

**Supporting Statement for Reporting Requirements For
30 CFR Part 886.23(b) and the AML Problem Area Description Form**

OMB Control Number 1029-0087

Terms and Conditions: 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.*

The Surface Mining Control and Reclamation Act of 1977 (the Act), as amended, assigns the Office of Surface Mining (OSM) several responsibilities, one of which is to "review and approve or disapprove State programs for controlling surface coal mining operations and reclaiming abandoned mine lands" [section 201(c)(1)]. Title IV--Abandoned Mine Reclamation, sections 404(coal), and 411(non-coal), define eligible lands and waters to be those which were mined or processed for coal and other minerals, or which were affected by such mining or processing and abandoned or left in an inadequate state of reclamation, and for which there is no continuing reclamation responsibility under State or other Federal laws.

Section 401 creates the Abandoned Mine Reclamation Fund (the Fund) and identifies how moneys in the Fund will be derived. It further states [section 401(c)] how these moneys are to be used with emphasis on the reclamation of eligible abandoned mine lands.

Section 403 [as amended by the passage of the Energy Policy Act of 1992 (October 24, 1992)] states the expenditures of moneys from the Fund shall reflect the priorities (P1

through P5) as defined in the Act.

The Act provides OSM, States and Indian tribes with the administrative framework, the moneys, and the objectives for an Abandoned Mined Land Reclamation Program. States and Indian tribes with approved AML programs are classified as "program States" while those States and Indian tribes where OSM is the lead AML reclamation authority are "non-program States or Indian tribes." The States conducted inventories of AML problems with moneys provided by OSM and they used the information for the development of their State Reclamation Plans. The initial State AML inventories were completed in 1984 and served as baseline data in the creation of the Abandoned Mined Land Inventory System (AMLIS).

In conjunction with AMLIS, the data collection instrument commonly referred to as a Problem Area Description (PAD), was designed and approved as Form OSM-76 (OMB No. 1029-0087), and is currently in use. 30 CFR 886.23 requires that Form OSM-76 be submitted (entered into AMLIS) upon project completion to report accomplishments. Additional requirements for entering information into AMLIS are contained in OSM Directive AML-1, "Abandoned Mine Land Inventory Manual."

On November 5, 1990, the Act was amended by the Omnibus Budget Reconciliation Public Law 101-508, which included the Abandoned Mine Reclamation Act (AMRA) of 1990, extending the AML fee collection authority to September 30, 1995; proceeded by the Energy Policy Act of 1992 (October 24, 1992), which extended the AML fee collection authority to September 30, 2004. The 1990 amendment to the Act mandates the Secretary of the Interior to establish a standardized procedure to note on the inventory on a regular basis, but not less than annually, the projects completed under Title IV [section 403(c)].

Changes enacted by AMRA and their reporting obligations necessitated changes to the Form OSM-76 and AMLIS. Those changes expanded the scope of data that OSM may collect regarding AML reclamation progress and were approved by the Office of Management and Budget (OMB) on February 28, 1992. The changes are reflected in the current Form-OSM 76. The format of the form has been slightly modified, however, no additional information was requested or required due to the modification. The first Title IV accomplishment report was prepared from AMLIS and included as part of OSM's Fiscal Year (FY) 1993 annual report to Congress.

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.]*

Current uses of the information collected include:

Planning/Evaluation of Projects

AMLIS is updated as new problem areas become known, as problem areas change, as projects are funded and completed, and as site conditions change in their impact on health, safety and/or property issues. This information assists the States and Indian tribes in planning their programs by utilizing the most current data, selecting the highest priority problems for reclamation according to the "Objectives of Fund" spelled out in section 403 of the Act, and reporting project accomplishments as problem areas are reclaimed.

States and Tribes have direct access to AMLIS for PAD data entry and retrieval. Field reports, GIS data, photographs, etc., can be scanned and stored electronically, eliminating the need for hard-copy files.

Certification of the Completion of All Known Coal Problems

At the time a State or Indian tribe certifies completion of all known coal problems, AMLIS is used to determine that all coal sites listed in the State's and Indian tribe's inventory are being addressed (i. e., that the sites have been funded. See 30 CFR 875.13).

Ensure General Adherence to Priorities in SMCRA

High priority accomplishments (P1 and P2) are reported in AMLIS using 17 categories of technical reclamation such as feet of highwall, subsidence acres and acres of dangerous slides reclaimed. The information in AMLIS helps ensure that reclamation priorities are met, and provides the necessary programmatic data available for responding to inquiries from Congress and other parties about funds spent and accomplishments in each priority class.

Environmental coal reclamation projects (P3 problems) are often reclaimed in association with P1 and P2 projects that are within close proximity in order to reduce costs associated with repetitive project start-up. This requires documentation for project approval purposes and as a part of program accomplishments. The progression of such P3 problem areas, from construction funding through completion, is also reported in AMLIS.

Completion of lower priority (P4 and P5) coal projects (i.e., public facilities and development of publicly owned land) are reported in AMLIS. These include the protection, repair, replacement, construction, or enhancement of public facilities damaged by past mining practices or which exist in communities adversely impacted by present mining.

Funding and completion of Non-coal projects are reported in AMLIS.

Report Program Accomplishments

AMLIS maintains the information gathered from Form OSM-76 and uses the data to report on program accomplishments for AML programs and priority projects as required by the Act, as amended.

Minimum Program

The information in AMLIS is used to determine which States or Indian tribes are eligible for historical coal distribution and minimum program funding [section 402(g)(8)] under the annual distribution of AML grant funds.

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].*

In 1996 AMLIS was revised to include a conversion table which converts non-acre units to acres, i.e., feet of highwall, number of portals, miles of stream, etc. can be reported as a representative number of acres. This modification was brought about by the Government Performance and Results Act (GPRA). There was a need to report GPRA accomplishments in standardized units, acres, for comparison purposes. In 1997 AMLIS was revised to allow entry and retrieval of data in metric units and/or English units. Conversion from one to the other is automatic.

OSM has modified AMLIS to allow States, Tribes, and OSM personnel with AML responsibilities direct access to the system in order to update their own records. Other entities, such as the Department of Agriculture's Natural Resource Conservation Service may access the information contained in the AMLIS database with "read only" privileges. Private citizens and other groups have access to much of the AMLIS data through OSM's home page on the Internet at <http://ismhdqa02.osmre.gov/OSM.HTM>.

The system has been fully automated with respect to data entry and report retrieval, and GIS capabilities have been added to assist the States and Tribes in locating problem areas and to verify longitude and latitude coordinates. In addition, hard-copy files are no longer required. All data, including GIS mapping data and photographs may be stored in AMLIS.

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.*

The requested information is unique to the respondent and no other source is available. Other Federal agencies do not require this information and there is no duplication.

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.*

Respondents are State governments and Indian tribes, the U.S. Department of Agriculture, and OSM for high priority and emergency projects under its Federal Reclamation Program. There are no special provisions for small organizations.

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.*

If this information were not collected OSM would not be able to conduct AML activities as mandated by the Act. Therefore, the frequency of collection cannot be reduced. 30 CFR 886.23 requires that a problem area description be submitted upon project completion to report the accomplishments achieved. Additional requirements for entering information into AMLIS are contained in OSM Directive, AML-1, "Abandoned Mine Land Inventory Manual."

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.*

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). Modification to AMLIS has reduced the burden on the respondent to maintain hard-copy files. All data, including photographs, maps and GIS data may be stored in the system.

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.

Representatives of five outside groups were consulted in October 2006:

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Mr. Hohmann believes the OSM-76 form in Word, available through the AMLIS web site, is poorly formatted, especially for electronic completion (on the computer). The space for data entry is not large enough in many places, metric entry boxes are on the form, the form has both portrait and landscape pages, there are no check boxes, etc. Kentucky devised their own version of the form, entitled KY DMAL OSM-76, that they use because it can be easily completed entirely on the computer.

Mr. Hohmann noted that:

for the most part required information is readily available. However, definitions of each program are not readily available to my knowledge. They are not explained in the most recent posting in AMLIS of the Abandoned Mine Land Inventory Manual. There is no need to have metric units on the form. They take up space and since AMLIS converts English units to metric units automatically, there is no need for a metric entry.

Usually instructions are clear. However, as mentioned in my previous paragraph, the definitions for each program type are not readily available. As a result, in some instances, one may not be sure about which program to use.

The time it takes to update a PAD is totally dependent on the type and quantity of AML problems being added to a PAD. Adding a single portal may take an hour by the time the narrative is written, the OSM-76 and priority documentation forms are completed and reviewed, and the information is entered into AMLIS. If we have to update a PAD (an OSM-76 form and the associated priority documentation forms) from an older version of the form (in Word Perfect) to a newer version of the form in WORD, extra time is needed. The best I can do as far as specifying how many hours it takes to update a PAD is to say 1-8 hours. The actual data entry into AMLIS may take 1 hour or less, depending on the reliability of the server connection. This is a very rough estimate and it is dependent on many factors. This estimate does not include the field time necessary to gather the data for the PAD.

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Mr. Green informed us that:

Wyoming is not actually using the form. It is outdated to the extent that there is no place to even download it into AMLIS. Wyoming has created short versions of the form to allow initial data entry and updates as needed without the need for redundant hand entry. These are used as the bases for data entry directly into AMLIS records. This has streamlined our process, while still leaving a hard copy record of data entered. Filling out the form and then re-entering it all a second time into AMLIS would take twice as long and induce possible data input errors twice.

If we did fill out the form, it would probably take 2 hours assuming information was readily available. If we had to chase records and personnel it could easily take 4 hours. For Wyoming's shortened versions it depends on the complexity of the site, but normally the initial information gathering can take one to two hours (with trying to contact involved personnel). Updates take a half hour or less.

Time for data entry into AMLIS depends on the complexity of the site, but normally no more than 30 minutes for each stage of data entry (initial, funded, completed). If it is a simple site it is more like 10 to 15 minutes.

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Information is not readily available to Mr. Evetts. The instructions on the form are not clear. The number of hours it takes to complete the form, he did not know.

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Mr. Balk believes the information is readily available. The instructions are clear. An update from unfunded to funded, or completed, normally takes only 15 to 20 minutes. A new problem area will normally take one (1) hour to one and one half (1.5) hours.

The Problem Area Description Form- OSM-76 is part of OSM Directive AML-1, "Abandoned Mine Land Inventory." OSM is currently reviewing AML-1. It has solicited comments informally from the States and Indian tribes and will be going out for formal comments. OSM will consider the comments received in response to the Information Collection Review when revising OSM Directive AML-1. OSM plans to request copies of the Kentucky and Wyoming versions of the OSM-76 as part of its review of AML-1.

The OSM-76 form is used to gather information that is then entered into the Abandoned

Mine Land Inventory System (AMLIS). OSM is about to modernize AMLIS. OSM recognizes that the current use of a paper form in which the information is first entered by hand and then typed into AMLIS can be improved upon. It plans to work with the States and Indian tribes to develop a form that can be loaded onto a notebook PC and the data entered in the field/office and then uploaded into AMLIS. OSM has also explored electronically transferring data from a State or Tribe database into AMLIS. OSM will revisit this option as part of the modernization of AMLIS.

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Mr. Kell has access to various tabular, GIS, and internet resources that allow him to enter correct and accurate information on the OSM 76. Mr. Kell believes that the existing AMLIS Manual instructions for the OSM 76 are clear and easy to follow. It requires him approximately 1-6 hours to update a PAD, depending on the complexity of the update; more problem types/counts, cost splits between problem types or funding sources, etc., take more time to figure out and prepare than simple one problem equates to one fund updates. The most complicated updates (large problem area, crosses counties or quad boundaries or watersheds...) may take longer than 6 hours, but these occur infrequently. Also, it takes time to prepare mapping and pdf documentation for upload into the AMLIS. Updates to add information not already inventoried take significantly longer than simple updates to move "unfunded" costs to "funded" or "funded" to "completed".

On November 9, 2006, OSM published in the Federal Register (71 FR 65833) 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, other than grants and reimbursements, are made to respondents.

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 solicited.

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 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.*

Estimate of Respondent Reporting Burden

Burden Hours:

There are 26 respondents. Twenty-three of these are AML program States and three are AML program Indian tribes. OSM handles all other non-program States and non-program Indian tribes. Respondents have identified approximately 12,000 extreme danger problem areas.

OSM estimates that 1,800 problem areas will be added or updated each year. Of the 1,800 PAD's, OSM estimates that 500 will be for new problem areas not already in the inventory in primacy States and Indian tribes, 1,000 updates will be received by States and Indian tribes, and the remaining 300 PAD's will be completed by OSM where they are the regulatory authority.

Each update will require an average of 2 hours to complete the information collection, maintain records, compile, forward, and correspond on the information when needed. Therefore, updates to the PAD's will require 2,000 hours for all respondents (1,000 updates x 2 hours each).

New PAD's may include round-trip travel to survey a problem area and, therefore, will require a total of about 4 hours since, in addition to the site visit, all questions would have to be answered. Such cases would be only for new PAD's submitted (approximately 500 PAD's). This will require approximately 2,000 hours to complete for all respondents (500 new PAD's x 4 hours each).

The burden hours for this form totals 4,000 hours.

Annual Burden Costs:

The number of responses from each State and Indian tribe is expected to vary widely between States because the number of problems in each State varies. Using a rate of \$45, the cost to each respondent would be \$90 for 2 hours per update, and \$180 for 4 hours per new PAD. The cost to all respondents would be \$195,500 (1,000 updates x 2 hours per update x \$45 per hour plus 500 new PAD's x 4 hours per PAD x \$45 per hour).

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.

Not applicable. Total hours and costs were discussed in item 12 above. There are no start-up cost associated with this information collection and capitol investment for the original computers and software has already been amortized. Updating computers and associated software is considered a customary and usual business practice and are funded by OSM.

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.*

Estimate of Cost to the Federal Government

OSM estimates that 100 of the 1,800 PAD's submitted annually are related to new problem area sites on non-primacy lands and may require verification-related on-site visits by OSM. An estimated average of 1 hour per PAD for travel to such problem areas plus ½ hour for review and evaluation of the information on the update form will be required. It is estimated that OSM will update 200 PAD's each year, requiring only ½ hour per update for evaluation and encoding.

Using a rate of pay of \$45 per hour, the cost to the Federal Government for travel, review, evaluation, and encoding would be \$11,250 (100 new PAD's x 1-1/2 hours per PAD x \$45 plus 200 updates x ½ hour per update x \$45).

In addition to the above estimates for updating information in AMLIS, OSM is enhancing AMLIS. The annual cost of these enhancements is approximately \$50,000, primarily for programming by an independent contractor.

Total cost to Federal Government for PAD maintenance: \$11,250

Total cost to Federal Government for AMLIS expansion: \$50,000

Total cost to the Federal Government: \$61,250

15. *Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.*

OSM is committed to making the information collection process, through AMLIS, as

automated and user-friendly as possible. The expansion of AMLIS to include increased mapping and GIS capabilities is essential to maintain a state-of-the-art information database and will make the information more readily available to the public. This technology will ease the burden on the States and Tribes while allowing them to perform AML activities more efficiently and economically.

This collection request does not change the estimated burden currently approved by OMB for 4,000 hours.

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.*

This is an ongoing information collection with no ending date and no plans for publication.

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 approval to not display the expiration date for OMB approval of the information collection.

18. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

Not applicable. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

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