

**Supporting Statement for Paperwork Reduction Act For
30 CFR Parts 735, 885 and 886,
And Forms OSM-47, OSM-49 and OSM-51
OMB Control Number 1029-0059**

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

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to request renewal authority to collect information for 30 CFR 735 - Grants for Program Development and Administration and Enforcement, 30 CFR 885 – Grants for Certified States and Indian Tribes, and 30 CFR 886 – State and Tribal Reclamation Grants. Virtually all of the information required in these parts is collected through the use of forms OSM-47, “Budget Information Report”, OSM-49, “Budget Information and Financial Reporting Form”, and form OSM-51, “Program Narrative/Performance Report Statement.”

OSM is adding 30 CFR Part 885 to this collection, but it will not change the burden for this collection package since the burden associated with Part 885 is derived from Part 886.

This information collection was approved by the Office of Management and Budget (OMB) under control number 1029-0059, which relate to OSM’s program and Abandoned Mine Land Reclamation (AMLR) grant requirements.

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 the collection of information for 30 CFR 735, is found in Section 705 of the Surface Mining Control and Reclamation Act. The reporting requirement authorizes the States and Tribes to be accountable for funds obtained. Therefore, the States and Tribes must submit estimates of the funds they believe necessary to develop, administer, and enforce State regulatory programs.

Statutory authority for 30 CFR 885 and 886 are found in Sections 402(g) and 405(h) of the Surface Mining Control and Reclamation Act. These reporting requirements are necessary to obtain an estimate from the States and Indian Tribes of the funds they believe necessary to implement the AMLR Program and to provide us with a means to measure performance results under the Government Performance and Results Act through State and Tribal obligations of construction funds.

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.]*

OSM-47 is used by the State regulatory programs to estimate annual budget and allocation needs for program development, including noncoal reclamation activities, and administration under 30 CFR 735.13. The information is being collected in accordance with the guidance of OMB Circular A-102.

OSM-49 is used by States and Indian Tribes participating in the AMLR Program to develop budget and program information as part of the grant application and reporting process. This form is used to meet the requirements of 30 CFR 885.20 and 886.14. The estimates are submitted annually using the OSM-49 which has been developed, using the standard forms, SF-424 and SF-271, as a guide to meet OSM's specific needs and is being collected in accordance with the guidance of OMB Circular A-102. Also, the OSM-49 combines the budget estimate requirements of the standard application and expenditure reporting into one form.

OSM-51 is used by States and Tribes to obtain budget and program information as part of the grant application annually and reporting process semi-annually. This form is used to meet the requirements for program development and AMLR activities required by 30 CFR Parts 735, 885 and 886. The information collected is in accordance with OMB Circular A-102.

In addition to the forms, this information collection seeks renewed authority to collect information found in 30 CFR 735.11. This section requires that the Governor of a State shall designate in writing an agency to submit the grant applications to OSM. Although OSM has not received these written notices in years, and does not anticipate any activity for this section, OSM has assigned a burden value in the event such a written designation is prepared and submitted.

[OSM has reviewed the requirements of 30 CFR 886.27 which authorizes the allocation of grant money to Indian Tribes who do not have an approved Reclamation program in place. OSM has not been able to identify any Indian lands not already covered by a Tribal reclamation program that was mined prior to 1977, the year SMCRA was enacted. Therefore, since there will be fewer than 10 possible respondents, this section does not fall within the definition of an information collection activity requiring OMB approval.]

[Several of the forms identified in 30 CFR 735.10 are no longer in use. These forms include OSM-48, OSM-50, OSM-50A and B, OSM-51A, B, C, OSM-60, OSM-62 and OSM-63. These forms have been discontinued as being unnecessary, or incorporated into other forms (OSM-48 was absorbed into OSM-50 and discontinued several years ago).]

OSM is adding 30 CFR Part 885 to this collection, but it will not change the burden for this collection package since the burden associated with Part 885 is derived from Part 886.

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].*

OSM continues to encourage the States and Indian Tribes to transfer information by electronic means. However, the Department of the Interior is in the process of gradually implementing a department-wide accounting system, the Financial Business and Management System (FBMS). When the system is operational, electronic submission of the SF 269 form might replace the OSM 47, OSM 49 and OSM 51 forms which would gradually be phased out. Currently, approximately 75% of the respondents submit the three grant forms electronically. States and Tribes have Microsoft Word copies of the forms which they complete on computer and e-mail to OSM for convenience. None of the forms are on Grants.gov since only standard forms can be used via Grants.gov.

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.*

Information is collected only from States and Indian Tribes eligible to receive program and reclamation grants.

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.*

The information is collected to coincide with the budget planning process as required in 30 CFR Parts 735, 885, and 886 and OMB Circular A-102. The frequency of collection cannot be reduced.

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.

Consultations were held with State officials as follows:

- a. Date of consultation: September 15, 2008

Name: Ms. Jondra L. Oswald
State: Alabama
Address: Department of Industrial Relations
649 Monroe Street
Montgomery, AL 36131

Summary: **OSM -51** -- The State of Alabama submits each form electronically. Ms. Oswald responded that specifically regarding all aspects of the OSM -51, data availability and collection frequency for reports generated in the State's central office are not prohibitive with respect to response time. In general, respondents require approximately five office hours or less of annual burden in generating data elements for all OSM-51 forms required in documents such as grant request, annual reports, and performance reports.

OSM-49 – The State submits the form annually electronically to OSM. Originals are maintained in the State office for review upon request. To help expedite matters as well as have the most current information available the office has setup a monthly system to capture data collection as expenditures are incurred. Spreadsheets have been developed and maintained showing amounts obligated by project as well as amounts actually paid which are broken down by grant and sub account funding sources.

The majority of time estimated for completion of the form would be in the first reporting year when calculating indirect rate and base amounts. Also, the OSM-49 must be submitted at the end of the reporting period for both the non-emergency and emergency projects which are required at different times during the year. Overall, the Alabama Department of Industrial Resources completes the OSM-49 in two hours annually. Ms. Oswald stated that she assumes for individuals new to the completion of the OSM-49 or not directly involved with coding expenses to the individual projects the time estimated for completion

would be greater. OSM concurs with Ms. Oswalt's estimation because the majority of the grantees complete the OSM-49 in five hours.

The Department of Industrial Relations does not submit the OSM-47, and the State could not provide any comments. However, OSM is relying on prior discussions with the staff.

- b. Date of Consultation: December 8, 2008

Name: Ms. Sara Rathburn-Yourkvitch
State: Ohio
Address: Ohio Department of Natural Resources
Office of Mineral Resource Management
2045 Morse Road, H-2
Columbus, OH 43229

Summary: **OSM-51** -- Updating the OSM-51 takes an average of two working days to complete. The information required for updating the form is saved electronically for easy accessibility and electronically transferred it to the OSM-51.

OSM-49 – The division maintains electronic monthly year-to-date expenditure reports. The electronic reports helps to simplify transferring expenditures incurred to the OSM-49. Completing the OSM-49 takes at least 1 hour.

OSM-47 -- Completing the OSM-47 is more difficult primarily because there is not a clear definition of the program functions. The office is in the process of completing a table that will be continuously updated showing the FTEs. This process will allow staff the capability to more readily apply the required information to the form. Currently, it takes two to three days to compile and enter the data to the form electronically.

On October 9, 2008, OSM published in the Federal Register (73 FR 59671) 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 payment or gifts are provided to respondents beyond that authorized through grant programs.

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

Not applicable. No assurance of confidentiality is provided.

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.*

Estimated Burden Hours

OSM Form or Section	Submission	Responses	Burden Hours Per Response	Total Hours
OSM-47	Per grant	27	10	270
OSM-49	Per grant	26	3	78
OSM-49	Annually	26	3	78
OSM-51	Per grant	27	10	270
OSM-51	Annually	26	10	260
735.11	Once	1	1	1
Total		133	7.2	957

These estimates are based upon consultation with staff contacts listed in item #8. (Please note that these forms are submitted by either **regulatory** authorities or by **reclamation** authorities, or both, causing differences in total number of respondents).

- OSM-47 — The OSM-47 is submitted with each grant application. This form is used for coal and noncoal reclamation grants. There are 24 State reclamation authorities and 3 Indian tribes = 27 potential respondents. It is estimated that it will take each respondent anywhere from 5 hours/grant per information request in States which receive less funding, to 16 hours/grant in States that receive much more funding. At an estimated 10 hours per response, we estimate the burden to be 27 respondents x 10 hours/grants = **270 burden hours**.
- OSM-49 — The OSM-49 is submitted with each grant application and at the end of the reporting period. There are 23 State reclamation authorities and 3 Indian tribes who respond, or 26 potential respondents. It is estimated that it will take each respondent from 1 to 5 hours per information request, or an average of 3 hours. 26 respondents x 3 hours/grant = 78 burden hours.

In addition, the OSM-49 is submitted at the end of each year. Reporting using the OSM-49 is required by 23 reclamation authorities and 3 Indian tribes. It is estimated that it will take each respondents 3 hours per information request. 26 State respondents x 3 hours/grant = 78 burden hours for all respondents to submit the form at the end of each year.

Therefore, the total reporting burden for the OSM-49 is 78 hours + 78 hours = **156 burden hours**.

- OSM-51 — Submission of the OSM-51 is required by the 24 regulatory authorities and 3 Indian Tribes with each application = 27 potential respondents. It is estimated that it will take each of the respondents 5 to 16 hours, or an average of 10 hours per information request. 27 respondents x 10 hours/grants = 270 burden hours.

In addition, the OSM-51 is required by 23 State reclamation authorities and 3 Indian tribes for end-of-year reporting. It will take each respondent 10 hours per information request. 26 respondents x 10 hours/grant = 260 burden hours. Therefore, 270 burden hours + 260 burden hours = **530 burden hours**.

- 735.11 — This section requires the Governor of a State to identify an agency within the State which will have authority to request and receive grants from OSM. This collection activity has not been used since the approval of the last State regulatory program. OSM does not anticipate any further activity under this section. However, assuming that OSM does receive a notice from a State Governor every year requiring 1 hour to prepare, the annual burden under this section will be 1 hour.

The total estimated burden for respondents to complete these three forms and comply with the requirements of 30 CFR Part 735 is approximately **957 hours**.

Estimated Annualized Cost

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee auditors at http://www.bls.gov/oes/current/naics4_999200.htm#b13-0000, 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 for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at http://www.bls.gov/news.release/archives/ecec_12112007.pdf.) Therefore, the estimated total annual wage cost for State regulatory authorities is as follows:

- OSM-47 — At \$37/hour, the annual cost for each respondent would be 10 hours x \$37 = \$370. The total cost for all respondents would be 270 hours x \$37/hour = \$9,990.
- OSM-49 — At \$37/hour, the annual cost for each respondent would be 3 hours x \$37 = \$111. The total cost for all respondents would be 156 hours x \$37/hour = \$5,772.
- OSM-51 — At \$37/hour, the annual cost for each respondent would be 10 hours x \$37 = \$370. The total cost for all respondents would be 530 hours x \$37/hour = \$19,610.
- 735.11 — At \$70/hour for a chief executive to prepare and submit a notice from the Governor of a State identifying the agency responsible for grant funds will require 1 hour annually x \$70 per hour or \$70.

The total estimated annualized cost for this collection request is \$35,442.

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. There are no costs incurred beyond the hourly wage costs and grants provided to the States by law.

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 will review all budgetary information submitted by participating States and Indian Tribes. This review will assure OSM that adequate information is available to formulate its request to Congress for appropriation of monies for reclamation grants.

OSM estimates that it will take approximately 1 hour to review each document by a GS 12/5 grant specialist at \$47 per hour (including 1.5 multiplier for benefits; http://www.opm.gov/oca/08tables/html/g_s_h.asp).

- OSM-47 — Single review of 27 responses x 1 hour x \$47/hour = \$1,269.
- OSM-49 — Single review of 26 responses x 1 hour x \$47/hour = \$1,222.
- OSM-49 — Review for end of the reporting period of 26 responses x 1 hour x \$47/hour = \$1,222.
- OSM-51 — Single review of 27 responses x 1 hour x \$47/hour = \$1,269.
- OSM-51 — Review for end of the reporting period of 26 responses x 1 hour x \$47/hour = \$1,222.

Total cost to the Federal Government to review three information requests = \$6,204.

15. *Explain the reasons for any program changes or adjustments reported in Items 13 or 14*

of the OMB Form 83-I.

The estimate below is based on OSM's staff expertise and consultation with State reclamation authorities.

OSM-47 (per grant)— approximately 270 burden hours.

OSM-49 (per grant)— approximately 78 burden hours.

OSM-49 (annually)— approximately 78 burden hours.

OSM-51 (per grant)— approximately 270 burden hours.

OSM-51 (annually)— approximately 260 burden hours.

735.11— 1 notice requiring 1 hour = 1 hour.

OSM is requesting 957 burden hours for OMB control number 1029-0059 for forms OSM-47, OSM-49, OSM-51 and their corresponding regulations at 30 CFR Parts 735, 885 and 886. The currently approved burden hours for OMB control number 1029-0059 is 670 hours. This adjustment of 287 hours may be attributed to a reestimate in respondent burden for higher-funded States.

OSM anticipates that this burden estimate will change when the DOI-wide electronic grants become fully operational and we standardize several forms.

16. *For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

There are no plans for publication of this information.

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

Not applicable.

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 for Paperwork Reduction Act Submissions."