

**Supporting Statement for Paperwork Reduction Act  
for 30 CFR Part 745  
State-Federal Cooperative Agreements**

**OMB Control Number 1029-0092**

**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.*

## Introduction

This information clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to request renewal for the information collection clearance requirements specified in 30 CFR Part 745, previously approved by the Office of Management and Budget (OMB) and assigned clearance number 1029-0092. These regulations discuss the requirements that must be met by State regulatory authorities to request and enter into State-Federal cooperative agreements, and the reporting requirements under these agreements. Three sections of Part 745 have information collection activities: 745.11, 745.12, and 745.16.

SUMMARY FOR 30 CFR 745

Section	Respondents	Hours per Response	Total Hours	Hours in ICB	Change to ICB
745.11	1	120	120	40	+80
745.12	10	48	480	288	+192
745.16	1	20	20	7	+13
Total	12		620	335	+285

**Supporting Statement for Reporting Requirements  
for 30 CFR Part 745.11**

**A. Justification**

1. Section 523(c) of the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1201 et seq., provides that a State with an approved State program may elect to enter into a cooperative agreement with the Secretary of the Interior to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State.

OSM regulations at 30 CFR 745 implement section 523(c) of SMCRA which requires that information be submitted that will allow OSM to determine if a cooperative agreement should be entered into between the Secretary and the State. The regulations also specify the terms and provisions that need to be included in a cooperative agreement.

2. The information required by 30 CFR 745.11 includes a request from the Governor of the State to the Secretary with enough detail for OSM to make findings that the State has an approved State program; the State regulatory authority has sufficient budget, equipment, and personnel to fully enforce its regulatory program on lands subject to 30 CFR 745 in the State; and that the State has the legal authority to enter into the cooperative agreement. Further, the regulations require a certification by the Attorney General or the Chief Legal Officer of the State regulatory authority that no State statutory, regulatory, or legal constraint exists which would preclude the State regulatory authority from fully carrying out the proposed cooperative agreement. OSM will use this information to recommend to the Secretary that a cooperative agreement be entered into with the State.

Each cooperative agreement is required to include terms obligating the State regulatory authority to inspect all surface coal mining and reclamation operations on Federal lands in accordance with the State regulatory program and to enforce the State program on Federal lands. These requirements are designed to ensure that the State will carry out the responsibility mandated in SMCRA to regulate surface coal mining and reclamation operations to protect society and the environment from the adverse impacts of such operations. The terms of the agreement must also include a description of the powers and authority reserved by the Secretary, including but not limited to those specified

under section 745.13, to assure that those non-delegatable responsibilities are retained by the Secretary. Provisions are also required for the administration and enforcement of 30 CFR 745 by OSM and the State to minimize overlap and duplication, to ensure that the purpose of a cooperative agreement, which is to allow the State to administer and enforce the State program on Federal lands in the State, is achieved to the maximum extent practicable.

If the agreement as proposed by the State does not include all required provisions, it would need to be modified by OSM in consultation with the State before it could be published as Federal rulemaking in the Federal Register. Until all the required terms are incorporated, OSM could not make the necessary findings required by 30 CFR 745.11 and consequently would not be able to recommend Secretarial approval of the cooperative agreement.

3. The requested information is unique to the State and no other source is available. Although States may prepare the documentation electronically, OSM requires original signatures by the State Attorney General. Virtually all coal-producing States already have cooperative agreements. Therefore, OSM does not anticipate any further activity for this section in the near future, making it impractical to require States to submit the information electronically.
4. No other Federal agencies require this information.
5. There are no small businesses or other small entities involved in this information collection.
6. The request to enter into a cooperative agreement is a one-time requirement. Therefore, it is not possible to reduce the frequency of collection. This collection is stimulated by a State's request to enter into a cooperative agreement.
7. There are no circumstances that require the collection of information to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2).
8. The Federal regulations pertaining to cooperative agreements under 30 CFR Part 745 were prepared by a Department Task Force composed of more than 100 people from nearly 20 Federal agencies, including the Bureau of Mines, Bureau of Land Management, Bureau of Indian Affairs, U.S. Geological Survey, and the Fish and Wildlife Service, all within the



U.S. Department of the Interior; the Mine Safety and Health Administration; the U.S. Forest Service and the Soil Conservation Service of the U.S. Department of Agriculture, the Environmental Protection Agency (EPA), Department of Labor, Department of Energy, and the Appalachian Regional Commission. As required by SMCRA, concurrence for these regulations was received by EPA [Section 501 (a) (B)], the U.S. Department of Agriculture [Sections 510(d)(1) and 515 (b) (7)] and the U.S. Army Corps of Engineers [Section 515(f)].

There has been no activity under this section for many years. The last request for a cooperative agreement occurred in 1999. As the existing information collection burden is expected to remain the same as previously reported, OSM did not contact respondents regarding written requests for cooperative agreements. The existing information collection burden is based on the most recent contact made in February 1999, when OSM staff contacted Mr. Mike Sponsler, Director of the Division of Reclamation, Indiana Department of Natural Resources, P.O. Box 129, Jasonville, Indiana 47438-9517, who estimated that approximately 120 hours were spent by Indiana staff to develop a cooperative agreement. As a good deal of the necessary regulatory language has already been developed by predecessor states, Indiana incorporated appropriate language from other states into their cooperative agreement to meet their needs. The same procedure is expected to be followed for any other future cooperative agreement. Therefore, this estimate is considered to be the best available estimate for any future request under this section.

On June 18, 2008, OSM published in the Federal Register (73 FR 34789) 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. No payments or gifts are provided to respondents beyond grants and funding authorized by SMCRA.
10. Not applicable. No confidential information is solicited.
11. Not applicable. Sensitive questions are not asked.

12. Reporting and Reviewing Burden

(a) Estimate of Respondent Reporting Burden.

OSM anticipates that no new agreements will be received in the next three years. However, assuming that OSM receives one each year, requiring 120 hours to prepare, the annual burden to complete 745.11 will be 120 hours per year.

(b) Estimate of Annualized Wage Costs.

The cost incurred by a State in carrying out the responsibilities under 30 CFR 745.11 is reimbursable under the provisions of 30 CFR 735.16 and the agreement, upon application to OSM for a cooperative agreement grant. Therefore, the costs incurred by a State in complying with the following regulations would be reimbursed to the State, resulting in no cost burden; these costs, however, are included below for information purposes.

Generally, States preparing cooperative agreements will use their attorneys to a great extent. Therefore, using U.S. Department of Labor's Bureau of Labor statistics figures for lawyers at the national level, [http://www.bls.gov/oes/current/oes\\_nat.htm#b23-0000](http://www.bls.gov/oes/current/oes_nat.htm#b23-0000), we estimate that the wage cost is \$54.65 per hour, or \$82 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. This equals approximately \$9,840 per cooperative agreement (\$82 x 120 hours).

13. As discussed in item 12 above, since the States are reimbursed under a cooperative agreement grant, there is no capital or operational costs associated with this collection.

14. Estimate of Cost to the Federal Government

OSM reviews all requests for cooperative agreements to ensure compliance with 30 CFR 745.11. Based on our experience, OSM spends about 200 hours in reviewing requests for cooperative agreements, consulting with and suggesting modifications to the State on the terms of the agreement, and in the preparation of Federal Register notices announcing the proposed and final agreements.

For one request for a cooperative agreement pursuant to 30

CFR 745.11, 200 hours is required. We estimate that the wage cost for a senior program analyst, GS 14, step 1 to review the documentation is \$44.96 per hour, or \$ \$67.44 per hour (which includes a factor of 1.5 for benefits). Therefore, OSM estimates the annual cost of reviewing and approving the request to be \$13,488 (200 x \$67.44).

Finally, since OSM provides grant funding in full to States for State-Federal cooperative agreements, OSM pays the operational and start-up costs from the States, which is approximately \$4,000 annually.

The total annual cost to the Federal government is \$17,488 (\$4,000+ \$13,488).

15. This estimate originally estimated burden as one response every three years. However, OSM will now estimate that one request is received annually (although we do not believe so). Therefore, this information collection request adjusts the burden by increasing the estimate from 40 hours to 120 hours for this section.
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. There are no exceptions to the certification.

Supporting Statement for Reporting Requirements  
of 30 CFR Part 745.12

A. Justification.

1. Section 523(c) of the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1201 et seq., provides that a State with an approved State program may elect to enter into a cooperative agreement with the Secretary of the Interior to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State.
2. Where lands containing leased Federal coal are involved, the agreement requires each State to provide OSM with written findings and technical analysis (to be included in the mine plan approval document) for each permit application package (PAP) indicating compliance with the regulatory program to assist OSM in meeting its responsibilities under other applicable laws and regulations. These reporting requirements that apply to State regulatory authorities are included in this information collection package. Other more general information collection requirements pertaining to permit applications themselves and the bonding and insurability requirements have already been addressed in relevant sections of 30 CFR regulations and therefore will not be addressed here.

Each agreement also requires the State to submit regular reports on the results of the State's implementation and administration of the cooperative agreement, to demonstrate the State's effectiveness in performing the activities required by the agreement. These reports are submitted in conjunction with each State's annual report in 30 CFR 732.16. The collection requirements for Part 732 have been approved by OMB and assigned clearance number 1029-0024.

3. The information provided by States, for mine plan approval documents, is unique to the State; no other source is available. Although States prepare the technical analysis and findings electronically, much of the documents submitted by the States are photocopies of signed concurrence letters from various other Federal and State agencies, NEPA compliance documents, and maps which the States receive in hardcopy. Therefore, it is not feasible for the States to submit the supporting materials for the mining plan decision documents electronically.

4. No other Federal agencies require this information.
5. There are no small businesses or other small entities involved in this information collection.
6. Preparation of the mine plan approval documents is a one-time requirement. Therefore, it is not possible to reduce the frequency of collection.
7. There are no circumstances that require the collection of information to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2).
8. OSM staff contacted the following staff from the States of Wyoming and New Mexico in April 2008 who recently prepared mine plan approval documents:

Don McKenzie, District III Supervisor  
Wyoming Department of Environmental Quality  
Sheridan District Office  
(307) 777-7046

Jim O'Hara, Coal Program Manager  
New Mexico Division of Mining and Minerals  
Santa Fe, NM  
(505) 476-3413

Ms. McKenzie estimated that approximately 8 hours were spent by Wyoming staff to provide the State's findings and technical analysis in the appropriate format to be incorporated into the mine plan approval document. As the written findings and technical analysis must be prepared for all permit applications, the burden is subsumed in Part 773 of the CFR (OMB control number 1029-0115). Mr. O'Hara noted that less time is needed, and estimated 4 hours to provide the State's documentation for mine plan approval documents. Since Wyoming processes many more mining plan actions than New Mexico, we consider the 8 hour estimate to be the most realistic estimate to use for the reporting burden.

Mr. O'Hara noted that, in addition, his office frequently assists the OSM Regional Office in their preparation of NEPA documentation. He estimated that this requires an additional 40 hours per package, which we add to the burden for this section.

On June 18, 2008, OSM published in the Federal Register (73 FR 34789) 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. No payments or gifts are provided to respondents beyond grants and funding authorized by SMCRA.
10. Not applicable. No confidential information is solicited.
11. Not applicable. Sensitive questions are not asked.
12. Reporting and Reviewing Burden

(a) Estimate of Respondent Reporting Burden.

The State regulatory authorities submit approximately 10 mine plan approval documents for leased Federal coal pursuant to 30 CFR 745.12(g). State regulatory authorities require approximately 48 hours per permit application to prepare findings and a technical analysis, and assist OSM with NEPA compliance in some States.

The information collection burden associated with 30 CFR 745.12(g) is estimated to be 48 hours for each of the 10 respondents for a total of approximately 480 hours per year for all respondents.

(b) Estimate of Annualized Wage Costs.

The cost incurred by a State in carrying out the responsibilities under 30 CFR 745 under a cooperative agreement are reimbursable under the provisions of 30 CFR 735.16 and the cooperative agreement, upon application to OSM for a cooperative agreement grant. Therefore, the costs incurred by a State in complying with the regulations would be reimbursed to the State, resulting in no cost burden; these costs, however, are included below for information purposes.

Using U.S. Department of Labor's Bureau of Labor statistics from [http://www.bls.gov/oes/current/naics4\\_999200.htm#b19-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b19-0000), a reclamation specialist, using the environmental engineer salary, would have a wage cost of approximately \$29

per hour, or approximately \$44 per hour including benefits calculated at 1.5 of hourly wages. The annual wage cost to each respondent to comply with 30 CFR 745 is 48 burden hours x \$44 per hour = \$2,112. The total wage cost to all respondents is \$2,112 x 10 = \$21,120.

13. There are no costs associated with this collection of information beyond that indicated in item 12 above.

14. Estimate of Cost to the Federal Government

OSM reviews the findings and technical analyses submitted by respondents in processing permit applications involving leased Federal coal pursuant to 30 CFR 745.12(g). Based on our experience, an average of about 200 hours is estimated for OSM review of these documents for each permit application. Assuming a reclamation specialist salary of a GS 12 step 5 at \$36.26, or \$54.39 including a factor of 1.5 for benefits, OSM estimates the annual cost to review the documentation submitted by all respondents and submit the package to the Secretary for signature would be \$54.39 x 200 hours x 10 responses = \$108,780. Additionally, OSM subsumes the cost of States under the cooperative agreement. Therefore, State wage costs of \$21,120 are incurred by OSM. The total Federal burden for this section is \$129,900(\$21,120 + \$108,780).

15. Based on discussions with the State representative identified in item 8 above, and OSM's experience with the preparation, processing, and administration of cooperative agreements, it will take approximately 48 hours for State regulatory authorities to prepare the documentation for each of the 10 mine plan decision documents, or 480 hours for all respondents.

Therefore, the burden for this section changes as follows:

288 Hours currently approved by OMB
+ <u>192</u> Hours due to increase in respondents
480 Hours requested

16. There are no plans for publication of this information.

17. Not applicable.

18. Not applicable.





Supporting Statement for Reporting Requirements  
of 30 CFR Part 745.16

A. Justification.

1. Section 523(c) of the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1201 et seq., provides that a State with an approved State program may elect to enter into a cooperative agreement with the Secretary of the Interior to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State.

OSM regulations at 30 CFR 745 implement section 523(c) of SMCRA which requires that information be submitted that will allow OSM to determine if a cooperative agreement should be entered into between the Secretary and the State. The regulations also specify the terms and provisions that need to be included in a cooperative agreement.

2. 30 CFR 745.16 authorizes a State to apply for reinstatement of a cooperative agreement, providing written notification that the State has remedied all defects that had caused the termination. OSM will use this information to recommend to the Secretary that a cooperative agreement be reinstated within the State.
3. The requested information would be prepared electronically by the State respondents but is submitted to OSM in hardcopy form. It is not practical for OSM to require this information electronically since there are no respondents anticipated for this section, and OSM requires original signatures by the State Attorney General.
4. No other Federal agencies require this information.
5. There are no small businesses or other small entities involved in this information collection.
6. The request to reinstate a cooperative agreement is a one-time requirement. Therefore, it is not possible to reduce the frequency of collection. This collection is stimulated by a State's request to reinstate a cooperative agreement.
7. There are no circumstances that require the collection of information to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2).

8. The Federal regulations pertaining to cooperative agreements under 30 CFR Part 745 were prepared by a Department Task Force composed of more than 100 people from nearly 20 Federal agencies, including the Bureau of Land Management, Bureau of Indian Affairs, U.S. Geological Survey, and the Fish and Wildlife Service, all within the U.S. Department of the Interior; the Mine Safety and Health Administration; the U.S. Forest Service of the U.S. Department of Agriculture, the Environmental Protection Agency (EPA), Department of Labor, Department of Energy, and the Appalachian Regional Commission. As required by SMCRA, concurrence for these regulations was received by EPA [Section 501 (a) (B)], the U.S. Department of Agriculture [Sections 510(d)(1) and 515 (b) (7)] and the U.S. Army Corps of Engineers [Section 515(f)].

OSM has never terminated a State-Federal cooperative agreement, and no State has ever asked for a reinstatement of an agreement. Therefore, there were no respondents who could be contacted to ask their views on the estimated burden associated with this collection activity. However, OSM staff estimates that respondents would require approximately 20 burden hours to prepare a request for reinstatement of a cooperative agreement.

On June 18, 2008, OSM published in the Federal Register (73 FR 34789) 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. No payments or gifts are provided to respondents beyond grants and funding authorized by SMCRA.
10. Not applicable. No confidential information is solicited.
11. Not applicable. Sensitive questions are not asked.
12. Reporting and Reviewing Burden

(a) Estimate of Respondent Reporting Burden.

Although OSM has never terminated, and therefore never received a request to reinstate a cooperative agreement, OSM will assume that one new request for reinstatement of a

cooperative agreement will be received each year. Based on discussions with OSM staff, each respondent will require approximately 20 hours to prepare the letter identifying corrections to State program defects and requesting reinstatement of the agreement. Therefore, assuming one request every year, the annual burden would be 20 hours x 1 response = 20 burden hours.

(b) Estimate of Annualized Wage Costs.

Theoretically, States preparing reinstatement cooperative agreements will use their attorneys to a great extent. Therefore, using U.S. Department of Labor's Bureau of Labor statistics figures for lawyers at the national level, [http://www.bls.gov/oes/current/oes\\_nat.htm#b23-0000](http://www.bls.gov/oes/current/oes_nat.htm#b23-0000), we estimate that the wage cost is \$54.65 per hour, or \$82 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. This equals approximately \$1,640 per cooperative agreement (\$82 x 20 hours).

13. There are no costs associated with this collection of information beyond that indicated in item 12 above.

14. Estimate of Cost to the Federal Government

Based on our experience, OSM would spend about 40 hours for each review request for reinstatement of cooperative agreements. Assuming that OSM must review one request for a reinstatement of a cooperative agreement every year, and assuming that a senior program analyst, GS 14, step 1 reviews the documentation using \$44.96, or \$67.44 per hour including a factor of 1.5 for benefits, OSM estimates the annual cost of reviewing and approving the request to be \$2,698 (40 x \$67.44) when rounded.

15. The estimates are based on discussions with OSM staff that work closely with State representatives who prepare cooperative agreements.

The approved information collection burden for this section is currently 7 hours. This is based on one reinstatement request every three years. However, OSM will now estimate that one request is received annually (although we do not believe so). Therefore, this collection request increases the estimated burden to 20 hours.

7 Hours currently approved by OMB

+ 13 Hours due to an adjustment - reestimate  
20 Hours requested

16. There are no plans for publication of this information.
17. Not applicable.
18. Not applicable.