

## **SUPPORTING STATEMENT A**

### **30 CFR Part 840 – State Regulatory Authority: Inspection and Enforcement**

**OMB Control Number 1029-0051**

Terms of Clearance: None

#### Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to request approval to continue collecting information under 30 CFR Part 840 of the OSM permanent regulatory program. The information collection for this Part was previously approved by the Office of Management and Budget (OMB) and assigned control number 1029-0051.

The approved information collection burden for Part 840 is 530,404 hours. This request will increase the estimated burden by 45,068 hours due to a reestimate in the time required to conduct partial inspections by State Regulatory Authorities (SRA's), and an increase in the number of inspections conducted by the SRA's.

The following is a summary table describing the number of respondents, burden hours required per respondent, the total hours and how the OMB Inventory will change.

SUMMARY  
REPORTING AND RECORDKEEPING  
for  
30 CFR PART 840

SECTION	NUMBER OF RESPONDENTS	AVERAGE NUMBER OF RESPONSES PER RESPONDENT (rounded)	HOURS/REPORT	TOTAL HOURS (rounded)	HOURS CURRENTLY APPROVED	DIFFERENCE
840.11 (Complete Inspection)	24	1,198	9	258,768	269,280	-10,512
840.11 (Partial Inspection)	24	3,232	6	465,348	291,168	174,180
840.11 (h)(2)	24	2	4	192	192	0
840.14	24	1	993	23,832	14,832	9,000
Total Burden Hours	24			748,140	575,472	172,668

## **General Instructions**

A completed Supporting Statement A 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 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," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

## **Specific Instructions**

### **Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.
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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.
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 and specifically how this collection meets GPEA requirements.
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.
5. If the collection of information impacts small businesses or

*other small entities, describe any methods used to minimize burden.*

- 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.*
- 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.**
- 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 in response to the PRA statement associated*

*with the collection over the past three years, 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 three 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.*

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*
10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*
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.*
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.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

\* 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 (including filing fees paid for form processing). 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.

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.
15. Explain the reasons for any program changes or adjustments in hour or cost burden.
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.
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.
18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

## 30 CFR 840.11 - Complete and Partial Inspections

### Justification

1. Section 517(c) of the Surface Mining Control and Reclamation Act (the Act) requires the State Regulatory Authority (SRA) to conduct an average of one partial inspection per month and an average of one complete inspection per calendar quarter on each surface coal mining and reclamation operation under its jurisdiction. 30 CFR 840.11(b) requires the SRA to conduct at least one complete inspection per calendar quarter for each inactive surface coal mining and reclamation operation under its jurisdiction. Also, under 30 CFR 840.11(c) the SRA is responsible for conducting as many inspections of coal exploration sites as are necessary to ensure compliance with the approved State program. To ensure that these inspections are conducted in accordance with the approved State program, 30 CFR 840.11(e)(3) requires that the SRA promptly file a copy of their inspection reports.
2. Information is used by the States to enforce their laws and rules regulating coal mining. In addition, copies of the States' inspection reports are provided to OSM and the information contained in those inspection reports, (such as a description of the minesite, site conditions, hydrologic balance and any violations cited) is used by OSM on an as necessary basis. See Section 517(a) of the Act and 30 CFR Part 733.
3. This information is unique to each surface coal mining operation. Respondents are SRA's who conduct inspections and prepare reports. State and Federal regulatory authorities are using Global Positioning Systems on a limited basis to calculate permit areas and impoundment dimensions to facilitate the inspection process. OSM provides training and some funding for the purchase of equipment for use by SRA's. Also, some inspectors prepare their inspection reports by laptop computer in the field and download once they return to their offices. This method of preparing inspection reports varies by State and individual inspector, however, we estimate that 20% of State inspectors use electronic means to prepare and submit inspection reports.
4. Respondents are SRA's who conduct complete and partial inspections at minesites to ensure compliance with the Act, the State regulatory program, and applicable environmental laws. This information is unique for each minesite under the jurisdiction of the SRA. There is no duplication of this effort, nor do other Federal agencies collect this information.
5. Not applicable. Information is solicited only from State and Federal agencies which regulate surface coal mining and reclamation operations.
6. Section 517 of the Act requires an inspection report for each inspection performed.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.

8. Three regulatory authorities were contacted in August 2012 regarding the information collection activities associated with Part 840. Their responses to the required sections of 30 CFR 840 are as follows:

Billie Ratliff  
 Department for Natural Resources  
 Division Mine Reclamation and Enforcement  
 2 Hudson Hollow  
 Frankfort, Kentucky 40601  
 (502) 564-2340

30 CFR	840.11 (a) – Partial Inspection	840.11 (b) – Complete Inspection
Hours	4 hours per inspection	8 hours per inspection

Cliff Holloway  
 Illinois-DNR, Office of Mines & Minerals  
 503 East Main St.  
 Benton, Il 62812  
 (618) 439-9111

30 CFR	840.11 (a) – Partial Inspection	840.11 (b) – Complete Inspection
Hours	7 hours per inspection	12 hours per inspection

Nancy Nuttbrock  
 Wyoming-DEQ, Land Quality Division  
 122 West 25<sup>th</sup> St.  
 Herschler Building  
 Cheyenne, WY 82002  
 (307) 777-7046

30 CFR	840.11 (a) – Partial Inspection	840.11 (b) – Complete Inspection
Hours	7hours per inspection	23 hours per inspection

No concerns were identified regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the required information to be collected. The hours required and associated monies reflect an accurate assessment.

On October 3, 2012, OSM published in the Federal Register (77 FR 60459) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public

60 days in which to comment. However, no comments were received.

9. Not applicable. OSM does not provide payments or gifts to respondents. However, OSM does provide 50% of funds in the form of grants to respondents which are authorized by Congress.
10. Not applicable. Inspection reports are available to the public as required in Section 517(f) of the Act and 30 CFR 840.14.
11. Not applicable. No sensitive questions are asked.
12. Reporting and Reviewing Burden
  - a. Estimate of Respondent Reporting Burden
    - (1) Complete Inspections
      - o Based on the information provided by the mining inspectors identified in item 8 above, inspections at eastern mines, where the majority of mines are located, average 8 hours per complete inspection, including the time required to prepare the written report. An average of 23 hours is required to conduct an inspection and prepare the written report in the larger Western mines. An average of 12 hours is required to conduct an inspection and prepare the written report for Mid-Continent mines. Therefore, the weighted average burden is 9 hours. This estimate is supported by OSM's database which maintains information on OSM-conducted inspections throughout the country.
      - o According to OSM's Annual Report and the summary evaluation report for FY 2011, 28,752 complete inspections were conducted during FY 2011 by the 24 SRA's, or approximately 1,198 complete inspections per SRA. Therefore, 28,752 complete inspections x 9 hours to conduct a complete inspection and prepare a report = **258,768 hours** for all respondents.
    - (2) Partial Inspections
      - o An estimated 6 hours is required for an inspector to conduct a partial inspection. This estimate is derived from discussions with those identified in item 8 above, and by data for OSM partial inspections.
      - o According to OSM's 2011 Annual Report and the summary evaluation report, 77,558 partial inspections were conducted by the 24 SRA's, or approximately 3,232 partial inspections per SRA. Therefore, 77,558

partial inspections x 6 hours to conduct a partial inspection and prepare a report = **465,348 hours** for all respondents.

The total burden to respondents to conduct all inspections and prepare the accompanying reports per year for all surface coal mining sites is 258,768 hours for complete inspections + 465,348 hours for partial inspections = approximately **724,116 burden hours**.

b. Estimate of Respondent Annual Wage Cost

(1) Complete Inspections

OSM estimates that a State reclamation specialist will require 9 hours to conduct a complete mine inspection and prepare a written report. A State inspector will earn approximately \$25.88 per hour as a physical scientist derived from [http://www.bls.gov/oes/2008/may/naics4\\_999200.htm](http://www.bls.gov/oes/2008/may/naics4_999200.htm), plus benefits using a factor of 1.5 per the Bureau of Labor Statistics news release, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—June 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>). Therefore, at a wage rate of \$38.82 per hour, the cost to a SRA to conduct one complete inspection would be \$38.82 x 9 hours = \$349 (rounded). The wage cost to all SRA's to conduct complete inspections is 28,752 complete inspections x 9 hours x \$38.82 per hour = \$10,045,373.

(2) Partial Inspections

The cost to a SRA to conduct one partial inspection would be \$38.82 x 6 hours = \$233 (rounded). The wage cost to all SRA's to conduct partial inspections is 77,558 partial inspections x 6 hours x \$38.82 per hour = \$18,064,809

The total wage cost to all SRA's to conduct all inspections is \$28,110,182.

13. a. Annualized Capital and Start-up Costs

Capital and start-up costs are minimal since compliance is either associated with customary business practices by the SRA or is paid in large measure by Federal grants.

b. Operation and Maintenance Costs

There are no significant or distinct operation or maintenance costs associated with this section beyond that required under normal and customary business activities, or for which the Federal Government has provided for in grant monies.

14. Estimate of Cost to the Federal Government

a. Oversight

(1) Complete inspections

Federal oversight of 30 CFR 840.11 (a) for complete inspections takes approximately 4 hours per SRA. A GS 12, step 1 reclamation specialist will conduct the review, earning \$32.97 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus benefits using a factor of 1.3 derived from OSM's Financial and Business Management System. Therefore, at a wage rate of \$42.86 per hour, the cost to conduct Federal oversight reviews of SRA's for complete inspections would be  $\$42.86 \times 4 \text{ hours} \times 24 \text{ respondents} = \$4,115$  (rounded).

(2) Partial Inspections

Federal oversight of 30 CFR 840.11 (b) for partial inspections takes approximately 4 hours per SRA. Therefore, at a wage rate of \$42.86 per hour, the cost to conduct Federal oversight reviews of SRA's for partial inspections would be  $\$42.86 \times 4 \text{ hours} \times 24 \text{ respondents} = \$4,115$  (rounded).

Total OSM oversight costs for 30 CFR 840.11 per year are \$8,230.

b. Federal Program States and Indian Lands: OSM is the regulatory authority in Tennessee, Washington, and on Indian lands.

(1) Complete inspections

Complete Federal inspections take approximately 9 hours. As discussed above, a GS 12, step 1 reclamation specialist will conduct the inspection at \$386 (rounded) per complete inspection (9 hours x \$42.86). Based on FY 2010 annual report data, OSM conducts 620 complete inspections per year. Therefore,  $620 \text{ inspections} \times \$386 \text{ per inspection} = \$239,320$ .

(2) Partial Inspections

Partial Federal inspections take approximately 6 hours. A GS 12, step 1 reclamation specialist will conduct the inspection at \$257 (rounded) per partial inspection (6 hours x \$42.86). Based on FY 2010 annual report data, OSM conducts 1,010 partial inspections per year. Therefore,  $1,010 \text{ inspections} \times \$257 \text{ per inspection} = \$259,570$ .

Total OSM Federal program cost per year is \$498,890, and the total estimated cost for all activities by the Federal government is \$8,230 for oversight +

\$498,890 for Federal programs = \$507,120.

15. The burden hour estimates are based on discussions with individuals identified in item 8 above and OSM's experience as a regulatory authority under Federal programs for States and Federal lands. The number of respondents is derived from OSM's FY 2011 Annual Report and Summary Regulatory Program statistics.

This request represents an increase of 163,668 hours to the currently approved collection burden for this section. The increase in the burden hours for this section is attributed to a reestimate in the amount of time needed to conduct complete inspections, and an increase in the number of partial inspections conducted nationally by SRA's.

This collection request will change the burden for this section as follows:

560,446 Hours currently approved for complete and partial inspections
+ <u>163,668</u> Hours due to an adjustment in respondent burden
724,116 Hours requested

16. OSM publishes this data annually in accordance with sections 517(f) and 706 of the Act.
17. Not applicable. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.
18. Not applicable. There are no exceptions to the certification statement.

## 30 CFR 840.11(h) - Alternate inspections on AML sites

### Justification

1. Section 517(c) of the Act requires the SRA to conduct an average of one partial inspection per month and an average of one complete inspection per calendar quarter on each surface coal mining and reclamation operation under its jurisdiction. 30 CFR 840.11 authorizes a separate inspection frequency for abandoned surface coal mining and reclamation operations. In those instances where an alternative inspection frequency is warranted, 30 CFR 840.11(h) requires the SRA to conduct a complete inspection of the abandoned site and prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. In addition, the SRA must publish a newspaper notice providing the public with a 30-day period in which to comment. The announcement includes information on the permittee, location of the abandoned site, bond status, and justification for the reduced inspection frequency.
2. This information is used by the SRA to justify to the public and OSM, its deviation from the required inspection frequency of each site set forth in Section 517(c) of the Act.
3. This information is unique to each respondent. Respondents are SRA's who will prepare their justification for a reduction in inspection frequency. The justification and newspaper articles are prepared on a computer, but are maintained in paper form for review by the public or submitted to the newspaper for publication.
4. No similar information is collected pertaining to inspection and enforcement actions by OSM or any other Federal Agency on abandoned sites.
5. There are no special provisions for small businesses and are not appropriate since respondents are State and Federal agencies.
6. Not applicable. Information is collected only once by State and Federal agencies responsible for the regulation of surface coal mining and reclamation operations.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. Three regulatory authorities were contacted in August 2011, to validate the information collection requirements:

Billie Ratliff  
Department for Natural Resources  
Division Mine Reclamation and Enforcement  
2 Hudson Hollow  
Frankfort, Kentucky 40601  
(502) 564-2340

30 CFR	840.11 (h)
Hours	4 hrs/occurrence

Cliff Holloway  
Illinois-DNR, Office of Mines & Minerals  
503 East Main St.  
Benton, Il 62812  
(618) 439-9111

30 CFR	840.11 (h)
Hours	4 hrs/occurrence

Nancy Nuttbrock  
Wyoming-DEQ, Land Quality Division  
122 West 25<sup>th</sup> St.  
Herschler Building  
Cheyenne, WY 82002  
(307)-777-7046

30 CFR	840.11 (h)
Hours	4 hrs/occurrence

No concerns were identified regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the required information to be collected. The hours required and associated monies reflect an accurate assessment.

On October 3, 2012, OSM published in the Federal Register (77 FR 60459) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. OSM provides no payments or gifts to respondents beyond grant monies approved by Congress.
10. Not applicable. Inspection reports are available to the public as required in Section 517(f) of the Act and 30 CFR 840.14 and newspaper announcements are public

information.

11. Not applicable. No sensitive questions are asked.

12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

OSM estimates that there are approximately 24 abandoned sites where the SRA prepares written justifications and submits newspaper announcements to reduce inspection frequencies annually. This estimate is derived from conversations with the reclamation specialists identified in item 8 above.

An estimated 4 hours is required for an inspector to prepare the written findings and newspaper announcement required by this section. This estimate reflects only the time needed to prepare the written documents and newspaper notice. The inspections required prior to preparation of the written findings are contained in section 30 CFR 840.11 presented above.

1 respondent x 2 written documents (the findings and the newspaper notice) x 4 hours = 8 hours per respondent x 24 sites = **192 hours** for all respondents.

b. Estimate of Respondent Annual Wage Cost

OSM estimates that a State reclamation specialist will require 8 hours to prepare the documentation for this section. This employee will earn approximately \$25.88 per hour as a physical scientist derived from

[http://www.bls.gov/oes/2008/may/naics4\\_999200.htm](http://www.bls.gov/oes/2008/may/naics4_999200.htm), plus benefits using a factor of 1.5 per the Bureau of Labor Statistics news release, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—June 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

Therefore, at a wage rate of \$38.82 per hour, the cost to a SRA to prepare the justification to reduce the inspection frequency at one abandoned site would be \$38.82 x 8 hours = \$311 per response (rounded), or \$7,464 for all 24 decisions.

13. Estimate of Total Annual Cost Burden

a. Annualized Capital and Start-up Costs

There are no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements of 30 CFR 840.11(h)(2), other than the newspaper notice required. OSM estimates that the SRA's would incur a total annual cost of \$1,440 (24 notices x \$60 for publication of each notice in a local newspaper).

b. Operation and Maintenance Costs

There are no significant or distinct operation or maintenance costs associated with this section beyond that required under normal and customary business activities.

14. Estimate of Cost to the Federal Government

Oversight.

In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 840.11(h) in the absence of an indication of problems. OSM estimates it will conduct one oversight review of this activity in one State per year. OSM estimates that the oversight review will require 4 hours. A GS 12, step1 reclamation specialist will conduct the review, earning \$32.97 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus benefits using a factor of 1.3 derived from OSM's Financial and Business Management System. Therefore, at a wage rate of \$42.86 per hour, the cost to conduct oversight is  $\$42.86 \times 4 \text{ hours} = \$171$  (rounded).

Federal Programs.

OSM estimates that we will prepare one written justification and newspaper announcement to reduce inspection frequencies annually. This estimate is derived from OSM's experience as a regulatory authority.

An estimated 4 hours is required for an OSM reclamation specialist to prepare the written findings and newspaper announcement required by this section. At \$42.86 per hour as discussed above, the estimated wage cost to OSM under Federal programs is  $4 \text{ hours} \times \$42.86 \text{ per hour} = \$171$  (rounded). Including \$60 for the newspaper announcement, the Federal program cost is \$231.

The total Federal cost is  $\$171 \text{ for oversight} + \$231 \text{ for Federal programs} = \$402$ .

15. The burden hour estimates are based on discussions with respondents identified in item 8 above, and OSM's staff expertise and experience as regulatory authority under Federal programs for State and Federal lands. The respondents are those included in OSM's 2011 summary Regulatory Statistics. OSM estimates the total reporting burden is 192 hours (24 sites x 2 written documents each x 4 hours). This collection request will not change the 192 burden hours currently approved by OMB.
16. Not applicable. OSM has no plans to publish the information collected.
17. Not applicable. OSM is not seeking a waiver from the requirement to display the

expiration date of the OMB approval of the information collection.

18. Not applicable. There are no exceptions to the certification statement.

## 30 CFR 840.14(a)-(c) - Availability of records

### **Justification**

1. This section requires copies of all information obtained by the SRA's relating to inspection and enforcement be made available to the public and the Director, OSM, upon request. The purpose of this section is to encourage citizen participation in the enforcement of the Act by making inspection and enforcement records readily available. Information relating to the availability of records involving permit applications is covered under the information collection requirements of 30 CFR 772 and 773.
2. This information is used by OSM and the public to determine whether the SRA is properly enforcing the inspection and enforcement provisions of their approved State program. The information is needed to ensure that required safety and environmental concerns are being adhered to by the SRA's.
3. This information is unique to each SRA and inspection site. Respondents are the 24 SRA's who furnish inspection data to ensure compliance with the Act, the State regulatory program, and applicable environmental laws. All medium to large coal producing States maintain a database of inspection and enforcement records accessible by OSM. Therefore, approximately 75% of this information is electronic.
4. No similar information is collected pertaining to inspection and enforcement actions by OSM or any other Federal agency. Since the contents of the records collected will vary with each SRA, there is no available information which can be used in lieu of that supplied by the SRA.
5. There are no special provisions for small businesses and are not appropriate since respondents are State agencies.
6. Information is collected on each surface coal mining operation under the jurisdiction of the SRA. The collection is needed to determine if the SRA is properly enforcing the inspection and enforcement provisions of its approved State program.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. Three regulatory authorities were contacted in August 2011, to validate the information collection requirements:

Billie Ratliff  
 Department for Natural Resources  
 Division Mine Reclamation and Enforcement  
 2 Hudson Hollow  
 Frankfort, Kentucky 40601  
 (502) 564-2340

30 CFR	840.14 (a-c)
Hours	520 hrs/year

Cliff Holloway  
 Illinois-DNR, Office of Mines & Minerals  
 503 East Main St.  
 Benton, Il 62812  
 (618) 439-9111

30 CFR	840.14 (a-c)
Hours	2080 hrs/year

Nancy Nuttbrock  
 Wyoming-DEQ, Land Quality Division  
 122 West 25<sup>th</sup> St.  
 Herschler Building  
 Cheyenne, WY 82002  
 (307) 777-7046

30 CFR	840.14 (a-c)
Hours	381 hrs/year

No concerns were identified regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the required information to be collected. The hours required and associated monies reflect an accurate assessment.

On October 3, 2012, OSM published in the Federal Register (77 FR 60459) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. OSM provides no payments or gifts to respondents beyond grant monies approved by Congress.

10. Not applicable. Inspection reports are available to the public as required in Section 517(f) of the Act and 30 CFR 840.14.

11. Not applicable. No sensitive information is required.

12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

Based on reviews and discussions with the SRA's listed in item 8 above it takes an average of 993 hours annually to compile the inspection and enforcement reports and documents required under 30 CFR 840.14(a)-(c). The SRA's maintain the records addressed in 30 CFR 840.14 as part of the normal course of administering their regulatory program. Therefore, the burden estimate for this section does not include the time for record maintenance; it only includes the normal clerical hours associated with preparation and reproduction of the records.

24 respondents (SRA's) x 993 hours = **23,832 hours**.

b. Estimate of Respondent Annual Wage Cost

OSM estimates that a State information clerk will require 993 hours to make the records available to the public and OSM, earning approximately \$14.77 per hour (derived from [http://www.bls.gov/oes/2008/may/naics4\\_999200.htm](http://www.bls.gov/oes/2008/may/naics4_999200.htm)). Including benefits of 1.5 (per Bureau of Labor Statistics news release, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—June 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), the cost for an information clerk would be approximately \$22.16 per hour. The cost to a SRA would be 993 hours x \$22.16 = \$22,005 (rounded), or \$528,120 for all 24 SRA's.

13. Estimate of Total Annual Cost Burden

a. Annualized Capital and Start-up Costs

There is no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements of 30 CFR 840.14.

b. Operation and Maintenance Costs

There are no significant or distinct operation or maintenance costs associated with this section beyond that required under normal and customary business activities.

14. Estimate of Cost to the Federal Government

Oversight.

There is no specific burden for oversight of 30 CFR 840.14 (a-c). OSM reviews this information when they receive and review the inspection reports and in preparation of Federal oversight inspections.

Federal Programs.

OSM estimates that we require approximately 300 hours annually reproducing and making available reports generated from inspection and enforcement. A GS 3, step 5 office assistant will prepare the reports, earning \$13.54 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)) plus benefits using a factor of 1.3 derived from OSM's Financial and Business Management System. Therefore, at a wage rate of \$17.60 per hour, the cost to OSM under Federal programs is 300 hours x \$17.60 per hour = \$5,280.

15. Based on discussions with SRA's it takes an average of 993 hours annually to make available copies of the inspection and enforcement documents required under 30 CFR 840.14(a)-(c). This estimated number of burden hours is based on discussions with those identified in item 8.

Therefore, 993 hours x 24 SRA's = 23,832 total burden hours.

The currently approved collection authority for this section contains 14,832 burden hours. This request represents an increase of 9,000 hours due to a reestimate in burden per respondent.

This collection request will change the burden for this section as follows:

14,832 Hours currently approved by OMB  
+ 9,000 Hours due to an adjustment  
23,832 Hours requested

16. This is an ongoing information collection requirement with no ending data and no plans for publication.
17. Not applicable. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.
18. Not applicable. There are no exceptions to the certification statement.