

SUPPORTING STATEMENT FOR REPORTING REQUIREMENTS
OF 30 CFR PART 882: RECLAMATION ON PRIVATE LAND

Terms of Clearance: None

Introduction

The Office of Surface Mining Reclamation and Enforcement (OSM) requests permission to continue to collect information for 30 CFR part 882, Reclamation on Private Land. This part establishes procedures for recovery of the cost of reclamation activities conducted on private property as specified in Section 408 of the Surface Mining Control and Reclamation Act (SMCRA) and 30 CFR Section 882.12(a) and Section 882.13(b). The Office of Management and Budget (OMB) previously approved the information collection for 30 CFR Part 882 and assigned it control number 1029-0057.

The currently approved burden for 30 CFR Part 882 is 120 hours. This collection request will not change that burden.

Supporting Statement for Reporting Requirements of
30 CFR 882 – Reclamation on Private Land

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.*

Statutory authority for sections 882.12(a) and 882.13(b) are found in Section 408 of SMCRA. Section 408 allows the States/Indian tribes to file liens on private property reclaimed under certain conditions.

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.]*

These sections of the regulation establish procedures for recovery of the cost of reclamation activities conducted on private property. OSM, the State, or the Indian tribe has the discretionary authority to appraise the land and place or waive a lien against land reclaimed by the regulatory authority if the reclamation results in a significant increase in the fair market value.

The regulatory authority receives the appraisal, prepares appropriate lien documentation per State law, and submits this information to the land owner and to the appropriate court. This information is used to ensure that States/Indian tribes have sufficient programmatic capability to file liens to recover costs for reclaiming private lands.

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].*

The information is unique to each respondent and the number of responses has been minimal. For these reasons, it is not practical for respondents to supply the information electronically, or for OSM to automate its processing of the 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 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 83-1), describe any methods used to minimize burden.*

Information is collected only from States/Indian tribes eligible to recover reclamation costs. No small businesses or other small entities are impacted.

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 at the time States/Indian tribes submit liens against private property to recover reclamation costs. Without this information the States/Indian Tribes could not be reimbursed for reclamation costs on private lands.

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.

OSM contacted the Regional Offices which informed us that Kentucky was the only State that used the authority under part 882 to file liens on private property in the past 5 years. The following individual was contacted to determine the estimated burden for State regulatory authorities:

Mr. Steve Hohmann, Director
Division of Abandoned Mine Lands
Department of Natural Resources
2521 Old Lawrenceburg Road
Frankfort, Kentucky 40601
(502) 564-2141
Fax: (502) 564-6544
E-mail: steve.hohmann@ky.gov

Mr. Hohmann informed OSM that the State last submitted a lien on private property five years ago. He provided the estimates described in item 12 below. He did not have any problems or concerns regarding the availability of data, frequency of the collection, clarity of instruction and record keeping of the information collection requirements imposed on the State (Kentucky) to prepare the letter/lien.

On November 24, 2009, OSM published in the Federal Register (74 FR 61363) 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 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.*

The information submitted does not contain confidential information. Also, Abandoned Mine Land Reclamation (AMLR) Plans and reclamation activities are required to be a matter of public record.

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 83-1.*

** 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.*

a. Burden Hour Estimates for Respondents

There are currently 23 States and 3 Indian tribes that have appropriate procedures in their respective AMLR Plans for appraisals and liens. The State of Kentucky has filed one (1) lien during the past five years. Mr. Hohmann, Director, Kentucky Division of Abandoned Mine Lands, estimated that it required 12 days to gather the data for the pre-reclamation and post-reclamation travel, and write the appraisals. It took another three days for a Cabinet attorney to draft and file the lien. The estimate totals 15 days or 120 burden hours.

Although Mr. Hohmann stated that the state of Kentucky has only processed one lien in the past 5 years, OSM, for the purpose of this information collection, will assume that we will receive 1 per year.

b. Estimated Wage Cost to Respondents

The following wage costs were estimated by OSM to complete this collection requirement.

Industry Wage Cost

Position	Hour Burden per Response	Hourly Pay(\$)	Hourly Rate including benefits (1.5 x \$/hr.)	Total Wage Burden (\$) (rounded)
Clerical	8	17.33	26.00	208
Market Analyst/ Appraiser	24	26.01	39.02	936
Program Analyst/ Engineer	60	28.81	43.22	2,593
Manager	4	36.98	55.47	222
Attorney	24	38.89	58.34	1,400
Total	120			5,359

The hourly wage costs were derived from the Bureau of Labor Statistics at BLS website: http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000.

A multiplier of 1.5 (as implied by BLS news release USDL: 09-1501, December 9, 2009) was added for benefits. See the website, <http://www.bls.gov/news.release/pdf/ecec.pdf>

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 estimated costs not included in questions 12 or 14.

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.*

There is no cost to the Federal government since OSM generally does not reclaim private property, nor has there been a problem identified in primacy States requiring an oversight review.

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

OSM is requesting approval of 120 burden hours. This request does not alter the burden currently approved by OMB.

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 to publish 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. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.

18. *Explain each exception to the certification statement, "Certification for Paperwork Reduction Act Submissions."*

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