration
30 CFR 90.208 Respirable dust samples; transmission by operator
30 CFR 90.209 Respirable dust samples; report to operator

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses or employ statistical methods” is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

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 and approved instructors to conduct specific work and training 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)). Individuals 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 Part 90 option; notice of eligibility; exercise of option and 30 CFR 90.100(b) Respirable Dust Standard. 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 applicant is used to assign a new MIIN number, which replaces the SSN for all MSHA identification of that individual. Applicants 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: <https://www.msha.gov/support-resources/forms-online-filing/2018/05/23/request-msha-individual-identification-number-miin>. During calendar year 2021, MSHA received 5,891 requests for MIIN. Of these requests, 5,773 (or 98 percent) were submitted electronically. In 2020, MSHA received 4,473 requests for MIIN. Of these requests 4,383 (or 97 percent) were submitted electronically.

Based on historical data, MSHA estimates that 6,000 MIIN's will be requested annually for both surface and underground mines. 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 collections, approved by Office of Management and Budget (OMB), also use the MIIN numbers established from this collection.

(OMB No. 1219-0001) 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 70 (Mandatory Health Standards - Underground Coal Mines), 30 CFR 71(Mandatory Health Standards - Surface Coal Mines and Surface Work Areas of Underground Coal Mines), 30 CFR 75 (Mandatory Safety Standards - Underground Coal Mines), 30 CFR 77 (Mandatory Safety Standards,

Surface Coal Mines and Surface Work Areas of Underground Coal Mines), and 30 CFR 90 (Mandatory Health Standards - Coal Miners Who Have Evidence of the Development of Pneumoconiosis).

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 70, 30 CFR 71, 30 CFR 75, 30 CFR 77 and 30 CFR 90. Not all miners need to register for a MIIN -- only those 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 an individual 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.

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. MSHA published a 60-day Federal Register notice on May 31, 2023 (88 FR 104). No comments received.

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. MSHA Form 5000-46 collects personally identifiable information, such as an SSN. The collection of MIIN's which are derived from SSN's are Privacy Act material. MSHA uses this information in the collection to assign a unique identifier to each individual for use to approve, qualify, or certify miners

for work such as instructors, electricians, and Part 90 miners. This is Privacy Act of 1974, as amended, information and is protected as provided in the system of records notice (SORN), DOL/MSHA-1, Mine Safety and Health Administration Standardized Information System (MSIS). Privacy Act of 1974; Publication in Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses, 81 FR 25766, 25812-15 (2016).

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 websites, 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 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'.**

Wage Rates Determinations¹

MSHA used data from the May 2021 Occupational Employment and Wage Statistics

(OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates² and adjusted the rates for benefits³ and wage inflation⁴. The occupations listed below in Table 12-1 are those that were determined to be relevant for the cost calculations.

Table 12-1 Hourly Wage Rates

Occupation	NAICS Code	A Wage Rate	B Benefit Multiplier	C Inflation Multiplier	A x B x C Loaded Hourly Wage Rate
Mine supervisor*	212100, 212200, 212300	\$45.87	1.490	1.043	\$71.29
Miner**	212100, 212200, 212300	\$27.56	1.490	1.043	\$42.83

Note: MSHA used the latest 4-quarter moving average 2021Q3-2022Q2 to determine that 32.9 percent of total loaded wages are benefits. The benefit multiplier is $1.49 = 1 + (.329 / (1 - .329))$. The inflation multiplier of 1.043 ($= 150.5 / 144.3$) was determined by using the employment price index from the latest quarter, 2022Q2, divided by the base year and quarter of the OEWS employment and wage statistics, 2021Q2.

*The Standard Occupation Codes (SOC) used for this occupation are: (47-1011), (49-1011), (51-1011), (53-1047). For instructors, MSHA used the 75th percentile wage rate of coal mine supervisor. The 75th percentile was chosen because instructors are expected to be highly experienced.

**The SOC used for this occupation are: (47-5000), (49-9071), (51-9021), (53-7000).

Respondents.

MSHA expects to receive annually approximately 6,000 applications (MSHA Form 5000-46) requesting MIINs for coal and metal and nonmetal mines. MSHA anticipates that, of the estimated 6,000 applications, individuals will complete 4,800, and 1,200

¹ For all wage rates, MSHA uses the relevant precision throughout the calculation to avoid compound rounding errors and rounds at the final rate value. Displayed intermediate calculation values are presented to explain the calculation and are representative but the final rate value reflects the correct rounding and final estimate.

² Options for obtaining OEWS data are available at item “E3. How to get OEWS data. What are the different ways to obtain OEWS estimates from this website?” at https://www.bls.gov/oes/oes_ques.htm.

³ The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average to determine what percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$.

⁴ Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://data.bls.gov/cgi-bin/srgate> ; Inflation Multiplier = (Current Quarter Cost Index Value / OEWS Wage Base Quarter Index Value).

applications will be completed by certified instructors (usually highly experienced coal mine supervisors). MSHA further estimates that the form (electronic, paper, or phone call) 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.

Table 12-2 Qualification Certification

Occupation	No. of Respondents (Applicants)	No. of Responses per Respondent	No. of Responses (Applications)	Minutes per Response	Burden Hours	Wage	Burden Cost
Mine supervisor	1,200	1	1,200	5	100	\$71.29	\$7,129.00
Miner	4,800	1	4,800	5	400	\$42.83	\$17,131.95
Total	6,000		6,000		500		\$24,261 (rounded)

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 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 6,000 MIIN's will be requested annually. Of these requests, MSHA estimates that 98 percent will be submitted electronically. MSHA estimates that 120 applications (2 percent of 6,000) will mail forms to MSHA at a cost of 60 cents per application.

Table 13-1 Forms Mailed

Cost components	No. of Responses	Unit Cost	Cost to Recordkeeper
Forms mailed to MSHA	120	\$0.60	\$72

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, including
 - o one contracted employee at the GS-6 level;
 - o system direct maintenance; and,
- the cost to mail MIIN information to applicants.

A compliance specialist and support person at the GS-6 level would process MSHA Form 5000-46.

Table 14-1 Federal Hourly Wage Rates

Occupation	Occupation Code	A Mean Wage Rate	B Benefit Multiplier	= A x B Loaded Hourly Wage Rate
GS-06 MSHA Clerk*	0303, 1311, 2005	\$23.19	1.440	\$33.40

Notes: Hourly wage rates developed from Office of Personnel Management (OPM) June 2022 FedScope Employment Cube, <http://www.fedscope.opm.gov/>.

*Data search qualifiers were: Agency = DLMS, Work Schedule = Full-Time, Salary Grade = GS-6, Measure = Average Salary. The hourly wage is the weighted average annual salary divided by 2,087 hours. In order to include the cost of benefits, MSHA multiplied the average annual salary by a federal benefit scaler for MSHA of 1.440 (FY 2022 budget submission).

It is estimated that the task of processing the MSHA Form 5000-46 takes up about 20 percent of the annual workload. The direct cost to maintain the MIIN system is \$60,000 per year. The cost to mail the MIIN information to miners and instructors is \$1.20 per mailing for each of the 6,000 applications.

Table 14-1 Federal Wage Rates

Occupation	Percent of Annual Time	Annual Wage Rate	Federal Cost
Compliance specialist and support (GS-06 MSHA Clerk)	20%	\$71,226.72	\$14,245

Table 14-2 Other Federal Costs

Activity	Number of Responses (applications)	Unit Cost	Total Federal Cost
System maintenance			\$60,000
Mailing costs	6,000	\$1.20	\$7,200

Table 14-3 Total Federal Costs

Activity	Federal Cost
GS-6 for processing applications	\$14,245.34
System maintenance	\$60,000.00
Mailing costs	\$7,200.00
Total Federal Cost	\$81,445 (rounded)

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

Burden hours and costs decreased due to fewer MIIN applicants. The reduced number of new miners in the coal industry as the industry shrinks coupled with most of the long serving miners in the mining industry already getting MIIN numbers in previous years.

Table 15-1 Cost Changes

	Previous	Current	Difference
Respondents	7,500	6,000	-1500
Responses	7,500	6,000	-1500
Burden Hours	625	500	-125
Respondents or Recordkeeping Costs	\$75	\$72	-\$3
Federal Costs	\$80,193	\$81,445	\$1,252
Federal Hours	417.4	417.4	0

16. For collections of information whose results will be published, outline plans

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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 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.