

**Supporting Statement for Reporting Requirements For  
30 CFR 886 - State and Tribal Reclamation Grants and  
the AML Problem Area Description Form OSM-76**

**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.

The Act provides OSM, States and Indian tribes with the administrative framework, the moneys, and the objectives for an Abandoned Mined Land (AML) 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, although it is completely electronic now. 30 CFR 886 requires that the 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 December 20, 2006, the Act was amended by the Tax Relief and Health Care Act, which included the Surface Mining Control and Reclamation Act Amendments of 2006, extending the AML fee collection authority to September 30, 2021. The 2006 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)].

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 the problem area description (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 875.12.

#### Ensure General Adherence to Priorities in the Act 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 conjunction 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)** initiated with funding prior to reauthorization is reported in AMLIS. This includes 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://www.osmre.gov/aml/amlis/AMLIS.shtm>

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 three outside groups were consulted in February 2010:

Mike Mueller  
Chief, Permits, Contracts and Design Unit  
Missouri Department of Natural Resources  
DEQ/Land Reclamation Program  
(573) 751-4041  
[mike.mueller@dnr.mo.gov](mailto:mike.mueller@dnr.mo.gov)

Greg Pinto, Acting Manager  
Abandoned Mine Land Reclamation Division  
Office of Mines and Minerals  
Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271  
Phone: 217-782-0588  
Fax: 217-524-4819  
Email: [greg.pinto@illinois.gov](mailto:greg.pinto@illinois.gov)  
Web address: [www.dnr.state.il.us/mines](http://www.dnr.state.il.us/mines)

Michael R. Skates, Director  
Mining and Reclamation Division  
Department of Industrial Relations  
649 Monroe Street, Suite 2211  
Montgomery, Alabama 36131-5200  
Phone: 334-242-8265  
Fax: 334-242-8403  
Email: [michael.skates@dir.alabama.gov](mailto:michael.skates@dir.alabama.gov)  
Web address: [www.dir.state.al.us/mr](http://www.dir.state.al.us/mr)

Mr. Mueller believes that the tables do not provide enough space to write in the number of units in the Unfunded Portion, Funded Portion, and Completed Portion columns. Quite often he has PADs that have 100 to 1,000 feet of highwall and there only is enough space for 3 characters. Furthermore, the column which tracks metric units could be eliminated from the form since they use standard units. OSM is working on a new e-AMLIS computer system which will address this comment.

Mr. Pinto informed us that the instructions on the form were clear. The form is properly formatted with space for data entry large enough to enter the necessary data. The current OSM-76 Form does not include the 2006 Amendment changes, however, OSM is

researching this.

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 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 27 States and Tribes who enter data into AMLIS. Twenty-four of these are AML program States and three are AML program Indian tribes. OSM enters data for non-primacy States and Indian tribes. States and Tribes have identified approximately 14,000 extreme danger problem areas.

OSM estimates that 1,350 problem areas will be added or updated each year. Of the 1,350 PAD forms prepared annually, OSM estimates that 350 will be for new problem areas not already in the inventory in primacy States and Indian tribes, and 1,000 updates will be prepared by States and Indian tribes.

New PAD's may include round-trip travel to survey a problem area and, therefore, will require a total of one day, or about 8 hours to complete. Therefore, the burden to complete new PAD's will be 2,800 hours (350 new PAD's x 8 hours each).

Each PAD 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).

The burden for all responses is 4,800 hours.

Annual Burden Costs:

Based on discussions with those identified in item 8 and OSM experience with this information, we estimate the following wage costs required to complete the collection for the PAD's (OSM-76 Form):

Position	Total Hours for all Respondents	Industry Wage Cost		Total Wage Burden (\$) (Rounded)
		Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.5 (\$)	
Administrative Support	675	17.33	26.00	17,550
Environmental Engineer	4,125	31.40	47.10	194,288
Total	4,800			211,838

Therefore, the estimated total annual cost for the State and Tribal respondents is \$211,838.



[OSM has derived these wages from the Bureau of Labor Statistics (BLS) Wages at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b00-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b00-0000) for State employees. Benefits have been calculated using a rate of 1.5 of the salary per the BLS news release USDL-09-1501 for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2009 at - <http://www.bls.gov/news.release/pdf/ecec.pdf>), dated December 9, 2009.]

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 costs 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 is modernizing the AMLIS to adhere to the Department of Interior's Enterprise Architecture. The cost Development, Modernization and Enhancement is approximately \$350,000 primarily for programming by an independent contractor.

Total annual cost to Federal Government for PAD maintenance and AMLIS computer expansion is \$65,000.

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 information collection request increases the approved burden for this form OSM-76 by 800 hours due to a reestimate. This collection request reestimates the time required to travel to the abandoned minesite to prepare the data.

4,000 hours currently approved
+ 800 hours due to an adjustment
4,800 hours requested

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 will display the expiration date for 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.