

Supporting Statement for Paperwork Reduction Act Submission for 30 CFR 887

OMB Control Number 1029-0107

Terms of clearance: 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.

Introduction

The Office of Surface Mining (OSM) is submitting this information collection clearance package seeking renewal under OMB number 1029-0107. This request will ensure that the information collected provides OSM with adequate and accurate information to justify a State or Indian tribe request for the award of moneys under 30 CFR Part 887, Subsidence Insurance Program Grants. A review of participation in the Subsidence Insurance program since Fiscal Year 1986 to date shows that, although 20 State reclamation authorities could have responded, no more than six States/Indian tribes actually participated in the program. This collection request includes 8 burden hours in the event a respondent were to request the grant.

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.*

Statutory authority for section 887.12 is found in Section

401(c) and 402(g) of the Surface Mining Control and Reclamation Act. This reporting requirement provides support for State grant requests for monies for the establishment, administration and operation of self-sustaining State/Tribal-administered programs to insure private property against damages caused by land subsidence resulting from underground mining.

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.]*

States having an approved reclamation plan may establish and maintain a subsidence insurance program. The narrative statements provided by States and Indian tribes under this section will assist the Director of OSM to determine whether to approve or disapprove applications for these subsidence insurance grants.

Failure to collect this information would result in OSM having inadequate or inaccurate information to justify a State's or Indian tribes request for award of monies for its subsidence program and would diminish the grants planning process. The narrative required to establish this program is a one-time occurrence.

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 each respondent. Respondents are State and Indian reclamation authorities that request funds for the establishment, administration and operation of self-sustaining subsidence insurance programs which are provided in a narrative format. Reclamation authorities may submit requests electronically, however, there have been no requests received by OSM in a number of years.

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 information is collected 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 collected once from States and Indian tribes requesting monies for subsidence insurance program grants.

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).

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.

OSM has not had a request from a State or Indian tribe to establish a new subsidence insurance program in the past three years. Therefore, no contact was made to respondents concerning the requirements.

On June 18, 2008, OSM published in the Federal Register (73 FR 34789) 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.*

Grant payments to State and Indian tribes are authorized by Sections 401(c) and 402(g) of the Surface Mining Control and Reclamation Act to establish a subsidence insurance program.

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 requested.

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.

Estimate of Respondent Reporting Burden

Since there have been no new respondents recently--six States have participated in the program over the past 16 years--no further information collection burden is anticipated at this time. OSM estimates that if one respondent were to seek establishment of a subsidence insurance program it would require approximately 8 hours to prepare the narrative request.

Estimated Wage Cost to Respondents

Generally, States preparing cooperative agreements will use their Grants staff to prepare this document. Using U.S. Department of Labor's Bureau of Labor statistics figures for State government accountants and auditors found at <http://www.bls.gov/oes/current/oes132011.htm>, we estimate that the wage cost is \$24.46 per hour, or \$37 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics: EMPLOYER COSTS FOR EMPLOYEE COMPENSATION--SEPTEMBER 2007 at http://www.bls.gov/news.release/archives/ecec_12112007.pdf).

Using \$37 per hour, the annual cost per State regulatory authority to prepare the request for subsidence insurance program funding would be 8 hours x \$37 = \$296.

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.*

There are no costs associated with this collection of information beyond that indicated in item 12 above.

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.*

It will take OSM an average of 16 hours annually to review the request from a State or Tribe to establish a subsidence insurance program. Therefore, the annualized cost to the Federal Government would be 16 hours x \$49 per hour = \$784.

(\$49 per hour for the OSM employee at the GS 13, step 1 salary derived from OPM's Website http://www.opm.gov/oca/08tables/html/gs_h.asp, including a rate of 1.5 for benefits derived from U.S. Bureau of Labor Statistics: EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—

SEPTEMBER 2007 at http://www.bls.gov/news.release/archives/ecec_12112007.pdf.

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

A review of participation in the Subsidence Insurance program since 1986 shows that, although 20 State and Indian tribe reclamation authorities could have responded, no more than six States/Tribes actually participated in the program, and no requests have been received in the last three years, nor are any expected. However, if a State were to request funding for a subsidence insurance program OSM anticipates that one respondent would require approximately 8 hours to prepare the request. OMB currently has 8 hours approved for this collection.

This information collection request does not differ from the currently approved collection.

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 collection with no ending date and no plan 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. Approval number is displayed in 30 CFR 887.10.

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. No exception is requested.