

Supporting Statement A

Abandoned Mine Reclamation Funds

OMB Control Number 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.

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 completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

1. ***Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.***

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, 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 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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three 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. Since there have been no responses for this collection in many years we could not contact respondents directly.

In June 2011 OSM contacted our Regional Offices 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 D. Shope
OSM Appalachian Region
Regional Director
3 Parkway Center
Pittsburgh, PA 15220
Phone: (412) 937-2153
Email: tshope@osmre.gov

Mr. Ervin J. Barchenger
OSM Mid-Continent Region
Regional Director
William L. Beatty Federal Building
501 Belle Street, Room 216
Alton, Illinois 62002
Phone: (618)463-6460
Email: ebarchenger@osmre.gov

Mr. Al Klein
OSM Western Region
Regional Director
1999 Broadway, Suite 3320
Denver, CO 80202-3050
Phone: (303) 293-5001
Email: aklein@osmre.gov

The Regional Directors stated that minimal burden would be required to prepare the notification. Further, they had no 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 June 22, 2011, OSM published in the Federal Register (76 FR 36575) 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.**

*** 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 under "Annual Cost to Federal Government."**

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

OSM estimates that a mid-level attorney for a State government will prepare the letter. We assume a salary of \$59.27 per hour derived from the Bureau of Labor Statistics website http://www.bls.gov/oes/current/naics4_999200.htm#23-0000, which includes a benefits factor of 1.5 of salary as implied by the BLS news release EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—MARCH 2011, USDL 11-0849, June 8, 2011. See <http://www.bls.gov/news.release/pdf/ecec.pdf>.

Therefore, the burden to respondents is \$59 (rounded).

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 already reflected in item 12.)*

**** 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 for form processing). 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 cost.

- 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.***

Using \$71.54 per hour (including a multiplier of 1.5 for benefits as indicated by the BLS news release USDL 11-0849) for a GS 13 step 5 Federal attorney in the Denver regional office (<http://www.opm.gov/oca/11tables/indexgs.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 \$71.54 = \$143 (rounded).

- 15. *Explain the reasons for any program changes or adjustments in hour or cost burden.***

The information collection burden for this Part has been previously approved by OMB for one hour. This collection request does not change the burden currently approved.

- 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 or statistical use 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. The OMB control number is displayed at 30 CFR 872.10.

- 18. *Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."***

Not applicable. No exception is requested.