

Supporting Statement A
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 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.

Introduction

Office of Surface Mining Reclamation and Enforcement (OSM) is submitting this information collection clearance package to request renewal authority to collect information under the following:

- 30 CFR 735 - Grants for Program Development and Administration and Enforcement,
- 30 CFR 885 - Grants for Certified States and Indian Tribes,
- 30 CFR 886 - State and Tribal Reclamation Grants.

OSM collects much of the information required in these parts 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.” The Office of Management and Budget (OMB) approved this information collection the under control number 1029-0059, which relates to the bureau’s administrative and enforcement, program development, and abandoned mine land reclamation (AMLR) program requirements.

Specific Instructions

Justification

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

Statutory authority for the collection of information in 30 CFR 735 is found in Section 705 of the Surface Mining Control and Reclamation Act. The reporting requirement

authorizes recipients to be accountable for funds received. Therefore, the states and tribal entities must provide estimates of the funds they believe will be necessary to develop and administer their regulatory program.

Statutory authority for 30 CFR 885 and 886 are found in Sections 402(g), 405(h), and 411(h) of the Surface Mining Control and Reclamation Act. States and tribal entities are required to estimate funding needs separated by cost category. Additionally, recipients are required to report on the use of funds received.

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.***

State/tribal regulatory programs use the OSM-47 form to estimate annual budgets needed to operate its regulatory program under 30 CFR 735.13. The information is being collected in accordance with the guidance of OMB Circular A-102.

States and Indian tribes participating in the AMLR Program use the OSM-49 form both to develop estimated budgets for grant applications and to report expenditures after award. This form is used to meet the requirements of 30 CFR 885.20 and 886.14. The estimates provide a breakdown by cost category and are used in conjunction with the SF-424, Application for Federal Assistance. The estimates are also used with the SF-425, Federal Financial Report to meet bureau specific needs. This information is being collected in accordance with the guidance of OMB Circular A-102.

States and tribes can use the OSM-51 to report program narrative information as part of their grant applications and also to meet their annual post-award reporting requirement. However, they may submit program narrative information in a more compatible format in lieu of using the OSM-51. This form is used to meet the requirements for administration and enforcement, 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.

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

OSM no longer uses several of the forms identified in 30 CFR 735.10 and have been discontinued. These forms are OSM-48, OSM-50, OSM-50A and B, OSM-51A, B, C, OSM-60, OSM-62 and OSM-63. They are either unnecessary, or have been incorporated into other forms (for example, the OSM-48 was absorbed into OSM-50 and discontinued several years ago).

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. 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.

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, describe any methods used to minimize burden.***

OSM collects information only from states and Indian tribes who are 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.***

OSM collects this information to coincide with the budget planning process as required in 30 CFR Parts 735, 885, and 886, and OMB Circular A-102, and cannot reduce the frequency.

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.*

OSM has not exceeded the guidelines found 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.

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.

Consultations were held with state officials as follows:

- a. Date of consultation: October 20, 2011

Name: Ms. Michelle Baker
Mr. John Mareachen
State: Indiana
Department of Natural Resources (IDNR)
Address: 402 W. Washington
Indianapolis IN 46204

Summary: OSM -51 -- The State of Indiana submits electronically. Ms. Baker prepares a Microsoft Word document and processes it as an OSM -51. IDNR collects information from field programmatic personnel over a 30-day period. Once all of the data is collected Ms. Baker consolidates submittals into a single document. Her part is normally no more than two hours. This is an annual

requirement for each grant application. Additionally, IDNR submits a program narrative annually and/or when the grant is closed.

OSM-49 – IDNR submits the OSM-49 to provide cost category budget detail when they apply for their AML grant. Initially the burden is in developing salary estimates to form the basis of their project costs. Additionally, IDNR submits the OSM-49 to provide expenditure data by cost category detail in conjunction with summary information provided on the SF-425. IDNR submits this information annually as required. Originals are maintained in the state office for review upon request. IDNR monitors expenditures bi-monthly and draws funds quarterly on a reimbursable basis.

The estimate for budget development (OSM-51 form) is two hours, and the estimate for expenditure reporting (OSM-49 form) is two hours.

OSM-47 - IDNR maintains an internal program where costs are maintained both by object class and by activity.

b. Date of Consultation: October 20, 2011

Name: Ms. Jill Marriott, Federal Grants Coordinator
State: Utah
Address: Division of Oil, Gas and Mining
1594 W.N. Temple
Salt Lake City, UT 84114-5801

Summary: **OSM-51** -- Updating the OSM-51 takes an average of two to three hours 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 help to simplify transferring expenditures incurred to the OSM-49. Completing the OSM-49 takes at least two to three hours.

OSM-47 -- Completing the OSM-47 is more difficult primarily because there is not a clear definition for using the forms for reporting Federal lands calculations. Utah uses the weighted average and has been asked by OSM personnel to re-work the form inconsistently. Data comes from internal records and normally takes less than an hour to complete. Requests for re-work increase that estimate.

On November 15,2011, OSM published in the Federal Register (76 FR 70753) 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.***

**** 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."***

Estimated Burden Hours

OSM Form or Section	Submission	Responses	Burden Hours	Total Hours Per Response
OSM-47	Per grant	27	7	189
OSM-49	Per grant	27	3	81
OSM-49	Annually	27	3	81
OSM-51	Per grant	27	10	270
OSM-51	Annually	27	10	270
735.11	Once	1	1	1
Total		136	5.6	892

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 regulatory grants. There are 24 state regulatory authorities and 3 Indian tribes totaling 27 potential respondents. It is estimated that it will take each respondent anywhere from 5 hours per grant information request in those states that receive less funding, to 16 hours per grant information request in states that receive greater funding. Using a funding level of \$3 million to distinguish those that receive less funding from those that receive more, the average is 7 hours per response. As a result, OSM estimates the burden to be 189 burden hours.
- OSM-49 — The OSM-49 is submitted with each grant application and at the end of the reporting period. There are 24 state reclamation authorities and 3 Indian tribes who respond, or 27 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. As a result, OSM estimates the burden to be 81 burden hours.

Additionally, recipients may use the OSM-49 annually to report financial expenditures. Reporting using the OSM-49 is required by 24 reclamation authorities and 3 Indian tribes. It is estimated that it will take each respondents 3 hours per information request. As a result, OSM estimates the burden to be 81 burden hours.

Therefore the total reporting burden for the OSM-49 is 162 burden hours.

- OSM-51 — OSM requires 24 state and 3 tribal agencies to submit the OSM-51 or an acceptable substitute program or progress narrative with each application. Data gathering could take up to 30 days to collect. Document preparation and compilation is normally 2-3 hours. 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 are 270 burden hours.

In addition, the OSM-51 is required by 24 state reclamation authorities and 3 Indian tribes for end-of-year reporting. It will take each respondent 10 hours per information request. 27 respondents x 10 hours/grant = 270 burden hours. Therefore, 270 burden hours + 270 burden hours is 540 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 one hour to prepare, the annual burden under this section will be one hour.

The total estimated burden for respondents to complete these three forms and comply with the requirements of 30 CFR Part 735 is approximately 892 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 \$27.14 per hour, or \$41 per hour (rounded) when including benefits (estimated at 1.5 of hourly wages. OSM derived the 1.5 multiplier for benefits for state and local government workers in the U.S. Bureau of Labor Statistics news release USDL-11-1305, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2011: http://www.bls.gov/news.release/archives/ecec_.pdf.) Therefore, the estimated total annual wage cost for state and tribal authorities is as follows:

- OSM-47 — At \$41/hour, the annual cost for each respondent would be 7 hours x \$41 = \$287. The total cost for all respondents would be 189 hours x \$41/hour = \$7,749.
- OSM-49 — At \$41/hour, the annual cost for each respondent would be 3 hours x \$41 = \$123. The total cost for all respondents would be 162 hours x \$41/hour = \$6,642.
- OSM-51 — At \$41/hour, the annual cost for each respondent would be 10 hours x \$41 = \$410. The total cost for all respondents would be 540 hours x \$41/hour = \$22,140.
- 735.11 — At \$77/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 \$77 per hour or \$77.

The total estimated annualized cost for this collection request is \$36,608.

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 costs and grants provided to the states and tribes authorized 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.*

Estimate of Cost to the Federal Government

Oversight: 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 one hour to review each document by a GS 13/5 grant specialist at \$67 per hour (OSM used hourly burden estimates based on OPM salary tables at <http://www.opm.gov/oca/11tables/indexGS.asp> for Rest of Country, and included benefits of 1.5 as implied by BLS news release USDL 11-1305, dated September 8, 2011).

At \$67 per hour x 136 hours to conduct oversight = \$9,112.

Federal Programs: In Tennessee where OSM is the regulatory authority, we also complete forms OSM-49 and OSM-51 to report and receive AML grant funding.

OSM staff requires 3 hours to complete the OSM-49 per grant and for the annual submission, and 10 hours to complete the OSM-51 per grant and annual submission.

Therefore, OSM requires 6 hours for the OSM-49 + 20 hours for the OSM-51 = 26 hours in Federal program states, or \$67 per hour x 26 hours = \$1,742.

Total cost to the Federal government for oversight and in Federal program states is \$10,854.

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

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

OSM-47 (per grant)— approximately 189 burden hours.

OSM-49 (per grant)— approximately 81 burden hours.

OSM-49 (annually)— approximately 81 burden hours.

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

OSM-51 (annually) — approximately 270 burden hours.

735.11— 1 notice requiring 1 hour = 1 hour.

OSM is requesting 892 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 222 hours may be attributed to a re-estimate in respondent burden for higher-funded states.

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. Each form lists the OMB control number and expiration date.

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

Not applicable. There are no exceptions to the "Certification for Paperwork Reduction Act Submissions."