

Supporting Statement for Reporting Requirements
Contained in 30 CFR 872
1029-0054

Terms of clearance: None

Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to authorize us to collect information to ensure that Abandoned Mine Land Reclamation (AML) funds are withheld from those States/Indian tribes pursuant to sections 872.11(b)(1) and (b)(2), and made available for other purposes as outlined in Section 401(c) of the Act. Section 401(c) of the Act was amended on November 5, 1990, changing those funds identified as subject to withdrawal from "funds allocated" to "funds granted."

If a State notifies OSM in writing that it does not intend to submit a State reclamation plan, no moneys will be allocated to that State. Since approval of the initial information collection (1029-0054), only three States (Georgia, Tennessee and Washington) have notified OSM of their decision not to participate in the AML program. No AML funds have been granted to those States pursuant Section 872.11(b)(1).

The Information Collection Budget for this part currently has a total burden of one hour and that burden remains unchanged by this information clearance package.

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.*

Sections 401 and 402 of the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, (the Act), provide for the creation of the Abandoned Mine Reclamation Fund and require the Secretary to make a determination regarding the use of allocated State/Indian tribe funds which have been granted but not expended within a three-year period.

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 is used to determine which States/Indian tribes will not be granted funds for reclamation work pursuant to 30 CFR Sections 872.11(b) (1) and (b)(2). States and Indian tribes may submit in writing a notice that they will not be developing and maintaining a State reclamation plan. These notices are developed once, normally when a State requests primacy. Since approval of the initial information collection clearance package (1029-0054), only three States have notified OSM of their decision not to participate in the AML program. No AML funds have been granted to these three States pursuant to Section 872.11(b)(1).

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.].

This information is unique to the individual States/Indian tribes and is collected only once. Since it is not anticipated that OSM will receive any notices in the foreseeable future it is not practical for OSM to automate its processing of 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 similar data pertaining to AML funds is collected by OSM or by other Federal agencies.

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.*

Not applicable. Small businesses are not affected by this regulation.

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.*

Information is only submitted once. Therefore there is no prescribed data collection schedule.

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. [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.

There has been no activity under this Part for a number of years. In February 2007 OSM contacted our Lexington Field Office to determine the burden necessary for a State/Indian Tribe to prepare and submit a letter notifying OSM that the State/ Tribe will not develop a reclamation plan.

OSM contacted:

Mr. Thomas F. Koppe
Senior Regulatory Program Specialist
Division of Program Support
2675 Regency Road
Lexington, KY 40503

Mr. Koppe did not identify any concerns regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the information collection requirements imposed on the State/Tribe to prepare the letter.

On March 19, 2008, OSM published in the Federal Register (73 FR 14838) 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 provided 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. Sensitive questions are not 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.*

Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

There are no respondents to which 30 CFR Part 872 is applicable, no further information collection burden is anticipated. Therefore, the actual burden hours and number of respondents is estimated to be zero.

However, assuming OSM receives one letter stating that

a State/Tribe will not be developing a reclamation plan, a burden hour of one hour will be required by the State that prepares and submits a letter.

b. Estimate of Respondent Annual Wage Cost

Using the Office of Personnel Management statistics for a GS 13 State employee who would prepare this memo (including a factor of 1.5 for State employee benefits) the annual wage cost to the State would be \$49. (http://www.opm.gov/oca/08tables/html/g_s_h.asp)

13. Not applicable. There are no costs incurred beyond the hourly wage cost.
14. Using \$56 per hour (including a multiplier of 1.5 for benefits) for a GS 13 step 5 Federal employee (http://www.opm.gov/oca/08tables/html/g_s_h.asp), OSM estimates the annual cost of reviewing the letter stating that the State/Tribe will not be developing a reclamation plan and implementing that decision, will be 2 hours x \$56 = \$112.
15. The information collection burden for the Part has been approved by OMB for one hour. This collection request does not change the burden currently approved.
16. There are no plans for publication or statistical use of this information.
17. Not applicable. Approval number is displayed at 30 CFR 872.10.
18. Not applicable. No exception is requested.