

SUPPORTING STATEMENT A

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

OMB Control Number 1029-0051

Terms of Clearance: None

Introduction

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

The approved information collection burden for Part 840 is 296,938 hours. We are requesting OMB approval for a new information collection burden for 330,900 hours using data from OSMRE's Annual Reports for EY 2015, EY 2016, and EY 2017. This request will increase the estimated burden by 33,962 hours due to a small reestimate in the time required to conduct complete and partial inspections by State Regulatory Authorities (SRAs), and a modest increase in the number of inspections conducted by the SRAs.

The following two tables describe, (1) the number of respondents, burden hours required per respondent, the total hours and how the OMB Inventory will change, and (2) the non-wage cost summary.

SUMMARY OF REPORTING AND RECORDKEEPING
FOR 30 CFR PART 840

SECTION	NUMBER OF RESPONDENTS	AVERAGE HOURS/RESPONSE	TOTAL HOURS (rounded)	HOURS CURRENTLY APPROVED	DIFFERENCE
840.11 (b) (Complete Inspections)	25,000	6	150,000	120,402	29,598
840.11 (a) (Partial Inspections)	36,000	5	180,000	150,325	29,675
840.11 (h)(2) (Alternate Inspections)	5	6	30	267	-237
840.14 (Requests for copies)	580	1.5	870	25,944	-25,074
Total Burden Hours	61,585		330,900	296,938	33,962

SUMMARY OF NON-WAGE COSTS for
30 CFR PART 840

SECTION	NUMBER OF RESPONDENTS	COST PER RESPONDENT	TOTAL COST	CURRENT COST	CHANGE TO COSTS
840.11 (b) (Complete Inspections)	0	0	0	0	0
840.11 (a) (Partial Inspections)	0	0	0	0	0
840.11 (h)(2) (Alternate Inspections)	5	\$125	\$625	\$2,300	- \$1,675
840.14 (Requests for copies)	0	0	0	0	0
Totals	5		\$625	\$2,300	- \$1,675

SUMMARY OF FEDERAL COSTS for
30 CFR PART 840

SECTION	OVERSIGHT	FEDERAL PROGRAM	TOTAL COST
840.11 (b) (Complete Inspections)	\$112,520	\$237,820	\$0
840.11 (a) (Partial Inspections)	\$184,533	\$219,700	\$0
840.11 (h)(2) (Alternate Inspections)	\$225	\$349	\$574
840.14 (Requests for copies)	0	\$1,073	\$1,073
Totals	\$0	\$0	\$0

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.
2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.
3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.
4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.
5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize

burden.

6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*
7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*
 - * requiring respondents to report information to the agency more often than quarterly;*
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
 - * requiring respondents to submit more than an original and two copies of any document;*
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
 - * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
 - * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
 - * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*
8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour*

burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*
- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*
- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*
- 12. Provide estimates of the hour burden of the collection of information. The statement should:
* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and*

explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

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

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

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

* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance

with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.*
- 15. Explain the reasons for any program changes or adjustments in hour or cost burden.*
- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*
- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*
- 18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

30 CFR 840.11 - Complete and Partial Inspections

Justification

1. Section 517(c) of the Surface Mining Control and Reclamation Act (the Act), 30 U.S.C 1201, requires the State Regulatory Authority (SRA) to conduct an average of one partial inspection per month and an average of one complete inspection per calendar quarter on each surface coal mining and reclamation operation under its jurisdiction. 30 CFR 840.11(b) requires the SRA to conduct at least one complete inspection per calendar quarter for each inactive surface coal mining and reclamation operation under its jurisdiction. Also, under 30 CFR 840.11(c) the SRA is responsible for conducting as many inspections of coal exploration sites as are necessary to ensure compliance with the approved State program. To ensure that these inspections are conducted in accordance with the approved State program, 30 CFR 840.11(e)(3) requires that the SRA promptly file a copy of their inspection reports.
2. Information is used by the States to enforce their laws and rules regulating coal mining. In addition, copies of the States' inspection reports are maintained for public inspection and for OSMRE review when needed. See Section 517(a) of the Act.
3. This information is unique to each surface coal mining operation. Respondents are SRAs who conduct inspections and prepare reports. State and Federal regulatory authorities are using Global Positioning Systems on a limited basis to calculate permit areas and impoundment dimensions to facilitate the inspection process. OSMRE provides training and some funding for the purchase of equipment for use by SRAs. Also, some inspectors prepare their inspection reports by laptop computer in the field and download once they return to their offices. This method of preparing inspection reports varies by State and individual inspector, however, we estimate that 50% of State inspectors use electronic means to prepare and maintain the reports.
4. Respondents are SRAs who conduct complete and partial inspections at minesites to ensure compliance with the Act, the State regulatory program, and applicable environmental laws. This information is unique for each minesite under the jurisdiction of the SRA. There is no duplication of this effort, nor do other Federal agencies collect this information.
5. Information is solicited only from State and Federal agencies that regulate surface coal mining and reclamation operations.
6. Section 517 of the Act requires an inspection report for each inspection performed. Without an inspection and accompanying report, mine operators would have no incentive to comply with safety or environmental laws.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.

8. We contacted three regulatory authorities in July 2018 regarding the information collection activities associated with Part 840. Their responses to the required sections of 30 CFR 840 are as follows:

Department of Environmental Protection
 District Mining Operations
 New Stanton, Pennsylvania 15672

30 CFR	840.11 (a) – Partial Inspection	840.11 (b) – Complete Inspection	840.11(c) – Inspections of coal exploration sites
Hours	4 hours per inspection	5 hours per inspection	5 hours per inspection

Chief, Projects and Inspections Unit
 Missouri Land Reclamation Program
 Jefferson City, MO 65202

30 CFR	840.11 (a) – Partial Inspection	840.11 (b) – Complete Inspection	840.11(c) – Inspections of coal exploration sites
Hours	7.5 hours per inspection	8 hours per inspection	7.5 hours per inspection

Supervisor, Coal Section
 Coal and Opencut Mining Bureau
 Montana Department of Environmental Quality

30 CFR	840.11 (a) – Partial Inspection	840.11 (b) – Complete Inspection	840.11(c) – Inspections of coal exploration sites
Hours	2 hours per inspection	26 hours per inspection	18 hours per inspection

The responders did not identify any concerns regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the required information. The hours required and associated monies reflect an accurate assessment.

On July 12, 2018, OSMRE published in the Federal Register (83 FR 32325) 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. We received no comments.

9. OSMRE does not provide payments or gifts to respondents. However, OSMRE does

provide 50% of funds in the form of grants to respondents which are authorized by Congress.

10. Inspection reports are available to the public as required in Section 517(f) of the Act and 30 CFR 840.14.

11. No sensitive questions are asked.

12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

(1) Complete Inspections

- o Based on the information provided by the mining inspectors identified in item 8 above, inspections at Eastern mines, where the majority of mines are located, average 5 hours per complete inspection, including the time required to prepare the written report. An average of 26 hours is required to conduct an inspection and prepare the written report in the larger but much fewer in number Western mines, which often requires significantly more travel time to and from the minesite than those in the East. An average of 8 hours is required to conduct an inspection and prepare the written report for Mid-Continent mines. Therefore, the nationwide weighted average burden is 6 hours. This estimate is supported by OSMRE's database that maintains information on OSMRE-conducted oversight inspections throughout the country.
- o According to Table 2 from OSMRE's Annual Evaluation Report summaries, 27,269 complete inspections were conducted during EY 2015, 26,272 were completed in EY 2016, and 25,424 were conducted in EY 2017 by the 24 SRAs. The number of nationwide complete exploration inspections was only 4 according to the EY 2017 Annual Evaluation Reports for all primacy states, and is therefore considered incidental to the much larger number of complete mine permit inspections. Recognizing the ongoing downward trend in the annual number of complete inspections, we estimate that primacy states will conduct 25,000 complete inspections annually over the next three-year period. Therefore, 25,000 complete inspections x 6 hours to conduct a complete inspection and prepare a report = **150,000 hours** for all respondents.

(2) Partial Inspections

- o Based on the information provided by the mining inspectors identified in item 8 above, inspections at Eastern mines, where the majority of mines are located, average 4 hours per partial inspection, including the time

required to prepare the written report. An average of 2 hours is required to conduct a partial inspection and prepare the written report in the larger Western mines. An average of 7.5 hours is required to conduct a partial inspection and prepare the written report for Mid-Continent mines. Therefore, the weighted average burden is 5 hours. This estimate is supported by OSMRE's database that maintains information on OSMRE-conducted inspections throughout the country.

- o According to OSMRE's Annual Evaluation Report summaries, 45,272 partial inspections were conducted in EY 2015, 42,716 in EY 2016, and 38,985 in EY 2017 by the 24 SRAs. The number of nationwide partial exploration inspections was only 8 according to the EY 2017 Annual Evaluation Reports for all primacy states, and is therefore considered incidental to the much larger number of partial mine permit inspections. Recognizing the ongoing downward trend in the annual number of partial inspections, we estimate that primacy states will conduct 36,000 partial inspections annually over the next three-year period. Therefore, 36,000 partial inspections x 5 hours to conduct a partial inspection and prepare a report = **180,000 hours** for all respondents.

The total burden to respondents to conduct all inspections and prepare the accompanying reports per year for all surface coal mining sites is 150,000 hours for complete inspections + 180,000 hours for partial inspections = approximately **330,000 burden hours**.

b. Estimate of Respondent Annual Wage Cost

(1) Complete Inspections

OSMRE estimates that a State reclamation specialist will require 6 hours to conduct a complete mine inspection and prepare a written report. A State inspector will earn approximately \$32.34 per hour under the category of a physical scientist derived from http://www.bls.gov/oes/current/naics4_999200.htm, plus benefits using a factor of 1.6 per the Bureau of Labor Statistics (BLS) news release, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2018, USDL-18-0944, dated June 8, 2018, and may be found at: <http://www.bls.gov/news.release/pdf/ecec.pdf>). Therefore, at a wage rate of \$51.74 per hour (\$32.34 x 1.6), the wage cost to all SRAs to conduct complete inspections is 25,000 complete inspections x 6 hours per inspection x \$51.74 per hour = \$7,761,000.

(2) Partial Inspections

The wage cost to all SRAs to conduct partial inspections is 36,000 partial

inspections x 5 hours per inspection x \$51.74 per hour = \$9,313,200.

The total wage cost to all SRAs to conduct all inspections is \$7,761,000 + \$9,313,200 = \$17,074,200.

13. a. Annualized Capital and Start-up Costs

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

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

We contacted the OSMRE Knoxville Field Office in July 2018 for the Federal burden estimates below:

a. Oversight

(1) Complete inspections

Federal oversight of 30 CFR 840.11 (a) for complete inspections takes approximately 4 hours per inspection. A GS 12, step 1 reclamation specialist will conduct the review, earning \$35.16 per hour (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/RUS_h.pdf), plus benefits using a factor of 1.6 derived from the BLS news release, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—March 2018. According to Table 13 of the Annual Evaluation reports, OSMRE conducted 612 complete oversight inspections in EY 2015, 431 complete oversight inspections in EY 2016, and 529 complete oversight inspections in EY 2017. OSMRE estimates that we will conduct 500 complete inspections annually over the next three-year period. Therefore, at a wage rate of \$56.26 (rounded) per hour (\$35.16 x 1.6), the cost to conduct Federal oversight complete inspections would be \$56.26 x 4 hours x 500 inspections = \$112,520 (rounded).

(2) Partial Inspections

Federal oversight of 30 CFR 840.11 (b) for partial inspections takes approximately 4 hours per SRA. OSMRE conducted 834 partial oversight inspections in EY 2015, 947 partial oversight inspections in EY 2016, and 826 in EY 2017. We estimate that OSMRE will conduct 820 partial inspections annually

over the next three-year period. Therefore, at a wage rate of \$56.26 (rounded) per hour, the cost to conduct Federal oversight partial inspections would be $\$56.26 \times 4 \text{ hours} \times 820 \text{ inspections} = \$184,533$ (rounded).

Total OSMRE oversight costs for 30 CFR 840.11 per year are \$297,053.

- b. Federal Program States and Indian Lands: OSMRE is the regulatory authority in Tennessee, Washington, and on Indian lands. Although the Federal Program burden is found in Part 842 – Federal Inspections and Monitoring (1029-0118), we are including it here in Part 840 for simplicity.

(1) Complete inspections

Complete Federal inspections take approximately 9 hours. As discussed above, a GS 12, step 1 reclamation specialist will conduct the inspection at \$506 (rounded) per complete inspection (9 hours x \$56.26). Based on annual report data, OSMRE conducted 506 complete inspections in EY 2015, and 467 complete inspections in EY 2016, and 471 complete inspections in EY 2017. We estimate that OSMRE will conduct 470 complete inspections annually over the next three-year period. Therefore, $470 \text{ inspections} \times \$506 \text{ per inspection} = \$237,820$.

(2) Partial Inspections

Partial Federal inspections take approximately 6 hours. A GS 12, step 1 reclamation specialist will conduct the inspection at \$338 (rounded) per partial inspection (6 hours x \$56.26). Based on annual report data, OSMRE conducted 853 partial inspections in EY 2015, and 683 partial inspections in EY 2016, and 657 in EY 2017. We estimate that OSMRE will conduct 650 complete inspections annually over the next three-year period. Therefore, $650 \text{ inspections} \times \$338 \text{ per inspection} = \$219,700$.

The total estimated annual cost for all activities by the Federal government is $\$297,053$ for oversight + $\$457,520$ for Federal programs = $\$754,573$.

15. The burden hour estimates are based on discussions with individuals identified in item 8 above and OSMRE's experience as a regulatory authority under Federal programs for States and Federal lands. The number of respondents is derived from OSMRE's Annual Reports for EY 2015 through EY 2017.

This request represents an increase of 59,273 hours to the currently approved collection burden for this section. The increase in the burden hours for this section is attributed to a reestimate in the amount of time needed to conduct complete and partial inspections, and an increase in the number of complete and partial inspections conducted nationally by SRAs.

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

270,727 Hours currently approved for complete and partial inspections
+ 59,273 Hours due to adjustments in responses and respondent burden
330,000 Hours requested

16. OSMRE publishes this data annually in accordance with sections 517(f) and 706 of the Act.
17. This collection is not associated with a specific form where OSMRE could display an expiration date. The approved OMB control number is codified in 30 CFR 840.11.
18. There are no exceptions to the certification statement.

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

Justification

1. Section 517(c) of the Act (30 U.S.C 1201), requires the SRA to conduct an average of one partial inspection per month and an average of one complete inspection per calendar quarter on each surface coal mining and reclamation operation under its jurisdiction. 30 CFR 840.11 authorizes a separate inspection frequency for abandoned surface coal mining and reclamation operations. In those instances where an alternative inspection frequency is warranted, 30 CFR 840.11(h) requires the SRA to conduct a complete inspection of the abandoned site, and prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. In addition, the SRA must publish a newspaper notice providing the public with a 30-day period in which to comment. The announcement includes information on the permittee, location of the abandoned site, bond status, and justification for the reduced inspection frequency.
2. This information is used by the SRA to justify to the public and OSMRE, its deviation from the required inspection frequency of each site set forth in Section 517(c) of the Act.
3. This information is unique to each respondent. Respondents are SRAs who will prepare their justification for a reduction in inspection frequency. The justification and newspaper articles are prepared on a computer, but are maintained in paper form for review by the public or submitted to the newspaper for publication.
4. No similar information is collected pertaining to inspection and enforcement actions by OSMRE or any other Federal Agency on abandoned sites.
5. There are no special provisions for small businesses and are not appropriate since respondents are State and Federal agencies.
6. Information is collected only once by State and Federal agencies responsible for the regulation of surface coal mining and reclamation operations.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. Three regulatory authorities were contacted in July 2018, to validate the information collection requirements:

Department of Environmental Protection
District Mining Operations
New Stanton, Pennsylvania 15672

30 CFR	840.11 (h)
Hours	2 hrs/occurrence

Chief, Projects and Inspections Unit
Missouri Land Reclamation Program
Jefferson City, MO 65202

30 CFR	840.11 (h)
Hours	2 hrs/occurrence

Supervisor, Coal Section
Coal and Opencut Mining Bureau
Montana Department of Environmental Quality

30 CFR	840.11 (h)
Hours	N/A

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

On July 12, 2018, OSMRE published in the Federal Register (83 FR 32325) 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. We received no comments.

9. OSMRE provides no payments or gifts to respondents beyond grant monies approved by Congress.
10. Inspection reports are available to the public as required in Section 517(f) of the Act and 30 CFR 840.14 and newspaper announcements are public information.
11. No sensitive questions are asked.
12. Reporting and Reviewing Burden
 - a. Estimate of Respondent Reporting Burden
OSMRE estimates that there are approximately 5 abandoned sites where the SRA

prepares written justifications and submits newspaper announcements to reduce inspection frequencies annually. This estimate is derived from conversations with the reclamation specialists identified in item 8 above.

An estimated 3 hours is required for an inspector to prepare the written findings and newspaper announcement required by this section. This estimate reflects only the time needed to prepare the written documents and newspaper notice. The inspections required prior to preparation of the written findings are contained in section 30 CFR 840.11 presented above.

1 respondent x 2 written documents (the findings and the newspaper notice) x 3 hours = 6 hours per respondent x 5 sites = **30 hours** for all respondents.

b. Estimate of Respondent Annual Wage Cost

OSMRE estimates that a State reclamation specialist will require 8 hours to prepare the documentation for this section. At \$51.74 per hour per the BLS (https://www.bls.gov/oes/current/naics4_999200.htm), including benefits using a factor of 1.6 per the BLS news release USDL-18-0944, dated June 8, 2018, found at: <http://www.bls.gov/news.release/pdf/ecec.pdf>, the cost to a SRA to prepare the justification to reduce the inspection frequency at one abandoned site would be \$51.74 x 6 hours = \$310 per response (rounded), or \$1,550 for all 5 decisions.

13. Estimate of Total Annual Cost Burden

a. Annualized Capital and Start-up Costs

There are no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements of 30 CFR 840.11(h)(2), other than the newspaper notice required. OSMRE estimates that the SRAs would incur a total annual cost of \$625 (5 notices x \$125 for publication of each notice in a local newspaper).

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight.

In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with section 840.11(h) in the absence of an indication of problems. OSMRE

estimates it will conduct one oversight review of this activity in one State per year. OSMRE estimates that the oversight review will require 4 hours. A GS 12, step 1 reclamation specialist will conduct the review, earning \$56.26 per hour including benefits. Therefore, the cost to conduct oversight is $\$56.26 \times 4 \text{ hours} = \225 (rounded).

Federal Programs.

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

An estimated 4 hours is required for an OSMRE reclamation specialist to prepare the written findings and newspaper announcement required by this section. At \$56.26 per hour as discussed above, the estimated wage cost to OSMRE under Federal programs is $4 \text{ hours} \times \$56.26 \text{ per hour} = \225 (rounded). Including \$125 for the newspaper announcement, the Federal program cost is \$349.

The total Federal cost is $\$225$ for oversight + $\$349$ for Federal programs = $\$574$.

15. The burden hour estimates are based on discussions with respondents identified in item 8 above, and OSMRE's staff expertise and experience as regulatory authority under Federal programs for State and Federal lands. The respondents are those included in OSMRE's 2015 through 2017 summary Regulatory Statistics. OSMRE estimates the total reporting burden is 30 hours (5 sites x 2 written documents each x 3 hours). This collection request is a decrease of 237 hours from the 267 burden hours currently approved by OMB primarily due to a reestimate of the number of respondents, as well as the burden per respondent.

267	Hours currently approved
- 237	Hours due to adjustments
30	Hours requested

This information collection request also decreases non-wage costs by \$1,675 to a new estimate of \$625 due to the decreased number of annual instances where this occurs and the subsequent decreased total cost to publish newspaper notices.

16. OSMRE has no plans to publish the information collected.
17. This collection is not associated with a specific form where OSMRE could display an expiration date. The approved OMB control number is codified in 30 CFR 840.11.
18. There are no exceptions to the certification statement.

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

Justification

1. This section requires copies of all information obtained by the SRAs relating to inspection and enforcement be made available to the public and the Director, OSMRE, upon request. The purpose of this section is to encourage citizen participation in the enforcement of the Act (30 U.S.C. 1201), by making inspection and enforcement records readily available. Information relating to the availability of records involving permit applications are covered under the information collection requirements of 30 CFR 772 and 773.
2. This information is used by OSMRE and the public to determine whether the SRA is properly enforcing the inspection and enforcement provisions of their approved State program. The information is needed to ensure that required safety and environmental concerns are being adhered to by the SRAs.
3. This information is unique to each SRA and inspection site. Respondents are the 24 SRAs who furnish inspection data to ensure compliance with the Act, the State regulatory program, and applicable environmental laws. All medium- to large-coal producing States maintain a database of inspection and enforcement records accessible by OSMRE. Therefore, approximately 90% of this information is electronic.
4. No similar information is collected pertaining to inspection and enforcement actions by OSMRE or any other Federal agency. Since the contents of the records collected will vary with each SRA, there is no available information that can be used in lieu of that supplied by the SRA.
5. There are no special provisions for small businesses and are not appropriate since respondents are State agencies.
6. Information is collected on each surface coal mining operation under the jurisdiction of the SRA. The collection is needed to determine if the SRA is properly enforcing the inspection and enforcement provisions of its approved State program.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. Three regulatory authorities were contacted in July 2018, to validate the information collection requirements:

Department of Environmental Protection
District Mining Operations
New Stanton, Pennsylvania 15672

30 CFR	840.14 (a-c)
Hours	1.45 hours each

Chief, Projects and Inspections Unit
Missouri Land Reclamation Program
Jefferson City, MO 65202

30 CFR	840.14 (a-c)
Hours	2 hours each

Supervisor, Coal Section
Coal and Opencut Mining Bureau
Montana Department of Environmental Quality

30 CFR	840.14 (a-c)
Hours	1 hour each

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

On July 12, 2018, OSMRE published in the Federal Register (83 FR 32325), 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. We received no comments.

9. OSMRE provides no payments or gifts to respondents beyond grant monies approved by Congress.
10. Inspection reports are available to the public as required in Section 517(f) of the Act and 30 CFR 840.14.
11. No sensitive information is required.
12. Reporting and Reviewing Burden
 - a. Estimate of Respondent Reporting Burden

Regulatory authorities are required to provide inspection and enforcement data to OSMRE via the Inspection and Enforcement (INE) database. Most states do not post their inspection and violation data on public websites, and a requester would need to contact the SRA for copies of the information. However, some states (including West Virginia - which conducts more inspections than any other state) upload the data and make it available to the public via websites. There is minimal additional time to the SRA to upload this data to their public website. Despite making the reports available online, there are infrequent times when a citizen without easy access to a computer, or without sufficient knowledge to navigate the website, contacts the SRA for this information --- in which case the SRA would make paper copies and provide them to the requester. Based on discussions with the SRAs listed in item 8 above and OSMRE field office staff, we will assume that the public requests copies of SRA data at a rate of 10% of the total nationwide inspectable units from Table 10 of the Annual Evaluation Reports. There were 6,385 nationwide SRA inspectable units in EY 2015, then 6,160 in EY 2016, and then 5,895 in EY 2017. Therefore, we estimate there will be 580 annual nationwide requests (10% of an estimated 5,800 inspectable units for the next three year period) where SRAs reproduce and provide copies of inspection and enforcement reports and documents required under 30 CFR 840.14(a)-(c). The SRAs maintain the records addressed in 30 CFR 840.14 as part of the normal course of administering their regulatory program. Therefore, the burden estimate for this section does not include the time for record maintenance; it only includes the normal clerical hours associated with preparation and reproduction of the records. The SRAs that we contacted in item 8 estimate that each request for records takes an average of 1.5 hours for the SRA to locate, reproduce, compile, and then provide the records to the requester. In many instances a State information clerk can quickly print, copy, or scan the requested inspector reports and permit files. Therefore:

580 respondents x 1.5 hours = **870 hours**.

b. Estimate of Respondent Annual Wage Cost

OSMRE estimates that State information clerks will require 870 hours to make the records available to the public and OSMRE. A State information clerk will earn approximately \$31.63 per hour as derived from the BLS (http://www.bls.gov/oes/current/naics4_999200.htm), including benefits from BLS's news release, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—May 2017. Therefore, at a wage rate of \$31.63 per hour, the nationwide cost would be 870 hours x \$31.63 = \$27,518 (rounded).

13. Estimate of Total Annual Cost Burden

a. Annualized Capital and Start-up Costs

There is no significant or distinct non-wage operation or maintenance costs associated

with compliance with the information collection requirements of 30 CFR 840.14.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight.

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

Federal Programs.

OSMRE estimates that we require approximately 37 hours annually reproducing and making available reports generated from inspection and enforcement information where we are the regulatory authority (Tennessee, Washington, and on Indian lands). A GS 5, step 5 clerk will prepare the documents for public review. At a salary of \$29.01 including benefits derived from https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/RUS_h.pdf, and the BLS news release, USDL-18-0933, dated June 8, 2018, the cost to OSMRE under Federal programs is 37 hours x \$29.01 per hour = \$1,073.

15. Based on discussions with SRAs it takes 870 hours annually to make available copies of the inspection and enforcement documents required under 30 CFR 840.14(a)-(c). This estimated number of burden hours is based on discussions with those identified in item 8.

The currently approved collection authority for this section contains 25,944 burden hours. This request represents a large decrease of 25,074 hours due to a reestimate in the number of respondents. (We believe that the prior information collection request may have included requests for new mine permits, permit renewals, revisions, etc. which are covered under separate OMB control numbers.)

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

25,944 Hours currently approved by OMB
- 25,074 Hours due to an adjustment
870 Hours requested

16. This is an ongoing information collection requirement with no ending data and no plans for publication.

17. This collection is not associated with a specific form where OSMRE could display an expiration date. The approved OMB control number is codified in 30 CFR 840.11.
18. There are no exceptions to the certification statement.