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U · S · DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT

**DIRECTIVES SYSTEM**

Subject Number:

REG-6

Transmittal Number:

298

Date: 11/06/86

Subject: Information Collection Request

Approval:

*Jed V. Gustafson*

Title: Director

1. Purpose. This directive provides guidance to all OSMRE employees for the preparation and submission of information collection plans or report forms for Office of Management and Budget (OMB) clearance.

2. Definitions.

a. Collection of Information. Soliciting or obtaining facts or opinions through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements or other similar methods calling for either:

(1) Answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons other than agencies, instrumentalities, or employees of the United States Government; or

(2) Answers to questions posed to agencies, instrumentalities, or employees of the United States Government which are to be used for general statistical purposes.

b. Recordkeeping Requirements. A requirement imposed by an agency on persons to maintain specified records.

c. Person. An individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision. Current employees of the Federal Government are excluded from this definition for purposes of the collection of information within the scope of their employment.

d. Sponsor. A Federal agency is considered to "sponsor" the collection of information under the following circumstances, subject to the qualifications and explanations indicated below:

(1) Collection by a contractor. A plan or report form used by a contractor to a Federal agency is deemed to be sponsored by the agency which awarded the contract except when the data collection is neither required by nor implied by the terms of the contract and no representation of Federal sponsorship or association is made to the respondents.

(2) Collection by recipient of a grant. A plan or report form used by a recipient of a Federal grant is deemed to be sponsored by an agency when:

(a) The recipient of a grant represents to respondents that the information is being collected for or in association with a Federal agency; or

(b) The recipient of a grant uses the plan or report form to collect information that OSMRE has requested for the planning, operation, or evaluation of its programs; or

(c) The terms and conditions of the grant or agreement provide for approval by OSMRE of the survey design, questionnaire content, or data collection procedures; or

(d) The terms and conditions of the grant provide for either submission of information to OSMRE for individual respondents or the preparation and submission of tabulations requested by OSMRE; or

(e) The recipient is collecting information under an exemption granted by an agency from law or regulations requiring participation in an already approved information collection plan.

Reporting requirements established in approved State regulatory and AML programs pursuant to OSMRE regulations are deemed to be sponsored by OSMRE under either or both subparagraphs (b) and (c) above.

(3) Other types of sponsorship. When a person or organization is requested by a Federal agency to collect specific information to be made available to the agency, the plan or report form or the information must be regarded as sponsored even though no contract or grant is involved. When a plan or report form is promulgated by a Federal agency as a standard for use by State or local governmental agencies, such a plan or report is deemed to be sponsored, even though it is not used for reporting to the Federal agency. When specific records are to be kept because of a requirement imposed by an OSMRE rulemaking or statute, such recordkeeping is considered sponsored by OSMRE. In the case of doubt as to whether a plan or report form is sponsored, inquiry should be made to the Division of Management Services.

e. Information Collection Budget (ICB). An ICB is a compilation of anticipated and existing agency information collection activities for any given fiscal year, including the number of respondents and burden hours associated with the information collection requirement. The ICB is submitted to OMB in July of each year and is used by OMB to control the total information collection burden agencies may impose on the public. OMB may approve the ICB as submitted or may order the total burden to be reduced. Once a burden allowance has been placed on OSMRE for its information collection requirements, OSMRE cannot exceed the allowance.

### 3. Policy/Procedures.

a. Concept. For purposes of P.L. 96-511, Section 3520, OSMRE is no longer considered an "independent Federal regulatory agency." Plans or forms proposed by OSMRE for conducting or sponsoring the collection of information upon an identical item from 10 or more persons must be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, for review and disposition. The information required by the agency is to be obtained with a minimum burden on individuals and small organizations. The information to be collected must be essential, must not unnecessarily duplicate or overlap with other Federal agencies' information collection, and must be designed to be of maximum usefulness to other Federal agencies and the public.

#### b. Responsibilities.

(1) The Director is the approving policy official for OSMRE's information collection and retention requirements. The Director approves all submission packages for OMB clearance and forwards packages to the Department's Chief, Division of Directives and Paperwork Management for approval and disposition to the Director, OMB.

(2) The Information Collection Clearance Officer (ICCO) is responsible for reviewing the submission package for content, format and completeness. The ICCO is responsible for approving (surnaming) the submission package for accuracy and completeness and forwarding it to the Director of OSMRE for approval. In addition, the ICCO must surname all rulemaking documents to ensure that the information collections requirements, if any, have been cleared or are in the process of being cleared.

(3) The Associate Solicitor, Division of Surface Mining (DSM), is responsible for assuring that all OSMRE submission packages to OMB meet legal and statutory requirements, and for forwarding the package to OSMRE's ICCO.

(4) Assistant Directors, as the submitting officials, must review and approve all submission packages prepared within their respective program areas and coordinate the submission packages with the Associate Solicitor, DSM.

(5) The Originator is responsible for drafting, developing, renewing, and revising all collection plans or report forms. The originator is also responsible for preparing the supporting statement, Standard Form 83, and preparing the transmittal memorandum to the Department's Chief, Division of Directives and Paperwork Management.

An original and four copies must be prepared and forwarded to the Assistant Director of that office for review and approval. The originator shall provide responses to all requests for information which relate to the information collection requirement for which the individual is responsible.

c. Procedures.

(1) Internal Process. Any OSMRE unit that contemplates the need to solicit or obtain information on identical items from 10 or more persons by use of a report form, schedule, questionnaire, letter, plan, instruction, agreement, order, regulation or other method or device or to impose recordkeeping or similar requirements under statutory or administrative requirements, shall:

(a) Determine whether the information being sought is essential, does not unnecessarily duplicate or overlap with information collected by other Federal agencies or unit within OSMRE, and is not unnecessarily detailed;

(b) Take every reasonable step to ensure that the information collection activity imposes a minimum burden on individuals and small organizations (i.e., an organization employing fewer than 300 persons is not included in more than one OSMRE information collection activity at any given time, except as required by law);

(c) Ensure the practical utility of the information sought;

(d) Identify required data elements;

(e) Prepare an initial draft of the plan or reporting form and all necessary instructions for completing the form;

(f) Specify any instructions relative to the use of the information or protection of the information in terms of confidentiality under relevant statutes or Department or OSMRE regulations, procedures, or practices;

(g) Determine the feasibility of a pretest or pilot test to aid in the development of the information collection proposal; and

(h) Contact the Division of Management Services to discuss the pretest plan and the required submission package for OMB clearance.

(2) Pretest or Pilot Test Process. Pretests or pilot tests are encouraged by OSMRE as an effective means of refining information collections to minimize burden or determine burden costs, effects, and utility.

The pretest or pilot test must be approved, however, if it calls for identical information from 10 or more respondents. The proposed test may be submitted for approval separately if it will be used several weeks before the full-scale information collection plan. Otherwise it may be approved as part of the information collection plan in a single submission.

(3) Plans or Forms Exempted from OMB Clearance. The requirement for clearance does not include the following types of plans or forms.

(a) Affidavits, oaths, notices of change of address, or forms used for acknowledgement or receipt of articles or services requiring no information other than that necessary to describe the article or service and identify the person or persons making the acknowledgement or receipt;

(b) Collection of information for identification or classification in connection with laboratory research and clinical investigations;

(c) Tests or examinations given individuals to determine knowledge, abilities, or aptitudes or the collection of information for identification or classification in connection with such tests;

(d) Collection of evidence or other information for litigation support;

(e) Collection of evidence or other information in connection with quasi-judicial proceedings or formal investigations undertaken with reference to particular individuals or entities to determine whether such individuals or entities have violated a statute, regulation, or other requirement. (This exception does not include general investigations undertaken with reference to a category of individuals or entities, such as a class of licensees or an industry as a whole.);

(f) A solicitation of comments or opinions which is not addressed to specified respondents or is otherwise clearly intended to be entirely voluntary, such as an invitation for comments on a proposed rulemaking or on a proposed action affecting the environment;

(g) Demands for information through the exercise of an agency's subpoena power.

(4) Required Submission Package. OSMRE is required to submit:

(a) A completed Standard Form 83, Request for OMB Review (original and four copies); (See Appendix 1)

(b) A detailed supporting statement (original and four copies); (See Appendix 2)

(c) Proposed rulemaking document (original and four copies);

(d) A signed and certified Federal Register notice soliciting public comment on the information collection. The notice must be in the format given in Appendix 3 and be accompanied by two signed and certified copies for the Federal Register Office, and five additional photocopies attached to the supporting statements.

(e) Other related material, such as instructions, covering or transmittal letters, or introductory statements and regulations.

(5) Acceptance of Submission Package. OMB has established a 60-day period for clearance reviews which commences on the day OMB receives a complete submission in terms of the requirements of paragraph 3.c.(3) of this directive. If OMB determines that a request submitted for review cannot be reviewed within 60 days OMB may, after notice to OSMRE, extend the review period for an additional 30 days. OMB will advise OSMRE via the Department's Directives and Paperwork Management Division of the need for additional explanations or changes in the submission package. If prompt response by OSMRE is impossible, the package will be returned for modification. In the event of such a return, the 60 day period will commence again once the modified package is received by OMB.

(6) Notification of Clearance Actions.

(a) Acceptance. If OMB determines that proposed plans or report forms are necessary for the performance of the functions of OSMRE, are not duplicative of other Federal agencies, are not burdensome, and exist for tabulating the information to increase its usefulness to other agencies and the public, OMB will advise OSMRE, via a Notice of Action, and assign an OMB clearance number and expiration date. OMB will not approve an information collection request for a period in excess of three years.

(b) Rejection. If OMB determines that proposed plans or report forms fail to meet one or more of the criteria in paragraph (a) above, OMB will advise OSMRE, via a Notice of Action, of such determination and the reason therefore and will not issue an OMB clearance number.

(7) OSMRE's Actions Pending and Upon Clearance.

(a) Pending Clearance. If OMB does not notify OSMRE of an extension, denial or approval within 60 days or if OMB has extended the review period for an additional 30 days and does not notify OSMRE of a denial or approval within the 30 day extension time, OSMRE may assume approval and require OMB to supply a clearance number without further delay. Collection of information by operation of this subsection will not continue for more than one year from the date on which it commenced.

(b) Upon Clearance. The Information Collection Clearance Officer, upon receipt of the approved Notice of Action, will:

- 1 Notify the program unit (originating office) of OMB's approval;
- 2 Advise the originating office that the OMB clearance number and expiration date must appear on the report, form or regulation along with a statement informing the respondent why the information is being collected, how the information will be used and whether responses to the request are voluntary, mandatory or required to obtain a benefit; and
- 3 Advise the originating office to contact the Division of Management Services for printing and distribution requirements.

(8) Renewal and Revision of Clearance. Renewal of plans or report forms upon expiration of an existing clearance must be submitted in accordance with the requirements for new plans or report forms set forth in this directive. All proposals for renewal shall be submitted to OMB not later than 45 days prior to the expiration date of the existing clearance. Revision in plans or report forms prior to expiration of an existing clearance are subject to new clearance.

4. Reporting Requirements. The Information Collection Budget is submitted to OMB in July of each year.

5. References.

Office of Management and Budget Regulations, 5 CFR 1320  
Public Law 96-511 "Paperwork Reduction Act" (Chapter  
35-Coordination of Federal Information Policy).

6. Effect on Other Documents. This directive supersedes  
Directive REG-6, Transmittal Number 108, dated October 7,  
1981.

7. Effective Date. Upon Issuance.

8. Contact. Budget and Administration  
Division of Management Services  
(202) 343-5447.

Standard Form **83**  
(Rev. September 1983)

# Request for OMB Review

**Important**

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Docket Library, Room 3201  
Washington, DC 20503

**PART I.—Complete This Part for All Requests.**

1. Department/agency and Bureau/office originating request	2. Agency code
3. Name of person who can best answer questions regarding this request	Telephone number (     )
4. Title of information collection or rulemaking	
5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order) _____ USC _____, or _____	
6. Affected public (check all that apply)	
1 <input type="checkbox"/> Individuals or households	3 <input type="checkbox"/> Farms
2 <input type="checkbox"/> State or local governments	4 <input type="checkbox"/> Businesses or other for-profit
	5 <input type="checkbox"/> Federal agencies or employees
	6 <input type="checkbox"/> Non-profit institutions
	7 <input type="checkbox"/> Small businesses or organizations

**PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291**

7. Regulation Identifier Number (RIN) _____ or, None assigned <input type="checkbox"/>		
8. Type of submission (check one in each category)		
<b>Classification</b>	<b>Stage of development</b>	<b>Type of review requested</b>
1 <input type="checkbox"/> Major	1 <input type="checkbox"/> Proposed or draft	1 <input type="checkbox"/> Standard
2 <input type="checkbox"/> Nonmajor	2 <input type="checkbox"/> Final or interim final, with prior proposal	2 <input type="checkbox"/> Pending
	3 <input type="checkbox"/> Final or interim final, without prior proposal	3 <input type="checkbox"/> Emergency
		4 <input type="checkbox"/> Statutory or judicial deadline
9. CFR section affected _____ CFR _____		
10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? <span style="float:right">Yes <input type="checkbox"/> No <input type="checkbox"/></span>		
11. If a major rule, is there a regulatory impact analysis attached? <span style="float:right">1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No</span> If "No," did OMB waive the analysis? <span style="float:right">3 <input type="checkbox"/> Yes 4 <input type="checkbox"/> No</span>		

**Certification for Regulatory Submissions**

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official	Date
Signature of authorized regulatory contact	Date

**12. (OMB use only)**

**PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.**

13. Abstract—Describe needs, uses and affected public in 50 words or less

14. Type of information collection (check only one)

*Information collections not contained in rules*

1  Regular submission

2  Emergency submission (certification attached)

*Information collections contained in rules*

3  Existing regulation (no change proposed)

6 Final or interim final without prior NPRM

4  Notice of proposed rulemaking (NPRM)

A  Regular submission

5  Final. NPRM was previously published

B  Emergency submission (certification attached)

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year): \_\_\_\_\_

15. Type of review requested (check only one)

1  New collection

4  Reinstatement of a previously approved collection for which approval has expired

2  Revision of a currently approved collection

3  Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

5  Existing collection in use without an OMB control number

16. Agency report form number(s) (include standard/optional form number(s))

22. Purpose of information collection (check as many as apply)

1  Application for benefits

2  Program evaluation

3  General purpose statistics

4  Regulatory or compliance

5  Program planning or management

6  Research

7  Audit

17. Annual reporting or disclosure burden

1 Number of respondents

2 Number of responses per respondent

3 Total annual responses (line 1 times line 2)

4 Hours per response

5 Total hours (line 3 times line 4)

18. Annual recordkeeping burden

1 Number of recordkeepers

2 Annual hours per recordkeeper

3 Total recordkeeping hours (line 1 times line 2)

4 Recordkeeping retention period

years

23. Frequency of recordkeeping or reporting (check all that apply)

1  Recordkeeping

**Reporting**

2  On occasion

3  Weekly

4  Monthly

5  Quarterly

6  Semi-annually

7  Annually

8  Biennially

9  Other (describe): \_\_\_\_\_

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)

2 In current OMB inventory

3 Difference (line 1 less line 2)

**Explanation of difference**

4 Program change

5 Adjustment

20. Current (most recent) OMB control number or comment number

24. Respondents' obligation to comply (check the strongest obligation that applies)

1  Voluntary

2  Required to obtain or retain a benefit

3  Mandatory

21. Requested expiration date

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs?  Yes  No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents?  Yes  No

27. Regulatory authority for the information collection

\_\_\_\_\_ CFR \_\_\_\_\_ ; or \_\_\_\_\_ FR \_\_\_\_\_ ; or, Other (specify): \_\_\_\_\_

**Paperwork Certification**

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official	Date
Signature of agency head, the senior official or an authorized representative	Date

Supporting Statement for Preparing a New Form or Reporting Requirement. A supporting statement must accompany each request for approval of a collection of information. The statement must contain the information specified below. If an item is not applicable, provide a brief explanation. OMB reserves the right to require the submission of additional information with respect to any request for approval.

A. Justification. - Requests for approval shall:

1. Explain the circumstances that make the collection of information necessary. Include identification of any legal or administrative requirement that necessitate the collection. A copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information should be attached to the supporting statement.
2. Indicate how, by whom, and for what purpose the information is to be used and the consequence to Federal program or policy activities if the collection of information was not conducted.
3. Describe any consideration of the use of improved information technology to reduce burden and any technical or legal obstacles to reducing burden.
4. Describe efforts to identify duplication.
5. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2.
6. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.
7. Describe the consequence to Federal program or policy activities if the collection were conducted less frequently.
8. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.
9. 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 mitigate against consultation in a specific situation. These circumstances should be explained in the supporting statement.

In the supporting statement, provide:

- a. The names and telephone numbers of those consulted and the year in which the consultation took place. Indicate the agencies, companies, State or local governments, or other organizations represented by those consulted.
- b. A summary of any major problems that could not be resolved during consultation.
- c. A description of other public contacts and opportunities for public comment, and a summary of the comments received.

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

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.

12. Provide estimates of annualized cost to the Federal Government and to the respondents. 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 the paperwork burden.

13. Provide estimates of the burden of the collection of information. The Statement should:

- o Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special surveys to obtain information on which to base burden estimates. Consultation with a few potential respondents is desirable. If the burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden, and explain the reasons for the variance.

- o If the request for approval is for more than one form, provide burden estimates for each form for which approval is sought and summarize the burdens on the SF-83. If only one form is submitted, you need not duplicate the information entered on the SF-83.
- o If the proposed collection of information was not included in the agency's Information Collection Budget(ICB) or if the burden shown on the SF 83 is different from that in the ICB, explain the difference.

14. Explain reasons for changes in burden, including the need for any increase.

15. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. 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.

B. Collections of Information Employing Statistical Methods.--Descriptions of collections of information submitted for approval that employ statistical methods shall contain the following information. References to stratification may be ignored if that technique is not used. If the collection of information does not employ statistical methods, so indicate. If the collection employs statistical methods:

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. The tabulation should also indicate expected response rates for the collection as a whole. If the collection had been conducted previously, the actual response rate achieved during the last collection should be noted.

2. Describe the procedures for the collection of information including:

- o Statistical methodology for stratification and sample selection,
- o Estimation procedure,
- o Degree of accuracy needed for the purpose described in the justification,
- o Unusual problems requiring specialized sampling procedures, and
- o Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of nonresponse. The accuracy and reliability of information collected must be shown to be adequate for intended uses.

For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from ten or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.