

## **Supporting Statement A**

### **30 CFR Part 850 - Permanent Regulatory Program Requirements - Standards for Certification of Blasters**

**OMB Control Number 1029-0080**

Terms of Clearance: None

#### **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.*

Part 850 implements Section 719 of the Surface Mining Control and Reclamation Act (SMCRA). Section 719 requires the Secretary of the Interior to issue regulations which provide for each State regulatory authority to train, examine and certify persons for engaging in blasting or use of explosives in surface coal mining operations. Each State that wishes to certify blasters must submit a blasters certification program to the Office of Surface Mining Reclamation and Enforcement (OSM) for approval. Part 850 includes criteria for training, examination, and certification of blasters.

All States which have an approved regulatory program currently have an approved blasting certification program. However, two coal-producing States and three Indian tribes currently produce coal but do not have regulatory programs in place. For this reason it is necessary to maintain the information collection authority for Part 850.

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.*

The information collected under this Part will be used by OSM to determine whether a State regulatory authority has adequately established a regulatory program, as required by section 719 of SMCRA, for the training, examination and certification of persons engaging in or directly responsible for the use of explosives in surface coal mining operations.

In order for OSM to be able to judge the adequacy of the State program, the State must submit information in three subject areas which OSM considers essential for an acceptable State program: training, examination, and certification. In the area of training, the regulations require that instructions be given in the technical aspects of blasting operations (topics are listed), in State and Federal laws governing the storage, transportation and use of explosives, and in the necessity for training and certification in the above areas. Certain topics which must be included, such as blast records, blasting schedules, and pre-blast surveys are specifically required by section 515(b)(15) of SMCRA for the safety and protection of the public. In the area of examination, the regulations require that candidates be examined in writing in order to review and verify their competence in the topics previously specified and also to have practical field experience. In the area of certification, the State must submit information indicating that certification will be for a fixed period, contain provisions for the suspension and

revocation of certification, recertification and the protection of the certification document.

If the information required by Part 850 is not submitted, OSM cannot judge the adequacy of the State program and grant approval for the State to regulate the training, examination, and certification of blasters under the State program.

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.*

The information collected is unique to each respondent and OSM does not foresee any activity for this program in the near future. For this reason, it is not practical for OSM to automate the processing of its responses.

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.*

No other agency collects this information. Since circumstances vary in each State, there is no available information which can be used instead of that supplied by the State.

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

Small operators are not respondents under this Part.

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.*

Submission of the information is a one-time effort per State. States must comply in order to obtain or maintain approval of primacy under the Act.

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.*

Consultations:

Currently there are no States that are seeking or plan to seek a primacy program for their State. Blasting managers for the States of PA and OH were contacted to develop the estimated burden to develop a blasting program. OSM's blasting manager was also consulted. Contact information is as follows:

Rick Lamkie  
Chief, Explosives and Safety  
PA DEP  
Bureau of Mining and Reclamation  
Rachel Carson State Office Bldg  
Harrisburg, PA 17105  
Phone: (717) 787-5103

Mike Mann  
Blasting Specialist  
Ohio Dept. of Natural Resources  
1900 E. High Avenue  
New Philadelphia, OH 44663  
(330) 339-2207

Ken Eltschlager  
Mining/Explosives Engineer  
OSM  
3 Parkway Center  
Pittsburgh, PA 15220  
412-937-2169

These individuals provide burden estimates if a State were to receive primacy and would be required to prepare a blasting program as specified in Part 850. As a result of these consultations OSM has increased the burden estimate for completing this collection.

On November 15, 2012, OSM published in the *Federal Register* (77 FR 68148) 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. No payments or gifts are awarded to respondents beyond grants authorized by Congress.

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

Not applicable. No confidential information is asked.

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.*

a. Reporting and Reviewing Burden

Each State had 12 months from date of approval of their regulatory program in which to submit a blasters certification program unless the State received an extension. All coal-producing States have currently obtained approval except Tennessee and Washington, and the Navajo, Hopi and Crow Indian tribes where OSM is the regulatory authority. In addition, there are 10 Federal program States that have coal reserves, but are not producing coal. There have been no new respondents for this collection since prior to 1985.

Assuming that a State in the future would decide that a primacy program would be in their best interest, a blasting certification program would be needed. The State or tribe requesting primacy would more than likely mirror their blasting certification program after a State that currently has an approved blasting certification program. This would reduce their staff-hours needed and would be the most prudent use of their staff's time. By adopting another State's blasting certification program, a State would potentially need 2.5 months of time, or approximately 800 hours. Assuming that OSM grants primacy in a State and approves their blasting program once every 3 years, the annual burden for this activity would be 267 hours per year.

b. Estimated Wage Cost to Respondents

OSM estimates that a State employee who administers a blaster training program would have the equivalent salary of a mining engineer at \$38.42 per hour based on Bureau of Labor Statistics (BLS) estimates found at [http://www.bls.gov/oes/2008/may/oes\\_nat.htm#b17-0000](http://www.bls.gov/oes/2008/may/oes_nat.htm#b17-0000). Assuming benefits at a ratio of 1.5 of the salary according to the BLS news release USDL-12-1830 for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2012 at <http://www.bls.gov/news.release/pdf/ecec.pdf>), industry wage cost would be approximately \$46,104 (800 hours X \$57.63 per hour). However since OSM assumes that we will receive only one response every 3 years:  $\$46,104/3 = \$15,368$  annually.

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.

Not applicable. There are no non-hour costs incurred beyond the hourly wage costs to develop a blasting program.

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 Federal Government

OSM reviews approximately one blaster certification program each year. OSM reviews each program to ensure compliance with the requirements of SMCRA. This review will take OSM regulatory program specialists/ engineers 120 hours to prepare and process the review. At \$57.76 per hour

([http://www.opm.gov/oca/12tables/pdf/rus\\_h.pdf](http://www.opm.gov/oca/12tables/pdf/rus_h.pdf)), including benefits using a 1.3 multiplier from the ratio between wages and benefits derived using OSM's Financial and Business Management System, the estimated annual cost to the Federal government is:

1 program X 120 hours/program X \$57.76/hour = \$6,931.

This Federal burden is increased by 90 hours since the last approval request due to more accurate data estimates provided by those identified in item 8, above.

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

All State regulatory programs have obtained approval for their blasting programs. There have been no new respondents for this collection since approximately 1985.

However, there are 12 States and 3 Indian tribes that have Federal regulatory programs, although only 1 State and 3 tribes are currently producing coal. Assuming that OSM receives a request for State primacy and a blasting certification program every 3 years, it would take each State approximately 800 hours to develop a blasting program for submitting to OSM for approval, or 267 hours annually.

OMB has approved 133 hours for this collection. This information collection request increases that burden to 800 hours per response (or 267 hours annually), an adjustment of 667 hours based on discussions with those identified in item 8 above. One of the main concerns was that previous discussions with States did not account for the time required for internal routing and approvals prior to completion of an entire blasting program. OSM is also reducing the frequency of collections from one response per year to one response every 3 years since no responses have been received since 1985.

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.*

There are no plans for publication of this information.

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 displays its OMB control number at 30 CFR Part 850.10.

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

Not applicable. OSM is not requesting exceptions to this item.