

**SUPPORTING STATEMENT A**  
**30 CFR 842 – Federal Inspections and Monitoring**

**OMB Control Number 1029-0118**

Terms of Clearance: None

Introduction

This information collection clearance package is being submitted by the Office of Surface Mining (OSM) to request renewal approval to collect information under 30 CFR 842 of the OSM permanent regulatory program. Specifically, 30 CFR 842.12 allows citizens to submit a written request for a Federal inspection. OSM has prepared an electronic form on the OSM Home Page, and prepared a draft letter as an example to assist individuals with preparing a citizen complaint which requests a Federal inspection. These electronic formats make it easier for citizens to file a complaint and request a Federal inspection. They also meet the definition of an information collection activity requiring approval by the Office of Management and Budget (OMB).

## 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

### A. Justification

1. ***Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.***

Sections 517(h) and 521(a)(1) of the Surface Mining Control and Reclamation Act (the Act) allow any person to notify the Office of Surface Mining Reclamation and Enforcement (OSM) in writing of any violation which may exist at a surface coal mining and reclamation operation. Section 521(a)(1) of the Act also requires that OSM contact the person who filed the complaint, allowing him or her to accompany the Federal inspector during the inspection of the site, and to keep the citizen informed, in writing, of OSM's final disposition of the case.

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.***

Information is used by the States and OSM to investigate potential violations of the Act or applicable State regulations. Section 842.12 requires that a person requesting an inspection submit a written statement describing the reason he or she believes that a violation exists, and include a name and address so that the regulatory authority may contact the person.

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.***

Citizens may complete the form on OSM's Website at <http://www.osmre.gov/forms/InspectionRequest.shtm>, or may submit a letter requesting the inspection. The electronic submission has recently been reinstated after experiencing technical difficulties. We believe that approximately 10% of respondents will use this feature now that it is operational.

4. ***Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.***

There is no duplication of this effort, since it is specific to one mine operation. No other Federal agency collects this information.

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

Not applicable. Information is received only from citizens or groups, rarely from small businesses.

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.***

Sections 517 and 521 of the Act require that the public have the means to request an inspection through the citizen complaint process. Collection is conducted once.

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.*

Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.

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.*

Two citizens were contacted who had recently submitted written requests for Federal inspections. They were:

Mary Varson Cromer, Esq.  
Appalachian Citizens' Law Center Inc.  
317 Main Street  
Whitesburgh, KY 41858  
Telephone: (877) 637-3929

Ms. Karen L. Robinson  
PO Box 111  
Helen, WV 25853  
Telephone: (304) 774-0126

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. They stated that minimal time was required to prepare and submit a written complaint and request an inspection.

On May 11, 2011, OSM published in the Federal Register (76 FR 27346) 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. ***Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.***

Not applicable. OSM does not provide payments or gifts to respondents.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Section 842.12 requires the citizen's identity who filed the complaint to remain confidential if so requested, unless the person elects to accompany the inspector during the inspection.

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.**

Not applicable. No sensitive questions are asked.

12. **Provide estimates of the hour burden of the collection of information. The statement should:**

**\* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

**\* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

**\* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under "Annual Cost to Federal Government."**

## Reporting and Reviewing Burden

### a. Estimate of Respondent Reporting Burden

Based on the information provided by the citizens identified in item 8 above, each citizen requires approximately 4 hours to prepare a written complaint and request an inspection. We estimate that 45 minutes will be needed to complete and submit the electronic version of this request.

There were approximately 50 citizen complaints filed with OSM in 2010. OSM estimates that approximately 10% of respondents, or 5, would submit their requests electronically requiring 45 minutes each. The remaining 45 would submit written requests requiring 4 hours each.

The burden for respondents who prepare written requests will be 180 hours (4 hours x 45 responses), and the respondents who submit electronically using the form will be 3 ¾ hours (45 minutes x 5 responses).

Therefore, the burden to all respondents is approximately 184 hours.

### b. Estimate of Respondent Annual Wage Cost

Using U.S. Department of Labor's Bureau of Labor statistics for the wage cost for civilian respondents, include benefits calculated at 1.4 of hourly wages as derived from the U.S. Bureau of Labor Statistics news release USDL-11-0849 entitled EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—MARCH 2011 published June 8, 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), we estimate citizen's wage costs at \$31.27 per hour. Therefore, the total cost to all respondents under section 842.12 is estimated to be approximately \$5,754 (\$31.27 x 184 hours).

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.*

a. Annualized Capital and Start-up Costs

There are no capital and start-up costs associated with this activity except for postage which is minimal.

b. Operation and Maintenance Costs

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

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.***

Estimate of Cost to the Federal Government

OSM requires approximately 13 hours reviewing each citizen complaint and forwarding it to the appropriate office for an inspection. [Inspection time is approved separately under 30 CFR 840 (OMB control number 1029-0051)].

Typically, OSM would rely on a GS 13 step 5 technician, being paid \$58.38 per hour ([https://www.opm.gov/oca/11tables/html/g\\_s\\_h.asp](https://www.opm.gov/oca/11tables/html/g_s_h.asp)) including benefits calculated at a rate of 1.5, as indicated by the BLS news release USDL-11-0849, to conduct the review and forward the request to the appropriate office. Therefore, 50 citizen complaints received x 13 hours to process x \$58.38 per hour = approximately \$37,947.

15. ***Explain the reasons for any program changes or adjustments in hour or cost burden.***

The burden hour estimates are based on information received by 2 citizens who were randomly picked and identified in item 8 above.

This request represents a decrease of 267 burden hours. Citizens are spending less time preparing the requests due to the nature of the violations being alleged. We estimated that the burden per respondent has decreased from 10 hours and 15 minutes to 4 hours when submitting in paper format, and 45 minutes when using the electronic form available on the OSM website. However, the number of respondents has slightly increased from 44 individuals to approximately 50.

Therefore, we are requesting the following burden change:

451 Hours currently approved by OMB
- <u>267</u> Hours due to an adjustment
184 Hours requested

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.***

Not applicable. OSM has no plans to publish the information collected.

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.***

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

Not applicable. There are no exceptions to the certification statement "Certification for Paperwork Reduction Act Submissions."