

Supporting Statement A
30 CFR Part 874 - General Reclamation Requirements

OMB Control Number 1029-0113

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

The Office of Surface Mining Reclamation and Enforcement (OSM) is submitting this information collection clearance package to renew its authority to collect information under 30 CFR Part 874 - General Reclamation Requirements. The Office of Management and Budget (OMB) previously approved this collection and assigned it control number 1029-0113. This information collection package applies to 30 CFR Part 874, albeit, § 874.17 is the only section that has an information collection requirement.

Specific Instructions

Justification

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

Three sections in the Surface Mining Control and Reclamation Act of 1977 (SMCRA) outline the eligibility requirements for coal sites being considered for funding under the Abandoned Mine Land (AML) program.

- 1) Section 404 of SMCRA establishes eligibility criteria for lands and water as those mined for coal or affected by coal mining or other coal mining processes and left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing responsibility under State or other Federal laws.
- 2) Section 402(g)(4)(B)(i) provides that sites on which surface coal mining occurred during the period beginning on August 4, 1977, and ended on or before the date the State established a regulatory program and for which funds available

for reclamation are not sufficient to reclaim the site, are eligible under the AML program.

3) Section 402(g)(4)(B)(ii) provides that those sites on which the surface mining occurred during the period beginning on August 4, 1977, and ending on or before November 5, 1990, and the surety of such mining operation became insolvent during this period are also eligible for AML funds if funds are insufficient to reclaim the site as of November 5, 1990. Sites affected by past coal mining or coal processing must meet one of these three sections to be funded from the AML fund.

In order to accomplish more reclamation of abandoned mine lands at no additional cost to the government, OSM amended its rules dealing with the financing of AML Reclamation Fund projects that involve the incidental extraction of coal. Eligible abandoned mine lands sometimes contain recoverable coal that was either left in the ground when the site was abandoned or that remains at the site in the form of coal refuse or other waste. While this coal may have some market value, it is often so marginal that coal mine operators are not willing to take on the financial burden of mining and reclaiming the site as a permitted operation. However, if such incidental coal could be recovered and sold as an integral part of an approved AML reclamation project, the added revenue from the sale could be used to offset some of the reclamation cost.

Consistent with the priorities of the AML program, AML agencies will work in partnership with contractors to leverage finite AML Reclamation Fund dollars to accomplish more reclamation. To offset the reduction in government funding, the contractor will be allowed to sell coal found incidental to the project and recovered as part of the reclamation.

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.*

30 CFR Part 874 establishes land and water eligibility requirements, reclamation objectives and priorities, and reclamation contractor responsibility for surface coal mining and reclamation operations. Section 874.17, titled, "AML Agency Procedures for Reclamation Projects Receiving Less than 50 percent Government Funding," requires consultation between the AML agency and the appropriate Title V regulatory authority on the likelihood of removing coal under a Title V permit. It requires concurrences between the two agencies on the AML project boundary and the amount of coal that would be extracted under the AML reclamation project. Also, §874.17 requires compliance with 30 CFR Subchapter R and related provisions to ensure that adequate environmental safeguards are considered and followed during AML reclamation projects.

OSM, the 24 State regulatory authorities and 3 Indian tribes with approved reclamation programs will use the information collected under §874.17 to determine whether coal can be recovered from AML projects. A portion of the revenues from the sale of this coal will be applied to reclamation costs thereby reducing the burden on the AML Reclamation Fund. Also, lands will be reclaimed that may otherwise remain a potential danger to the public health and safety.

OSM and the regulatory authorities have used the information collected under §874.17 to conduct reclamation projects involving the incidental extraction of coal and to offset reclamation costs through the sale of that coal.

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.*

Analysis of field research, and documentation and concurrences that result from discussions between the Regulatory and AML program staffs are generally prepared electronically. The remaining information collection is the inspection reports which are normally in electronic format. Approximately 90% of the information collection is prepared and filed electronically.

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 information requested through 30 CFR 874 is collected once and is unique to each person or site. Duplication is minimal to nonexistent. OSM is not aware of any other federal agency that collects this information.

5. *If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

There are no special provisions for small businesses or other small entities since respondents are State regulatory authorities and Indian tribes with approved reclamation programs.

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.*

Failure to collect the information requested under §874.17 would impair the ability of OSM, State regulatory authorities and Indian tribes to reduce the federally funded portion of the reclamation costs. Revenues from coal mined incidental to reclamation would not be applied to the cost of reclamation. It is likely that many AML projects would not be reclaimed or would be reclaimed at a much later date, funded entirely from the AML Reclamation Fund. In addition, the coal, a valuable and needed resource, could be lost.

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.*

This collection of information under 30 CFR Part 874 is consistent with the guidelines at 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting statement.

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.

In July 2013, representatives of the AML programs in Virginia and Pennsylvania were queried regarding the number of projects completed under the Enhancing AML Rule and the burden hours associated with these projects. Burden hours and costs in this information collection package have been modified to reflect the estimates obtained from these two States that are actively reclaiming lands under the Enhancing AML Reclamation rule. Points of contacts were:

Richard Davis, AML Services Manager
Department of Mines, Minerals and Energy
3405 Mountain Empire Road
P.O. Drawer 900
Big Stone Gap, VA 24219
(276) 523-8208
E-mail: Richard.Davis@dmme.virginia.gov

William S. Allen, Jr., Chief
Division of Compliance and Permitting
Bureau of Mining and Reclamation
PO Box 8461
Rachel Carson State Office Building
Harrisburg, PA 17105-8461
717-783-9580

The above respondents did not identify any specific concerns regarding the availability of data, frequency of collection, clarity of instructions and record keeping of the information collection requirements. One respondent offered a general suggestion to continue to standardize the §874.17 implementation process among all states and tribes.

On August 7, 2013, OSM published in the Federal Register (78 FR 48188) 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. The notice also sought comments on what information and how OSM may standardize the implementation process for this collection.

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. OSM provides no payments or gifts to respondents as allowed by SMCRA.

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

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. There are no questions of a sensitive nature.

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.*

Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Based on data obtained from Virginia and Pennsylvania staff, we estimate that

the State regulatory authority will need an average of 83 hours per project to process the information required by 30 CFR Part 874. This total can be broken down as follows: 25 hours to review information during the consultation phase and 58 hours to inspect the project area, to file the documentation, and to determine the special environmental and site reclamation requirements.

In 2012, 17 projects were completed by State reclamation authorities. At 83 hours per project, the total burden for all projects is 1,411 hours (83 hours x 17 projects).

b. Estimated Annual Wage Cost to Respondents

OSM estimates that State reclamation and regulatory specialists will conduct the consultation phase, site inspections, determine the environmental and site reclamation requirements, and prepare the documentation. (These State employees are classified as physical scientists.) A Manager will review the documentation and approve the findings, and a file clerk will file the documentation. The cost burden per project is:

State Regulatory Authority Wage Cost per Project

Position	Total Hour Burden	Cost Per Hour (\$)*	Cost Per Hour (\$) w/ 1.5 benefits**	Total Wage Burden (\$)
File Clerk	1	17.65	26.47	26
Physical Scientist	79	35.76	53.64	4,238
Manager	3	36.56	54.84	165
Total per Project	83			4,429

* Salaries are derived for State Government Employees from the Bureau of Labor Statistics (http://www.bls.gov/oes/current/naics4_999200.htm#19-0000).

** Benefits were computed at 1.5 of salary as indicated from the U.S. Bureau of Labor Statistics BLS news release USDL-13-1140 entitled EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—<http://www.bls.gov/news.release/pdf/ecec.pdf>, dated June 12, 2013.

Therefore, the total cost burden to all respondents is \$4,429 x 17 projects = \$75,293.

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.*

Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of §874.17 do not involve any capital or start-up costs apart from expenditures associated with customary business practices or general administration of a regulatory agency.

b. Operation and Maintenance Costs

No significant non-wage operation or maintenance costs are associated with compliance with the information collection requirements of §874.17.

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 Annualized Cost to the Federal Government

Oversight. OSM conducts routine oversight of AML procedures and projects. AML projects receiving less than 50 percent government funding require an additional review element to ensure that State agencies fulfill the consultation,

concurrence, and documentation elements of §874.17. OSM estimates these oversight review elements will require 5 hours per project or proposed project. The annual hourly salary used to estimate the wage cost to the Federal government is \$37.37 per hour for a GS 12 step 5 reclamation specialist, or \$49 per hour when including benefits. Wage estimates for OSM employees are derived from the Office of Personnel Management's website at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule/rest-of-us-hourlyovertime-rates-by-grade-and-step/>. Benefits were calculated using a ratio between wages and benefits using a 1.3 multiplier derived from OSM's Financial and Business Management System.

Therefore, OSM estimates the cost to the Federal government for oversight of §874.17 will be \$ 4,165 (5 hours x \$49 per hour x 17 projects).

Federal Programs: There is no Federal program costs associated with this collection.

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

Based on information submitted by two States that have reclaimed lands under the Enhancing AML Reclamation rule, 30 CFR Part 874, OSM adjusted the burden estimate from 84 to 83 hours per project. Also, based on the State input and OSM estimates, there were 17 projects completed in 2012 under State reclamation programs, a decrease of 13 projects from the last approval. Therefore, this information collection request decreases the estimated burden for this Part from 2,520 hours to 1,411 hours, a decrease of 1,109 hours as demonstrated below.

2,520	hours currently approved
- 1,109	hours due to an adjustment
1,411	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.*

Not applicable. OSM has no plans to publish the information collected.

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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

Not applicable. There are no exceptions to the certification.