

**Supporting Statement for Paperwork Reduction Act
Submission for 30 CFR 732 - Procedures and Criteria for
Approval or Disapproval of State Program Submissions**

OMB Control Number 1029-0024

Terms of Clearance: None

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 Item 17 of the OMB Form 83-I 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 information.*
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 (Item 5 of OMB Form 83-I), 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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

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.

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 in Item 13 of 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.

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 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 costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. 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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.
15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.
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 certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results.

Supporting Statement for 30 CFR Part 732

Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to request an extension of the current Office of Management and Budget (OMB) approval to collect information under 30 CFR Part 732, OMB control number 1029-0024. The regulations govern the submission of information regarding the effective implementation of State programs regulating surface coal mining and reclamation operations. The information collection requirements contained in 30 CFR Part 732 are needed to meet the requirements of the Surface Mining Control and Reclamation Act of 1977 (the Act).

The information collection requirements for this part are contained in 30 CFR 732.16(a), 30 CFR 732.17(b), and 732.17(f) and (g). The justification statements that follow discuss each section separately.

INFORMATION COLLECTION SUMMARY FOR 30 CFR PART 732					
SECTION	RESPONSES	HOURS PER RESPONSE	TOTAL HOURS	CURRENT ICB HOURS	CHANGES TO ICB
732.16(a)	24	106	2,544	1,248	1,296
732.17(b)	1	5	5	5	0
732.17(f) and (g)	20	300	6000	5200	800
TOTALS	45		8,549	6,453	2,096

Supporting Statement for 30 CFR 732.16(a)

A. Justification

1. This section authorizes the Director to establish, as necessary, terms and conditions for the operation of a State program including establishment of a system for the State to regularly report to OSM on information collected by the State during the administration of its program. Authority for this regulation comes from section 201(c) and 706 of the Act.
2. The reporting requirements contained in 30 CFR 732.16(a) are necessary for the Director to fulfill the responsibilities outlined in Section 201(c) of the Act to administer the program for controlling surface coal mining operations and to make those investigations and inspections necessary to ensure compliance with the Act. The information submitted by the State is used by OSM in evaluating whether the State is meeting the provisions of the approved State program. Each State has already generated the data for its own programmatic use. The State only transmits this data to OSM for use in oversight. In addition, the information collected from the State is used by OSM in preparing the annual report required by section 706 of the Act and other programmatic information to ensure the effective administration and operation of the State program. If the information were not collected OSM would be unable to determine if the State regulatory authority were properly enforcing the requirements of the Act, would not have the data necessary to prepare the annual report required by section 706 and ensure program implementation of the State program.
3. This information is unique to each respondent. Respondents are State regulatory authorities that submit information to OSM to be evaluated for compliance with the approved State program. OSM prepares the format for each table and electronically sends them to the States. The State regulatory authorities complete the tables and electronically return them to OSM. Paper form is rarely used.
4. No other Federal agency collects this information. Responses are specific to requirements found in the Act.

5. There are no small organizations involved in this collection.
6. Information is collected annually to provide OSM with sufficient oversight capabilities. If the information were collected less frequently, OSM would not be able to properly monitor the State's enforcement of the Act.
7. The guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. The proposed rules were sent to State officials and made available to the public. Proposed rules were published in the Federal Register on September 18, 1978 (43 FR 41662), with a 40-day comment period. The final rules were promulgated on March 13, 1979 (44 FR 14902).

In 2007, the State regulatory programs in Alaska and West Virginia were consulted regarding their views on this information collection effort. The persons contacted were:

Bruce Buzby, Geologist
Alaska Department of Natural Resources
550 W. 7th Ave, Suite 920
Anchorage, AK 99501-3577
(907) 269-8650

Charles Sturey, Assistant Director
Department of Environmental Protection
Division of Mining & Reclamation
Program Development
601 57th Street Room 3166
Charleston, WV 25304
(304) 926-0499, ext. 1526

Mr. Sturey did express the State's concern about the complexity of data collection. However, OSM field offices work with each State to ensure that the information being received is complete and accurate. No other concerns regarding availability of data, frequency of collection, clarity of instructions or record keeping were expressed.

On June 4, 2007, OSM published in the Federal Register (72 FR 30830) 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 beyond grant money authorized by Congress.

10. Not applicable. No confidential information is solicited.

11. Not applicable. Sensitive questions are not asked.

12. Reporting and Reviewing Burden

a. Estimate of Burden to Respondents

There are 24 State regulatory authorities with each requiring 106 hours annually to prepare the reports.
 $24 \text{ respondents} \times 106 \text{ hours/report} = 2,544 \text{ burden hours.}$

b. Estimate of Wage Cost to the Respondents

Using a rate of pay of \$45 per hour, the annual cost for each respondent would be $\$45 \times 106 \text{ hours} = \$4,770$. The total cost for all respondents would be $24 \text{ respondents} \times \$4,770$ or \$114,480.

13. a. Total Capital and Start-up Cost

Capital and start-up costs are minimal since compliance is associated with customary business practices beyond grants and services provided by OSM.

b. Total Operations and Maintenance Cost

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

14. Federal Government Costs

The estimate below is based on OSM's staff experience in reviewing annual State submissions. OSM estimates it will take 25 hours to review each State report. $24 \text{ States} \times 25$

hours/report x \$45 per hour = \$27,000 total cost to Federal Government.

15. The estimate below is based on the information provided by respondents identified in item 8 above, OSM's annual report and experience in the collection of State programmatic data.

There are currently 1,248 hours currently approved by OMB. This collection request will increase the hours approved by 1,296. This increase is suggested to be due to re-estimate of respondent burden. The burden under this section will change as follows:

1,248 hours currently approved
+ <u>1,296</u> hours due to reestimate in respondent burden
2,544 hours requested

16. There are no plans for publication of this information.
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 in item 19 of OMB 83-I.

B. Collections of Information Employing Statistical Methods

Statistical methods are not employed.

Supporting Statement for 30 CFR 732.17(b)

A. Justification

1. The authority for section 732.17(b) is found in sections 201(c)(1), 201(c)(2) and 503 of the Act.

Section 732.17(b) requires States operating under approved programs to notify the Director, in writing, of any significant events that affect implementation, administration or enforcement of a State program.

This notification is necessary because States were given approval to regulate surface coal mining and reclamation operations within the State based on the facts presented at the time approval was requested. If these facts change or events occur that might impair the State from enforcing the requirements of the Act contained in its approved program, then OSM must be notified.

2. The notification and information submitted by a State pursuant to section 732.17(b) is used by the Director to determine whether a State is still capable of enforcing its regulatory program as approved by the Secretary. The Director must review the information submitted by the State within 30 days. The Director may determine that the event does not have a significant impact on the approved program and therefore no action is required by the State. On the other hand, the Director may determine that in view of the changes that have occurred, it is necessary to either require a State program amendment or implement a Federal program for the State. Subparagraphs (1) through (7) list the minimal events which OSM believes would require notification by the State because their occurrence could impair the State's ability to enforce the State program approved by the Secretary.

If this information were not collected, OSM would not be able to determine if the State were still capable of regulating surface coal mining and reclamation operations in accordance with the State program approved by the Secretary.

3. This information is unique to each respondent. Respondents are State regulatory authorities that submit a written notification to the Director, OSM, of any significant event

that affect the implementation, administration or enforcement of the State program. State regulatory authorities prepare the letter on computer and send or hand-carry to OSM. Due to the infrequent nature of this collection it is not practical to require States to supply the information by computer, or for OSM to automate its processing of responses.

4. This information might be available in local newspapers or State records of legislative and administrative actions. However, requiring the regulatory authority to notify OSM is in keeping with clear communication between OSM and the States. Information may not be received timely or accurately if OSM relied on other sources.
5. There are no small organizations involved in this collection.
6. Information is collected only when a significant event affecting an approved State program occurs. The frequency of collection can therefore not be reduced.
7. The guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. In 2007, the State regulatory programs in Alaska and West Virginia were consulted regarding their views on this information collection effort. The persons contacted were:

Bruce Buzby, Geologist
Alaska Department of Natural Resources
550 W. 7th Ave, Suite 920
Anchorage, AK 99501-3577
(907) 269-8650

Charles Sturey, Assistant Director
Department of Environmental Protection
Division of Mining & Reclamation
Program Development
601 57th Street Room 3166
Charleston, WV 25304
(304) 926-0499, ext. 1526

Neither man expressed concerns regarding the complexity of data collection, availability of data, frequency of collection, clarity of instructions or recordkeeping.

On June 4, 2007, OSM published in the Federal Register (72 FR 30830) 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 beyond grant money authorized by Congress and the Act.

10. Not applicable. No confidential information is solicited.

11. Not applicable. Sensitive questions are not asked.

12. Reporting and Reviewing Burden

a. Estimate of Burden to Respondents

There are 24 primacy States that are required to respond. OSM has not received any significant event letters in the last three years; therefore there are 0 burden hours to report. However, for the purposes of this collection, we are assuming one respondent per year.

b. Estimate of Wage Cost to the Respondents

Not applicable. No events reported.

13. a. Total Capital and Start-up Cost

There are no capital or start-up costs associated with this collection of information.

b. Total Operations and Maintenance Cost

There are no significant or distinct operations or maintenance costs associated with this section.

14. Federal Government Costs

Not applicable. No events reported.

15. There are currently 5 hours approved by OMB for this section. Due to the maturity of State programs and open communication between States and OSM, there are far fewer events that occur at the State level which are not resolved informally prior to the events becoming significant. This explains the small response rate. OSM will maintain a minimal burden for this section in case a State utilizes burden for this special event in the next few years.

5 hours currently approved
- 0 hours due to change in use
5 hours requested

16. There are no plans for publication of this information.
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 statement in item 19 of OMB 83-I.

B. Collection of Information Employing Statistical Methods

This section is not applicable. Statistical methods are not employed.

Supporting Statement for 30 CFR 732.17(f) and (g)

A. Justification

1. The authority for section 732.17(f) and (g) is found in sections 201(c)(1), 201(c)(2) and 503 of the Act. These sections require States operating under approved programs to submit to the Director, as amendments, any proposed changes to laws and regulations that make up the State program.
2. State program amendments submitted pursuant to section 732.17(f) and (g) are reviewed by the Director, as well as published in the Federal Register. Before approving amendments, the Director is required to publish a notice of receipt in the Federal Register. The notice of receipt also outlines the public comment period and other pertinent information. Upon the close of the comment period, the Director considers all relevant information to determine if the amendment should be approved and prepares a final rule that notifies the State and the public of the approval.
3. This information is unique to each respondent. Respondents are State regulatory authorities that submit information to OSM to be evaluated for compliance with the approved State program. Information submitted includes:
 - if the revisions significantly differ from the corresponding Federal provision, the rationale for the changes, any technical justification for the changes, and their legal effect;
 - a precise identification of existing language being deleted and new language being added, by means of underlining, bracketing or striking out;
 - a legal opinion from the attorney general of the State or Chief legal officer of the State regulatory authority.

For these reasons, it is not practical for States to supply the information by computer, or for the bureau to automate its processing of responses.
4. Other Federal agencies do not require this information. Each State program amendment has specific characteristics for each State program. There is no duplication of effort and

there is no other information that would satisfy the law.

5. Not applicable. There are no small organizations involved in this collection. Respondents are the 24 State regulatory authorities that oversee the coal industry.
6. Information is collected only when a State submits documents to amend its rules. The frequency of collection can therefore not be reduced.
7. The guidelines in 4 CFR 1320.5(d)(2) are not exceeded.
8. In 2007, the States of Alaska and West Virginia were consulted regarding their views on this information collection effort. The persons contacted were:

Bruce Buzby, Geologist
Alaska Department of Natural Resources
550 W. 7th Ave, Suite 920
Anchorage, AK 99501-3577
(907) 269-8650

Charles Sturey, Assistant Director
Department of Environmental Protection
Division of Mining & Reclamation
Program Development
601 57th Street Room 3166
Charleston, WV 25304
(304) 926-0499, ext. 1526

Neither man expressed concerns regarding the complexity of data collection, availability of data, frequency of collection, clarity of instructions or recordkeeping.

On June 4, 2007, OSM published in the Federal Register (72 FR 30830) 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 grants to respondents, which are authorized by Congress.

10. Not applicable. Confidential information is not requested.

11. Not applicable. Sensitive questions are not asked.

12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

There are 24 primacy States that are required to respond. On an average, a total of 20 State program amendments are processed per year. Based on discussions with the State regulatory authorities identified in item 8 above, each amendment package takes an estimated 300 hours to prepare. Therefore, 300 hours per submission x 20 submissions = 6,000 burden hours.

b. Estimate of Respondent Annual Wage Cost

Using a rate of pay of \$45 per hour, the annual cost for each respondent would be: \$45/hour x 300 hours/ submission = \$13,500. There are 24 State regulatory authorities submitting a total of 20 proposed State Program amendment packages. Therefore, the total burden for all States is: \$13,500 x 20 = \$270,000.

13. a. Annualized Capital and Start-up Costs

Capital and start-up costs are minimal since compliance is associated with customary business practices. Further, State regulatory authorities are, in part, subsidized by Federal grants.

b. Total Operations and Maintenance Cost

There are no significant or distinct operations or maintenance costs associated with this section.

14. Federal Government Costs

Based on OSM's staff expertise and experience in the processing of proposed State program amendments, OSM estimates it takes 50 hours to review each proposed State program amendment. A total of 20 amendments are submitted

per year x 50 hours per amendment = 1,000 hours x \$45/hour = \$45,000 total cost to the Federal Government.

15. The estimate below is based on information provided by the regulatory authorities identified in item 8 above.

There are currently 5,200 hours approved for this section. The increase is a result of re-estimate of respondent burden, from 200 to 300 hours. However, this is offset somewhat by a reduction in use, from 26 amendments to 20. The burden under this section will change as follows:

5,200	hours currently approved
+ 800	hours due to adjustments
6,000	hours requested

16. There are no plans for publication of this information.
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 not exceptions to the certification statement in item 19 of OMB 83-I.

B. Collection of Information Employing Statistical Methods

This section is not applicable. Statistical methods are not employed.