

Supporting Statement A

The AML Problem Area Description Form OSM-76

OMB Control Number 1029-0087

Terms and Conditions: 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.

Specific Instructions

Justification

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

The Surface Mining Control and Reclamation Act of 1977 (the Act), as amended, assigns the Office of Surface Mining (OSMRE) 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 OSMRE, 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 OSMRE is the lead AML reclamation authority are "non-program States or Indian tribes." The States conducted inventories of AML problems with moneys provided by OSMRE 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 Mine Land Inventory System (AMLIS).

The Bipartisan Infrastructure Law, Pub. L. No. 117-58, extended OSMRE's Title IV AML reclamation fee collection authority through September 30, 2034. The new law also reduced the coal reclamation fee rates by 20 percent beginning October 1, 2021 using appropriated funds for the AML program. Additionally, 30 CFR 886.21 requires States and Tribes to update OSM-76 upon completion of their reclamation projects.

The newly enhanced AMLIS (e-AMLIS) implementing the amendments to the Act maintains data electronically. The data is collected as a Problem Area Description (PAD) designed and approved as Form OSM-76 (OMB No. 1029-0087). OSM-76 must be entered into e-AMLIS prior to a State or Tribe receiving an Authorization to Proceed from OSMRE for any Title IV funded reclamation project. Additional requirements for entering information into e-AMLIS are contained in OSMRE Directive AML-1, "Abandoned Mine Land Inventory Manual."

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

E-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 e-AMLIS for entering PAD data and retrieving the information via an advanced query builder. Field reports, geographic data, photographs, etc., can be uploaded 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, e-AMLIS is used to determine if all coal sites listed in the State's and Indian tribe's inventory have been addressed (i.e., that the sites have been funded or completed). See 30 CFR 875.13(d)(1).

Ensure General Adherence to Priorities in the Act SMCRA

High priority accomplishments, Priority 1 and Priority 2 problems, (P1 and P2), are reported in e-AMLIS using 17 problem types such as dangerous highwall, subsidence and dangerous slides. The information in e-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 Priority 3 problems, (P3), are reclaimed when a problem is either adjacent to a P1 or P2 problem or in conjunction with P1 and P2 problems that are within close proximity for which adding the P3 problem to the project would result in reduced costs associated with repetitive project start-up. P3 reclamation requires documentation that must receive OSMRE approval prior to a State or Tribe receiving Authorization to Proceed on the project. P3 problems are also documented and reported in e-AMLIS.

Completion of lower priority (P4 and P5) coal projects (i.e., public facilities and development of publicly owned land) under Section 403(a)(4) of SMCRA prior to its elimination by Congress in the 2006 amendments to SMCRA for the P4 protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices and P5 for the development of publicly owned land adversely affected by coal mining practices including land acquired for recreation and historic purposes, conservation, reclamation purposes, and open space benefits. Lower Priority coal projects also include funding under Section 411(e) for the construction of public facilities in communities impacted by coal or other mineral mining or processing practices as they relate to the priorities stated in SMCRA 411(c).

Funding and completion of non-coal projects are reported in e-AMLIS.

Report Program Accomplishments

e-AMLIS maintains the information gathered from Form OSM-76 and uses the data to report on program accomplishments for the AML program and high priority projects as required by the Act, as amended.

Minimum Program

The information in e-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.

OSMRE has modified e-AMLIS to allow States, Tribes, and OSMRE personnel with AML responsibilities direct access to the system in order to update their own records. Private citizens and other groups have access to a publicly accessible version of the e-AMLIS via the link <https://www.osmre.gov/programs/AMLIS.shtm>.

The system has been fully automated with respect to data entry and report retrieval, and Geographic Information System (GIS) capabilities have been added to assist the States and Tribes in locating problem areas and to verify longitude and latitude coordinates. In addition, from built-in GIS data, e-AMLIS auto generates the following data based on the latitude and longitude entered: State/Tribe, Congressional District, Watershed Name, USGS 7.5 minute Quadrangle, County, FIPS Code and HUC Code. Additional GIS mapping data and photographs may be stored in e-AMLIS via document uploads for each problem type.

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. No other Federal agency requires this information and there is no duplication.

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

Respondents are State governments and Indian tribes, the U.S. Department of Agriculture, and OSMRE 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, OSMRE would not be able to conduct AML activities as mandated by the Act. Therefore, the frequency of collection cannot be reduced. 30 CFR 886.21 requires that a State or Tribe must update the PAD in the Inventory upon project completion. Additional requirements for entering information into e-AMLIS are contained in OSMRE 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 e-AMLIS has reduced the burden on the respondent who was previously responsible for maintaining 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.

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.

Program participants verified burden estimate listed below:

Ohio Department of Natural Resources
Division of Mineral Resources
2045 Morse Road, Building H2
Columbus, Ohio 43229-6693

Branch of Field Support
OSMRE Charleston Field Office
1027 Virginia Street East
Charleston, WV 25301

System users provided OSMRE with burden estimates which are included in item 12, below. Users had positive feedback concerning e-AMLIS; some suggestion for improvement were collected and summarized.

On September 15, 2021, OSMRE published in the Federal Register (86 FR 51377) 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.*

No payments or gifts, other than grants and reimbursements authorized by the Act, 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.*

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.*

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.*

* *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.*

Estimate of Respondent Reporting Burden

Burden Hours:

There are 27 States and Tribes who enter data into e-AMLIS. Twenty-four of these are AML program States and three are AML program Indian tribes. OSMRE enters data for non-primacy States and Indian tribes. States and Tribes have in the past identified approximately 23,000 problem areas.

OSMRE estimates that 1,710 problem areas will be filed using OSM-76 each year using PAD's (problem area descriptions) in e-AMLIS. Of these, OSMRE estimates that 310 PAD's will be for new problem areas not already in the inventory in primacy States and Indian tribes, and 1,400 for updates will be prepared by States and Indian tribes.

Travel to problem area sites can vary greatly from state to state and region to region. New PAD's may include round-trip travel to survey a problem area and, therefore, will require a total of one day, or 8 hours to complete. This is based on a nationwide average of all states ranging from 4 to 16 hours. Therefore, the burden to complete new PAD's will be 2,480 hours (310 new PAD's x 8 hours on average to travel and prepare each PAD).

Each PAD update will require an average of 1.5 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 2,100 hours for all respondents (1,400 updates x 1.5 hours each).

The burden for all responses is 4,580 hours.

Burden hours total for Problem Area Descriptions(PADs)			
	Responses	Hours per Response	Total Burden Hours
New PADs	310	8	2,480
Updating PADs	1,400	1.5	2,100
Total	1,710		4,580

Annual Burden Costs:

Based on discussions with those identified in item 8 and OSMRE experience with this information, OSMRE estimates that a State mining engineer will prepare the PAD. The hourly cost is \$61.26 per hour based on Bureau of Labor Statistics (BLS) estimates found at https://www.bls.gov/oes/current/naics4_999200.htm. Total hourly compensation is \$98.02 (\$61.26 x 1.6) calculated at a benefit rate of 1.6 of salaries according to BLS news release USDL-21-2146, Employer Costs for Employee Compensation – September 2021, dated December 16, 2021 <http://www.bls.gov/news.release/pdf/ecec.pdf>. State respondents will cost \$98.02 per hour (\$61.26 x 1.6).

Therefore, the estimated total annual cost for the State and Tribal respondents is \$448,913 (\$98.02 per hour x 4,580 hours).

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 hours and costs were discussed in item 12 above. There are no start-up costs associated with this information collection and capital 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 OSMRE.

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

The total obligated Operations and Maintenance contract cost for e-AMLIS in FY2020 is \$108,000.

In addition, OSMRE staff members in each Region responsible for approving projects in e-AMLIS have been consulted as to the amount of time/burden imposed upon them as Approvers for State/Tribal reclamation projects. Each agreed that it usually takes approximately ¼ hour (or 15 minutes) to approve PADs within e-AMLIS. OSMRE staff members consulted have an average salary of a GS 13, step 5 using Federal hourly cost from: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS_h.pdf. At \$82.00 per hour (\$51.25 per hour x 1.6), plus including benefits, the wage cost for OSMRE staff to review the PADs is \$35,055 (1,710 responses x 0.25 hours per response x \$82.00 per hour).

The total cost to the Federal government is \$108,000 + \$35,055 = \$143,055.

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

This information collection request and increase the approved burden by 167 hours. This is due to the recent increase in available funds for the program from the Bipartisan Infrastructure Law, expanding applicant grant opportunities to all States and Tribes. Funds are made available regardless of fee collection from current mining.

4,413 hours currently approved
+ 167 hours due to an adjustment
4,580 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.*

OSMRE will display the expiration date for 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."*

There are no exceptions to the certification statement.